

ATTENTION:

Recipients of Release Cards from Jails and Other Correctional Facilities

A Settlement Agreement May Affect Your Rights.

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

- When individuals are taken into custody, their personal funds are temporarily confiscated. Upon release, these individuals have a legal right to have their funds returned. You may have received a previous notice about a class action lawsuit challenging Rapid Financial and Cache Valley Bank's practices surrounding these "release cards." These cards, a type of prepaid debit card, were offered as a mechanism for returning confiscated funds to individuals upon their release from jail or similar institutions. The cards had fees associated with them. This lawsuit was filed to challenge those fees.
- The Court certified a nationwide class on behalf of people who, upon release from detention facilities at any time after October 20, 2016, were not offered an alternative to a release card for the return of their money upon release. The Court also certified a Washington State subclass consisting of individuals released from a facility in the state of Washington at any time after October 20, 2013, who were not offered an alternative to a release card for the return of their money upon release.
- The parties have entered into a proposed settlement of the case. The proposed settlement is with Rapid Financial and Cache Valley Bank, and covers the facilities where they provided release cards during the time they provided those cards. The settlement, which must be approved by the Court, makes up to \$11.6 million available to settle claims brought by Class Members. This notice describes your rights in the proposed settlement, and how to claim a share of the settlement fund.

Your Legal Rights In This Lawsuit	
You may make a claim.	You may submit a claim if you qualify as a Class Member and incurred fees from a Release Card from one of the facilities serviced by defendants during the covered period of time. Claims must be submitted by _____. As explained in this notice, <u>you may make a claim at the website www.releasecardsettlement.com</u> You must make a claim to receive money.
If you do nothing.	Release your claims against Defendants Rapid Financial and Cache Valley Bank. Receive no money from the settlement. If you do nothing, you will (a) receive no money from this settlement and (b) give up any claims you have against Defendants Rapid Financial and Cache Valley Bank.
You may ask to be excluded.	Get out of this lawsuit. Get no benefits from it. Keep rights to pursue claims against Defendants. If you ask to be excluded you will not participate in any money or benefits obtained in this settlement, but you may bring claims against Rapid Financial and/or Cache Valley Bank elsewhere for the same legal claims. Note: if you were provided a release card from a facility located in Nevada, then you should be aware that another lawsuit is pending against Defendant Rapid Financial in that state. If you make a claim in this case then you will give up any rights to collect in the Nevada case. If you wish to remain a part of the Nevada case, then you must opt out of this case and give up any recovery in this case.
You may comment on the proposed Agreement.	You have the right to comment on, object to or support the proposed Agreement. The Court will decide whether to approve or reject the proposed Agreement after a Final Hearing currently scheduled for _____ at _____ at the United States Courthouse, 1717 Pacific Ave., Tacoma, WA 98402. You may submit written comments or objections that you wish to be considered by the Court no later than _____. You should not call the Court.

FREQUENTLY ASKED QUESTIONS

1. Why did I get this notice?

You are receiving this notice because you were identified as a person who may have received a release card during the time period covered by this case. The Court directed that notice be sent to advise you of your rights. If you received a notice about your receipt of a release card, and incurred fees on that card, then you are likely a member of the class. Your membership will need to be confirmed by the records in the case, however.

2. What is this lawsuit about?

Plaintiffs are two individuals who were provided release cards upon release from a detention facility. The two individuals sued Keefe Commissary Network LLC (also known as Access Corrections), Rapid Investments, Inc. (also known as Rapid Financial Solutions) and Cache Valley Bank. The Court certified the lawsuit as a class action. Two classes were certified, a nationwide class and a Washington State Subclass. This settlement covers both classes. The law firm of Sirianni Youtz Spoonemore Hamburger PLLC based in Seattle, Washington was appointed Class Counsel. They have been representing the interests of the plaintiffs and the classes.

3. Why is this lawsuit a class action?

In a Class Action lawsuit, individuals or entities sue individuals or entities on behalf of themselves and others ("Class" or "Class Members") who may have similar claims. In a Class Action lawsuit, one Court makes decisions on behalf of everyone in the Class. This lawsuit was brought by two individuals who received release cards and had been charged fees. You and the other people receiving notice may be Class Members. This lawsuit was filed as a class action because millions of persons received money owed to them through Defendants' release cards. The Plaintiffs agreed to serve as Class Representatives on behalf of those persons.

