

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

MONICA SULLIVAN, individually, and on behalf )		
of all others similarly situated, )	)	
	)	
Plaintiff, )	)	Civil Action No. 8:22-cv-00418-TDC
	)	
v. )	)	
	)	
YES ENERGY MANAGEMENT, INC., and )	)	
YARDI SYSTEMS, INC., )	)	
	)	
Defendants. )	)	

**MOTION TO APPROVE *CY PRES* AWARD**

Plaintiff Monica Sullivan (“Representative Plaintiff”) respectfully moves to award any *cy pres* funds resulting from this case to the Maryland Food Bank.

The Settlement Agreement in this case provides that if the Common Settlement Fund is not exhausted after distribution to Settlement Class members (for example, if settlement checks mailed to some Settlement Class members are not negotiated), then those remaining funds will be donated, with the approval of the Court, to the Maryland Food Bank. *See* ECF No. 51-1, Settlement Agreement ¶ Z.1.d. Given the nature of the settlement here, and the general purpose of the equitable *cy pres* remedy – *i.e.*, to benefit members of a class and the public indirectly when provision of a direct benefit is impossible or difficult to attain – the Maryland Food Bank is an appropriate *cy pres* recipient.

Further grounds and authorities for this Motion are in the accompanying memorandum of law, which is incorporated.

WHEREFORE, Representative Plaintiff respectfully requests that this Court approve the creation of a *cy pres* fund, as well as the proposed *cy pres* recipient, the Maryland Food Bank, in

accordance with ¶ Z.1.d of the Settlement Agreement, and enter the comprehensive proposed Final Order Approving Settlement and Certifying Settlement Class.

Respectfully submitted,

/s/ Benjamin H. Carney  
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**Attorneys for Representative Plaintiff and the  
Settlement Class**