

## **UPDATED NOTICE OF CLASS ACTION**

**This notice may affect your rights.**

**Please read carefully.**

This Notice concerns a lawsuit entitled *Brasko, et al. v. First National Bank of Pennsylvania* (successor to First Mariner Bank), Civil Action No1:20-cv-03489-SAG, pending in the U.S. District Court for the District of Maryland (the "Lawsuit"). Plaintiffs Richard and Lori Brasko and Eric Rubinstein allege that between January 1, 2012 and December 31, 2016, All Star Title provided certain unlawful benefits to First Mariner Bank (hereinafter "First Mariner") employees and/or agents in exchange for their agreement to refer borrowers to All Star Title for the settlement of their residential mortgage loans with First Mariner. Plaintiffs allege that First Mariner's conduct violated the Real Estate Settlement Procedures Act ("RESPA"), 12 U.S.C. §2601, et. seq. and the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1961, et. seq. They seek to recover statutory money damages for each borrower affected by First Mariner's alleged conduct pursuant to 12 U.S.C. §2607(d)(2) and 18 U.S.C. §1964(c).

First Mariner denies the allegations in the Lawsuit and denies that it is or may be liable for any of the claims asserted or for the conduct of those employees and/or agents who allegedly accepted benefits from All Star Title.

On March 29, 2022, the Court issued an Order that the Lawsuit may proceed as a class action and certified the criteria for membership in the class. The Court revised and amended the criteria for membership in the class on January 5, 2024.

### **Class-Action Ruling**

The Court has ruled that this lawsuit may be maintained as a claim for monetary relief on behalf of the Class.

This ruling by the Court of a class action does not mean that any monetary relief will be obtained for the Class members because these are contested issues that have not been decided. Rather, the ruling means that the final outcome of this lawsuit, whether favorable to the Plaintiffs or First Mariner, will apply in like manner to every member of the Class who does not timely elect to be excluded from the Class (see below).

The Class is limited to those individuals in the United States who were borrowers on a mortgage loan (a) obtained from First Mariner Bank for a home in Maryland, Florida, Ohio, North Carolina, Virginia, or California; (b) for which All Star Title, Inc. provided a settlement service, as identified in Section 1100 on the HUD-1, between January 1, 2012 and December 31, 2016; and (c) for which the overall charges for title services exceeded \$500 plus the cost of title insurance. Exempted from this class is any person who, during the period of January 1, 2012 through December 31, 2016, was an employee, officer, member and/or agent of First Mariner Bank, Howard Bank, or All Star Title, Inc.

### **Election by Class Members**

If you are receiving this Notice, then your loan documents indicate that you meet the Class definition. You have a choice whether or not to remain a member of the Class. Either choice will have consequences, which you should understand before making your decision.

1. If you want to remain a member of the Class, you are not required to do anything at this time. By remaining a Class member, your claims against First Mariner for monetary relief arising from First Mariner's conduct as alleged by the Plaintiffs will be determined in this case and cannot be presented in any other lawsuit. This relief sought is three times the amount by which your overall charges for title services, typically recorded in Section 1100 of your HUD-1 settlement statement, exceeded \$500 plus the cost of title insurance.
2. Plaintiffs have asserted potential claims that borrowers may have been overcharged by an amount determined by measures other than the \$500 benchmark, including that (a) some borrowers were overcharged for title insurance premiums, (b) some borrowers - whose loans were originated through the First Mariner Branch managed by Tom Bowen - were overcharged by the amount that their charges for title services and title insurance exceeded \$1,400.00, and (c) some borrowers were overcharged by the amount that their charges for title, abstract, search, and/or examination services exceeded the 80th percentile cost in their state according to the then-applicable Wells Fargo Chart, a copy of which may be viewed at the website identified in the "Additional Information" Section of this Notice. Defendant disputes these measures of overcharge. The Court has determined that these measures will NOT be presented at the Class trial. Therefore, if you wish to bring a claim seeking damages based on such measures, you must pursue such a claim individually and must seek exclusion from the Class to do so.
3. If you choose to remain in the Class, the sole available damages, if your case is proven, will be those described in Paragraph 1 above and you will forego claims for damages based on (a) any alleged title insurance overcharge, (b) the overcharge measurements related to the Bowen First Mariner Branch, and (c) the Wells Fargo Chart.
4. If you want to be excluded from the Class, you must complete the enclosed form ("Exclusion Request") and return it to: Notice Administrator, First Mariner – All Star Title Class Action Litigation, PO Box 201, Lightfoot, VA 23090-0201, by mail no later than March 25, 2024. By making this election to be excluded,,

- a. You will not share in any recovery that might be paid to Class members as a result of trial or settlement of this lawsuit;
- b. You will not be bound by any decision in this lawsuit favorable to First Mariner; and
- c. You may present any claims you have against First Mariner by filing your own lawsuit, or you may seek to intervene in this lawsuit.

### **Additional Information**

If you need more information about this Notice or the lawsuit:

1. Information about the lawsuit may be found at [www.AllStarFirstMarinerClassAction.com](http://www.AllStarFirstMarinerClassAction.com)
2. The Court has appointed Plaintiffs Richard and Lori Brasko and Eric Rubinstein as your representatives and Plaintiffs' attorneys as Class Counsel for the presentation of the charges against First Mariner. The Court has appointed the following Class Counsel:

Melissa L. English, Esq. (#19864)  
Smith, Gildea & Schmidt, LLC  
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You may contact Class Counsel in writing, by telephone, or by email to receive more information about this Notice or the lawsuit.

Any questions you have concerning the matters contained in this notice, and any corrections or changes of name or address, should not be directed to the Court, but should be directed to Class Counsel.

3. You may of course, seek the advice and guidance of your own attorney if you desire and at your own expense. The pleadings and other records in this litigation may be examined and copied at any time during regular office hours at the office of the clerk, U.S. District Court for the District of Maryland, Garmatz Federal Courthouse, 101 West Lombard St., Baltimore, Maryland 21201.

### **Reminder as to Time Limit**

If you wish to be excluded from the Class on whose behalf this action is being maintained, return the completed "Exclusion Request" by mail postmarked on or before March 25, 2024

Dated: February 23, 2024

By: Clerk of Court  
United States District Court  
For the District of Maryland  
Garmatz Federal Courthouse  
101 West Lombard St.  
Baltimore, MD 21201

Enclosure: Exclusion Request