4. What does the proposed Settlement Agreement provide?

The main points are described below. You are encouraged to review the entire proposed Agreement, which is here: www.releasecardsettlement.com/documents. To be effective, the Court must approve it.

♦ **\$11,000,000 Settlement Fund Plus \$600,000 Buffer**

The Agreement provides for the creation of a \$11,000,000 Settlement Fund to reimburse class members for fees paid through a claim process (described below), court-approved attorney fees and costs to Class Counsel, claims administration costs incurred by the Claims Processor, and any court-approved incentive award to the Named Plaintiffs. *Agreement*, §§ 1.21, 8, 8.1. In the event the \$11,000,000 is insufficient to pay these claims to class members at 100%, then additional funds, up to \$600,000, will be used to pay claims. Addendum, §§ 1, 2.

♦ **Claims Process for Reimbursement of Fees**

The amount of payment for each eligible class member shall be determined as follows:

First, the following payments will be reserved or made from the settlement funds: (1) costs of providing notice and other expenses to administer settlement, (2) attorney fees awarded by the Court, (3) taxes and accounting expenses for the qualified settlement account containing the settlement funds, and (4) Case contribution awards, if awarded by the Court. The amount remaining after these disbursements will be available to pay claims made by eligible class members.

Second, each class member's share of the remaining settlement funds shall be calculated as follows: (1) each class member shall be entitled to a \$15 minimum claim, *plus* (2) three times the fees charged on the release card issued to that class member. *Agreement*, § 9.2. If a class member previously obtained a recovery from a prior settlement in Washington State from Keefe, then that sum will reduce the total claim. Claims shall then be paid on a *pro rata* (percentage) basis from the remaining settlement funds and, if necessary the \$600,000 buffer fund, up to the amount where the eligible class members receive 100% of

Questions? Call 1-XXX-XXX-XXXX or visit www.releasecardsettlement.com

their claims. Class Counsel anticipates – but does not guarantee – that sufficient funds will be available to pay all class member claims without reduction.

Third, any money remaining from the \$11,000,000 settlement fund after payment of the claims to eligible class members shall be paid to one or more *cy pres* recipients approved by the Court. *Agreement*, § 9.4. Information concerning any potential *cy pres* proposal to the Court will be posted in advance of the final approval hearing on www.releasecardsettlement.com. Class members have the right to object to any proposed *cy pres* distribution.

- ◆ **Attorney Fees, Litigation Costs and the Costs of Claims Administration**

Class Counsel may apply for attorney fees under the common fund doctrine/common benefit doctrine to be paid out of the Settlement Fund. *Agreement*, § 12.1. Litigation costs (sums Class Counsel paid out-of-pocket on behalf of the Class) and costs for claims administration and notice incurred by the Claims Processor will be paid from the Settlement Fund. *Agreement*, §§ 12.2, 14.1. Class Counsel's requests for attorney fees and litigation costs are subject to review and approval by the Court. Class Counsel anticipates seeking a fee award equal to 30% of the recovery as fees. However, if class members are unable to recover 100% of the fees they paid on the release cards, then Class Counsel will reduce its fee request to make more funds available to class members. Class members have the right to comment on, support, or object to attorney fees and costs.

- ◆ **Incentive Awards**

Incentive awards for the Named Plaintiffs may be requested from the Settlement Amount. *Agreement*, § 12.3. Class counsel anticipates asking for approval of \$20,000 for each of the two class representatives. The Court must approve any incentive awards. *Agreement*, § 12.3. Class members have the right to comment on, support, or object to incentive awards.

- ◆ **Comment on Award of Attorney Fees, Litigation Costs and Incentive Awards.**

You are permitted to review, object to, support or comment on any request for attorney fees, litigation costs and incentive awards. On or before _____, Class Counsel will post the Motion for award of attorney fees, costs and incentive awards on www.releasecardsettlement.com.

- ◆ **Release**

Class Members will release Rapid Financial and Cache Valley Bank from any and all claims related to this lawsuit, or that were or could have been brought in the lawsuit. *Agreement*, 3.1, This means that if you have any actual or potential claims arising out of Rapid Financial's or Cache Valley Bank's involvement in release cards, those claims will be resolved as part of the Agreement, and your right to payment for any damages will be governed exclusively by the Agreement.

