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*Attorneys for Defendants Rapid
Financial Solutions, Inc., Axiom Bank N.A.,
and Keefe Commissary Network, LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHRISTOPHER WATKINS on behalf of
himself and all others similarly situated,

Plaintiff,

v.

RAPID FINANCIAL SOLUTIONS, INC.
d/b/a ACCESS FREEDOM CARDS;
AXIOM BANK N.A.; KEEFE
COMMISSARY NETWORK, LLC, d/b/a
ACCESS SECURE RELEASE; and DOES 1-
50,

Defendants.

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

**STIPULATION AND ORDER
REGARDING CLASS NOTICE**

THIERMAN BUCK LLP
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Reno, NV 89511
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Plaintiff CHRISTOPHER WATKINS (“Plaintiff”), by and through his counsel of record, and Defendants RAPID FINANCIAL SOLUTIONS, INC. d/b/a ACCESS FREEDOM CARDS, AXIOM BANK N.A., and KEEFE COMMISSARY NETWORK, LLC (“Defendants”) (collectively, the “Parties”), by and through their undersigned counsel of record, and pursuant to Local Rule (“LR”) 7-1, hereby stipulate and agree as to the form and content of the proposed Notice of Pendency of Class Action (“Notice”), attached hereto as Exhibit A.

The Parties further stipulate and agree to the following distribution plan regarding the Notice:

Deadline for Defendants to Provide Class Data to Third Party Administrator	January 13, 2023
Deadline for Third Party Administrator to Mail Notice to Class Members	21 Days Following Third Party Administrator’s Receipt of Class Data
Deadline for Class Members to Postmark Request for Exclusion from Lawsuit	30 Days Following Third Party Administrator’s Mailing of the Notice

1 The Parties hereby request Court approval of the aforementioned Notice for
2 dissemination to potential class members in accordance with the foregoing distribution plan.

3 Dated this 19th day of December 2022.

Dated this 19th day of December 2022.

4 THIERMAN BUCK, LLP

KAEMPFER CROWELL

6 /s/ Leah L. Jones

/s/ George Verschelden

7 Mark R. Thierman, No. 8285
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15 **ORDER**

16 IT IS HEREBY ORDERED the Court approves, as to form and content, the Notice of
17 Pendency of Class Action in substantially the form attached hereto as Exhibit A.

18 IT IS FURTHER ORDERED that the Court approves the Parties proposed distribution
19 plan contained herein.
20

21 DATED: December 21, 2022

22 
23 _____
24 U.S. Magistrate Judge

25 **Exhibit List**

26 Exhibit A: Proposed Notice of Pendency of Class Action
27
28

EXHIBIT A

Notice of Pendency of Class Action

EXHIBIT A

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 CHRISTOPHER WATKINS,

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

4 Plaintiff,

5 v.

6 RAPID FINANCIAL SOLUTIONS, INC., et
7 al.,

8 Defendants.
9

10
11 **ATTENTION:**

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

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

15 **SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:**

<p>16 If you do nothing</p>	<p>17 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.</p>
<p>18 You may ask to be excluded</p>	<p>19 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.</p>

20
21
22 **I. WHY DID I GET THIS NOTICE?**

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

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

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

11 **II. WHAT IS THIS LAWSUIT ABOUT?**

12 When he was released from a detention facility, Plaintiff Watkins was provided a release
13 card with associated fees that contained the balance of his inmate trust account. Plaintiff alleges
14 that the fees charged on his release card are illegal under Nevada law. More specifically, Plaintiff
15 alleges that (1) the fees charged violate Nevada's Deceptive Trade Practices Act; (2) Defendants
16 have been unjustly enriched by taking money out of the cards as fees; (3) Defendants' fees
17 constitute conversion of their money; and (4) the fees charged constitute an unconstitutional
18 taking under the Nevada and U.S. Constitutions. Plaintiff also alleges that the fees charged for
19 the card violate the federal Electronic Fund Transfer Act. Defendants deny these claims and
20 allege that their conduct was lawful.

21 **III. WHY IS THIS LAWSUIT A CLASS ACTION?**

22 This lawsuit was filed as a class action because thousands of persons in addition to the
23 Plaintiff received money owed to them through Defendants' release cards. The Plaintiff agreed to
24 serve as a Class Representative on behalf of those persons. The Court decided that this lawsuit
25 can be a class action because: (1) there are thousands of individuals who were given release cards
26 upon being released from a correctional institution; (2) there are legal questions and facts that are
27 common to each of them; (3) the claims of the Class Representative are typical of the claims of
28 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 [\[insert class administrator information\]](#).

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.

1 **VI. WHAT ARE MY RIGHTS AND OPTIONS?**

- 2
- 3 • **You may do nothing at all.**

4 By doing nothing you remain in the Class and may be eligible to obtain money or benefits
5 from a judgment or settlement. As a Class Member, should the Court find in favor of the
6 Defendants in a trial or otherwise, you would not be able to obtain recovery on those claims in
7 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.

- 8
- 9 • **You may ask to be excluded.**

10 If you want to file your own case against Defendants, or continue one you already have begun,
11 you need to exclude yourself from the Class. If you exclude yourself from the Class—sometimes
12 called “opting-out” of the Class—you won’t get any money or benefits from this lawsuit. If you
13 exclude yourself, you will not be legally bound by the Court’s judgments in this class action. If
14 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.

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

16 To exclude yourself from this case, you must mail an “Exclusion Request” in the form of
17 a letter stating that you want to be excluded from *Watkins v. Rapid Financial Solutions, et al.* Be
18 sure to include your name and address and sign the letter. You must mail your Exclusion Request
19 postmarked by [insert date 30-days following the date of mailing], to: *Watkins v. Rapid Financial*
Solutions, et al. Exclusion Request, [insert class administrator information]. You may also get an
20 Exclusion Request form at the website, [insert class administrator website]. Please note that if
21 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.

22 **VIII. WHO REPRESENTS ME IN THIS CASE?**

23 If you do not exclude yourself from the class, you will be represented by the law firm of
24 Thierman Buck LLP. The Court determined that they are qualified to represent you and other
25 Class Members as “Class Counsel.” They are experienced in handling similar cases. More
26 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:

27 **Class Counsel:**
28 Mark R. Thierman
mark@thiermanbuck.com

1 Joshua D. Buck
josh@thiermanbuck.com
2 Leah L. Jones
leah@thiermanbuck.com
3 Joshua R. Hendrickson
joshh@thiermanbuck.com
4 THIERMAN BUCK LLP
5 7287 Lakeside Drive
6 Reno, Nevada 89511

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

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

13 **IX. WHAT HAPPENS NEXT?**

14 The Honorable Miranda M. Du of the United States District Court for the District of
15 Nevada is presiding over this class action. The lawsuit is known as *Watkins v. Rapid Financial*
16 *Solutions, et al.*, 3:20-cv-00509-MMD-CSD. Unless the case is resolved by a settlement or
17 otherwise, Class Counsel will have to prove that the Defendants are liable at trial. A trial date has
18 not been set yet but if this case proceeds to trial, a jury or the judge will hear evidence and
19 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.

20 **X. HOW DO I GET MORE INFORMATION?**

21 For information about your rights related to the lawsuit, you may refer to the information
22 at [insert class administrator website], or contact Class Counsel at the contact information listed
23 above.

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