

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTOPHER WATKINS,

Plaintiff,

v.

RAPID FINANCIAL SOLUTIONS, INC., et al.,

Defendants.

Case No.: 3:20-cv-00509-MMD-CSD

ATTENTION:

If you received a prepaid release card when released from custody in the state of Nevada, this notice provides important information about your rights.

A court authorized this notice. This is not a solicitation from a lawyer.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

If you do nothing	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you may be eligible to receive money or benefits from a trial or a settlement, but you give up any rights to sue Defendants separately for the same claims in this lawsuit. You are also bound by any adverse decision by the Court.
You may ask to be excluded	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded you will not participate in any money or benefits obtained in this lawsuit, but you may bring claims against Defendants elsewhere for the same legal claims.

I. WHY DID I GET THIS NOTICE?

You are receiving this notice because you were identified by Defendants as a person who may have received a release card during the time period covered by this case. The Court directed that this notice be sent to advise you and other potential class members of your rights and options that you may exercise before decisions are made on the merits of the claims that may affect your rights.

You are not a Class Member simply because you received this notice. Only individuals who fit the following definition are in the class:

All person[s] who, at any time since July 31, 2016, were: (1) released from a jail, detention center, or prison located in the state of Nevada, (2) entitled to the return of money either confiscated from them or remaining in their inmate trust account when they were released, (3) issued a prepaid debit card from Defendant RAPID FINANCIAL SOLUTIONS or its affiliates, and/or Defendant AXIOM BANK N.A. of Florida, and/or Defendant KEEFE COMMISSARY NETWORK and were subject to fees, charges, and restrictions, and (4) not offered an alternative method for return of their money.

II. WHAT IS THIS LAWSUIT ABOUT?

When he was released from a detention facility, Plaintiff Watkins was provided a release card with associated fees that contained the balance of his inmate trust account. Plaintiff alleges that the fees charged on his release card are illegal under Nevada law. More specifically, Plaintiff alleges that (1) the fees charged violate

Nevada's Deceptive Trade Practices Act; (2) Defendants have been unjustly enriched by taking money out of the cards as fees; (3) Defendants' fees constitute conversion of their money; and (4) the fees charged constitute an unconstitutional taking under the Nevada and U.S. Constitutions. Plaintiff also alleges that the fees charged for the card violate the federal Electronic Fund Transfer Act. Defendants deny these claims and allege that their conduct was lawful.

III. WHY IS THIS LAWSUIT A CLASS ACTION?

This lawsuit was filed as a class action because thousands of persons in addition to the Plaintiff received money owed to them through Defendants' release cards. The Plaintiff agreed to serve as a Class Representative on behalf of those persons. The Court decided that this lawsuit can be a class action because: (1) there are thousands of individuals who were given release cards upon being released from a correctional institution; (2) there are legal questions and facts that are common to each of them; (3) the claims of the Class Representative are typical of the claims of the rest of the class; (4) the Class Representative and the lawyers representing the Class will fairly and adequately represent the Class's interests; and (5) a class action will be more efficient than having many individual lawsuits.

More information and background regarding this lawsuit are available in the Court's Order Certifying the Class, which is available at <http://www.phoenixclassaction.com/watkins-v-rapid-financial/>.

V. WHAT IS BEING SOUGHT IN THE LAWSUIT?

The lawsuit seeks actual and statutory damages under the Electronic Funds Transfer Act, the Nevada Deceptive Trade Practices statutes, the Takings Clause under the Nevada and U.S. Constitutions, in addition to common law claims for conversion and unjust enrichment, as well as reasonable attorney's fees and costs. This would include the return of all money taken by Defendants as fees on the release cards issued to Class members, as well as statutory damages permitted by certain statutes.

