

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

JILL BEZEK, et al.
Plaintiffs,
v.
FIRST MARINER BANK,
Defendant.

Civil Action No.: 1:17-cv-02902-SAG

UPDATED NOTICE OF CLASS ACTION

This notice may affect your rights. Please read carefully.

Your rights may be affected by a lawsuit pending in this Court, *Bezek, et al. v. First Mariner Bank*, Civil Action No: 1:17-cv-02902-SAG. Plaintiffs Jill Bezek and Michelle Harris allege that between January 1, 2009 and December 31, 2014, Genuine Title provided certain unlawful benefits to Defendant First Mariner Bank (hereinafter "First Mariner") employees and/or agents in exchange for their agreement to refer borrowers to Genuine Title for the settlement of their residential mortgage loans with First Mariner. Plaintiffs 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).

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 Genuine Title.

On October 2, 2020, 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 December 13, 2023.

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 federally related mortgage loan (as defined under the Real Estate Settlement Procedures Act, 12 U.S.C. § 2602) originated or brokered by First Mariner Bank for which Genuine Title provided a settlement service, as identified in Section 1100 on the HUD-1, between January 1, 2009 and December 31, 2014, and whose HUD-1 reflects the payment of title, abstract, search and/or examination services exceeding the 80th percentile cost in their state according to the then-applicable Wells Fargo Chart. Exempted from this class is any person who, during the period of January 1, 2009 through December 31, 2014, was an employee, officer, member and/or agent of First Mariner Bank, Genuine Title LLC and/or Competitive Advantage Media Group, LLC.

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 charges for title, abstract, search and/or examination services exceeded the applicable Wells Fargo 80th percentile cost in your State. A copy of the applicable Wells Fargo Chart may be viewed at the website identified in the "Additional Information" Section of this Notice..
2. Evidence has been presented that, for borrowers whose loans were processed through the First Mariner Plaintiffs have asserted potential claims that borrowers may have been overcharged by an amount determined by measures other than the Wells Fargo 80th percentile cost, including that (a) some borrowers were overcharged for title insurance premiums, and (b) some borrowers - whose loans were processed through the First Mariner Branch managed by Angela Pobletts - were overcharged by the amount charged for title and settlement services, less \$500 to \$600, divided by two. 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 and (b) the overcharge formula related to the Pobletts First Mariner Branch.
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 – Genuine Title Class Action Litigation, The Casey Group Ltd, PO Box 201, Lightfoot, VA 23090-0201, by mail no later than March 23, 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.GenuineTitleFirstMarinerClassAction.com
2. The Court has appointed Plaintiffs Jill Bezek and Michelle Harris 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
 600 Washington Avenue, Suite 200
 Towson, MD 21204
 (410) 821-0070
 (410) 821-0071 (fax)
 Email: menglish@sgs-law.com

Michael Paul Smith, Esq. (#23685)
 Smith, Gildea & Schmidt, LLC
 600 Washington Avenue, Suite 200
 Towson, MD 21204
 (410) 821-0070
 (410) 821-0071 (fax)
 Email: mpsmith@sgs-law.com

Veronica B. Nannis, Esq. (#15679)
 Joseph, Greenwald & Laake P.A.
 6404 Ivy Lane, Suite 400
 Greenbelt, Maryland 20770
 (301) 220-2200
 (301) 220-1214 (fax)
 Email: vnannis@jgllaw.com

Timothy F. Maloney, Esq. (#03381)
 Joseph, Greenwald & Laake P.A.
 6404 Ivy Lane, Suite 400
 Greenbelt, Maryland 20770
 (301) 220-2200
 (301) 220-1214 (fax)
 Email: tmaloney@jgllaw.com

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 23, 2024

Dated: February 22, 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