

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**
Southern Division

PAUL MOORE,

*

Plaintiff,

*

v.

*

**REALPAGE UTILITY
MANAGEMENT, INC.,**

*

Case No.: 8:20-CV-00927-PX

Defendant.

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Hon. Paula Xinis

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MOTION TO APPROVE *CY PRES* AWARD

Plaintiff Paul Moore (“Representative Plaintiff”) respectfully moves to award any *cy pres* funds resulting from this case to the University of Maryland Carey School of Law (the “UMD Law School”).

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 first reimburse Defendant RealPage Utility Management, Inc. (“RUM”) for documented settlement administration expenses, and that any remainder will be donated, with the approval of the Court, to a *cy pres* recipient. *See* ECF No. 73-1, Settlement Agreement ¶¶ 21(f) & (g). 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 UMD Law School 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 UMD Law School, in accordance with ¶ 21(g) 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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