VI. WHAT ARE MY RIGHTS AND OPTIONS?

- **You may do nothing at all.**

By doing nothing you remain in the Class and may be eligible to obtain money or benefits from a judgment or settlement. As a Class Member, should the Court find in favor of the Defendants in a trial or otherwise, you would not be able to obtain recovery on those claims in any other lawsuit. Also, if you do nothing now, as a Class Member you will not be able to sue, or continue to sue, Defendants in any other proceeding for the legal claims that are the subject of this lawsuit even if no decision on the merits has been made in this lawsuit.

- **You may ask to be excluded.**

If you want to file your own case against Defendants, or continue one you already have begun, you need to exclude yourself from the Class. If you exclude yourself from the Class—sometimes called “opting-out” of the Class—you won't get any money or benefits from this lawsuit. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action. If you bring your own claims against Defendants after you exclude yourself, you will have to hire and pay your own lawyer for that effort, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own proceeding against Defendants, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations or other restrictions.

VII. HOW DO I ASK THE COURT TO EXCLUDE ME FROM THE CLASS?

To exclude yourself from this case, you must mail an “Exclusion Request” in the form of a letter stating that you want to be excluded from *Watkins v. Rapid Financial Solutions, et al.* Be sure to include your name and address and sign the letter. You must mail your Exclusion Request postmarked by March 6, 2023, to: *Watkins v. Rapid Financial Solutions, et al.* Exclusion Request, Phoenix Settlement Administrators, P.O. Box 7208, Orange, CA 92863, Telephone: (800) 523-5773. You may also get an Exclusion Request form at the website, <http://www.phoenixclassaction.com/watkins-v-rapid-financial/>. Please note that if you exclude yourself now you will not be permitted to re-enter the class at a later time, even if money is made available after trial or settlement.

VIII. WHO REPRESENTS ME IN THIS CASE?

If you do not exclude yourself from the class, you will be represented by the law firm of Thierman Buck LLP. The Court determined that they are qualified to represent you and other Class Members as “Class Counsel.” They are experienced in handling similar cases. More information about this law firm, their practices, and their lawyers’ experience is available at www.thiermanbuck.com. The contact information for Class Counsel is as follows:

Class Counsel:

Mark R. Thierman
mark@thiermanbuck.com
Joshua D. Buck
josh@thiermanbuck.com
Leah L. Jones
leah@thiermanbuck.com
Joshua R. Hendrickson
joshh@thiermanbuck.com
THIERMAN BUCK LLP
7287 Lakeside Drive
Reno, Nevada 89511

If Class Counsel obtains money or benefits for the Class, they may ask the Court for fees and expenses. You will not have to pay these fees and expenses. If the Court grants Class Counsels’ request, the fees and expenses will be either deducted from any money obtained for the Class or paid separately by Defendants.

You may hire your own lawyer if you wish. However, you are not required to hire your own lawyer because Class Counsel is working on your behalf. Should you want your own lawyer to appear in court for you instead of Class Counsel, you will need to retain and pay that lawyer yourself.

IX. WHAT HAPPENS NEXT?

The Honorable Miranda M. Du of the United States District Court for the District of Nevada is presiding over this class action. The lawsuit is known as *Watkins v. Rapid Financial Solutions, et al.*, 3:20-cv-00509-MMD-CSD. Unless the case is resolved by a settlement or otherwise, Class Counsel will have to prove that the Defendants are liable at trial. A trial date has not been set yet but if this case proceeds to trial, a jury or the judge will hear evidence and arguments to help them decide whether the Class or Defendants are right about the claims in the lawsuit. There is no guarantee that Class will prevail and receive any money. Class Counsel will present the case for the Class. You do not need to attend the trial to be eligible for any money or other benefits that are obtained on behalf of the class.

X. HOW DO I GET MORE INFORMATION?

For information about your rights related to the lawsuit, you may refer to the information at <http://www.phoenixclassaction.com/watkins-v-rapid-financial/>, or contact Class Counsel at the contact information listed above.

Do not call or write to the Court, or to the Clerk of the Court. Please address all inquiries and writings to the Class Counsel as set forth above.