- ◆ **Pending Case in Nevada**

After this lawsuit was filed, a lawsuit was filed in federal court in Nevada (*Watkins v. Rapid Financial Solutions, Inc.*, No. 3:20-cv-00509-MMD-CSD) that brought claims under Nevada state law regarding release cards issued at the Nevada facilities. That case is still pending and there is no judgment or settlement at present to be distributed. If you are eligible to participate in this settlement because you received a release card from a Nevada facility, you may choose to be a part of the Nevada lawsuit rather than participate in the settlement in this lawsuit. You cannot participate in this settlement and continue to be to be eligible for a settlement or judgment in the Nevada lawsuit should that occur. If you wish to continue to participate in the Nevada lawsuit, you must give up your claims in this lawsuit by submitting an opt-out form. To find out more information regarding the Nevada lawsuit, you can visit its website at <http://www.phoenixclassaction.com/watkins-v-rapid-financial/>.

5. When will claims be paid?

The Court must finally approve the Agreement and, if any Class Member appeals, a final decision on any appeal(s) must be made before claims can be paid from the settlement fund. Anticipated timing will be posted at www.releasecardsettlement.com.

Questions? Call 1-XXX-XXX-XXXX or visit www.releasecardsettlement.com

6. How can I respond to the proposed Settlement Agreement?

♦ **You May Make a Claim.**

You may make a claim in one of three ways: (1) go online at www.releasecardsettlement.com and follow the instructions; or (2) send an email to releasecard@sylaw.com with your name, address, the name of the state and the facility where you received the debit card; or (3) send that information in a letter to: Release Card Settlement, _____; or call 1-800-____ for assistance in filing a claim or to obtain more information. You may get paid up to \$15 *plus* three times the fees you incurred on a qualified release card. Please note that claims will only be paid if the Settlement Agreement is approved by the Court.

♦ **You May Comment on, Object to, or Support the Proposed Agreement.**

The Court scheduled a hearing for _____ at _____ on the proposed Agreement to consider comments and approve or reject the Agreement. The hearing will be located at United States Courthouse, 1717 Pacific Ave., Tacoma, WA 98402. The hearing date, time, and location can change without further notice. Please contact Class Counsel if you want to confirm the date and time of the hearing as that date approaches.

All comments on the Agreement must be submitted in advance to the address listed below. You are not required to submit comments or attend the hearing.

You may attend the hearing and may choose to bring a legal representative if you wish and at your own expense. You must tell the Court if you plan to come to the hearing to object to, comment on, or formally support the Agreement by _____.

If you choose to submit written comments or appear at the Court hearing, your letter must be received no later than _____ and must be mailed to:

Reichert v. Rapid, Cache Settlement Hearing

All communications with the Court must be in writing, and Class Members should not attempt to call the Court.

♦ **You May Opt-Out of the Settlement.**

You have the right to opt-out of this settlement if you wish to do so. If you opt-out, you cannot receive payment from this settlement. To opt-out, you can go to <https://www.releasecardsettlement.com/opt-out> to submit your opt out request. Alternatively, you can opt-out by mailing an "Exclusion Request" in the form of a letter stating that you want to be excluded from the *Reichert v. Rapid, Cache* settlement. Be sure to include your name and address and sign the letter. You must mail your Exclusion Request postmarked by _____, to: *Reichert v. Rapid, Cache* Exclusion Request, _____. If you obtained a release card in Nevada and wish to be part of a class action pending there, you must opt-out and waive any recovery in this case.

♦ **You May Do Nothing.**

You are not required to take action. If you choose to make no response, then you will not participate in the settlement. Even though you will not receive any money, your claims against Defendants will be dismissed and you will not have the right to pursue those claims against Defendants in the future. If you are a class member in the *Watkins* lawsuit in Nevada and make no response, your claims in that case will also be released.

♦ **Where can I get more information?**

For information about your rights related to the lawsuit, you may refer to the information at www.releasecardsettlement.com or call or write the Notice and Claims Administrator at:

You may request from Class Counsel copies of any of the documents in this matter, including the motion for preliminary approval of the Agreement, which details the settlement and explains in more detail the reasons why approval is being requested.