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Hearing date: Friday, May 2, 2025
Hearing time: 9:00 a.m.
Judge: The Honorable Anne E. Egeler
Calendar: Civil Motions

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THURSTON COUNTY

JASON OATIS and MEGAN
GARRETTSON, successor in interest to the
Estate of BETH RESER, Individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

TwinStar Credit Union,

Defendant.

NO. 21-2-00281-34

ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

CLERK'S ACTION
REQUIRED

WHEREAS, Plaintiffs Jason Oatis and Megan Garrettson, successor in interest to the Estate of Beth Reser ("Plaintiffs" or the "Class Representatives") and Defendant TwinStar Credit Union ("Defendant"), by counsel, have entered into the Class Action Settlement Agreement and Release (the "Settlement") filed with the Court;

WHEREAS, Plaintiffs have moved pursuant to CR 23(e) for an Order granting preliminary approval to the Settlement, directing notice of the Settlement be provided to the Settlement Class by the Settlement Administrator as set forth in the Settlement, establishing deadlines for members of the Settlement Class to opt out of or object to the Settlement, and setting a final approval hearing to consider whether to grant final approval to the Settlement;

ORDER GRANTING PRELIMINARY
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1 **ACCORDINGLY, IT IS HEREBY ORDERED:**

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3 1. Terms capitalized herein and not otherwise defined shall have the meanings
4 ascribed to them in the Settlement.

5 2. This Court has jurisdiction over the subject matter of this lawsuit and
6 jurisdiction over the Class Representatives and Defendant in this case (the "Parties").

7 3. The Court finds that for the purposes of settlement and notice the requirements
8 of CR 23(a) and 23(b)(3) have been met, specifically:

9 a. The Settlement Class is so numerous that joinder of all members is
10 impracticable as there are hundreds or more members;

11 b. There are questions of fact or law common to the Settlement Class, such
12 as whether Defendant's account agreement permitted it to charge the Relevant Fees or not;

13 c. The claims of the Class Representatives are typical of the claims of the
14 Settlement Class as they all stem from the same practices of Defendant with respect to charging
15 the Relevant Fees;
16

17 d. The representative parties will fairly and adequately protect the interests
18 of the Settlement Class; and
19

20 e. Questions of law or fact common to the members of the Settlement Class
21 predominate over any questions affecting only individual members, and a class action is
22 superior to other available methods for the fair and efficient adjudication of the controversy, as
23 the claims are relatively small in value but relate to common allegations that Defendant's
24 charging of the Relevant Fees violated its standard form contract.
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1 The Court therefore CERTIFIES the following Settlement Class:

2 All accountholders who incurred a Relevant Fee during the Class Period.¹

3 4. The Court finds that the terms of the Settlement are within the range of a fair,
4 reasonable, and adequate settlement between the Class and Defendant under the circumstances
5 of this case. The Court therefore preliminarily approves the Settlement and directs the parties
6 to the Settlement to perform and satisfy the terms and conditions of the Settlement that are
7 triggered by such preliminary approval.
8

9 5. The proposed notices in the forms attached to the Settlement, and the manner of
10 distribution of the notice by email and/or direct mail pursuant to the procedures set forth in the
11 Settlement, are hereby approved by this Court as the best notice practicable to the Class. The
12 proposed long form notice attached to the Settlement and the manner of distribution of such by
13 posting to the settlement website is hereby approved by the Court. The form and manner of
14 notice proposed in the Settlement comply with the requirements of Due Process.
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16 6. A final approval hearing (the "Final Approval Hearing") shall be held before the
17 undersigned at 9:00 o'clock, on 9/26, 2025, at the Thurston County Superior BZ
18 Court for the purpose of: (a) determining whether the settlement is fair, reasonable, and
19 adequate and should be finally approved; (b) determining whether a Final Approval Order
20 should be entered; and (c) considering Class Counsel's application for an award of expenses
21 and attorneys' fees and Class Representative service awards. The Court may adjourn, continue,
22 and reconvene the Final Approval Hearing pursuant to oral announcement without further
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24 _____
25 ¹ "Class Period" means the time period from February 25, 2015 through February 28, 2021. "Relevant Fees"
26 means the fees complained of in the Complaint, namely Overdraft Fees charged by Defendant during the Class
27 Period on one-time non-PIN based debit card transactions that authorized into a positive available balance but
which later settled into a negative available balance, as well as NSF Fees charged by Defendant during the Class
Period on second and third presentments of declined Items that were presented for payment when the member's
account contained insufficient funds to cover the transaction.

1 notice to the Class, and the Court may consider and grant final approval of the Settlement, with
2 or without minor modification and without further notice to the Class.

3 7. Class Counsel shall cause Notice to be sent to each Class Member (in
4 accordance with the Settlement) no later than 30 days from the date of this Order. Notice shall
5 be sent in the manner set forth in the Settlement.

6
7 8. Class Members shall be afforded an opportunity to request exclusion from the
8 Class. A request for exclusion from the Class must: (i) state that the Class member wishes to
9 "opt-out" or request "exclusion" from the Class; (ii) contain the full name, current address, and
10 telephone number of the person requesting exclusion; (iii) contain the title of the Lawsuit; (iv)
11 be signed by the person requesting exclusion; and (v) be sent to the Settlement Administrator
12 by U.S. mail with a postmark on or before the Bar Date to Opt-Out as defined in the
13 Settlement. Members of the Class who submit a timely and valid request for exclusion from the
14 Class shall not participate in and shall not be bound by the Settlement. Members of the Class
15 who do not timely and validly opt out of the Class in accordance with the Notice shall be bound
16 by all determinations and judgments in the action concerning the Settlement.

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18 9. Class Members who have not excluded themselves shall be afforded an
19 opportunity to object to the terms of the Settlement. Any objection must: (i) contain the full
20 name and current address of the person objecting; (ii) contain the title of the Lawsuit: "*Oatis v.*
21 *TwinStar Credit Union*" with the case number; (iii) state the reasons for the Class Member's
22 objection; (iv) be accompanied by any evidence, briefs, motions, or other materials the Class
23 Member intends to offer in support of the objection; (v) be signed by the Class Member; and
24 (vi) be sent by U.S. mail, first class and postage prepaid, with a postmark no later than the Bar
25 Date to Object (as defined in the Settlement) to the Clerk of the Court, Class Counsel, and
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1 Counsel for Defendant. If the Class Member or his or her Counsel wishes to speak at the Final
2 Approval Hearing, he or she must file with the Court and serve on Class Counsel and Counsel
3 for the Defendant a Notice of Intention to Appear no later than fifteen (15) days before the
4 Final Approval Hearing.

5
6 10. Any member of the Settlement Class who does not make his or her objection
7 known in the manner provided in the Settlement and Notice shall be deemed to have waived
8 such objection and shall forever be foreclosed from making any objection to the fairness or
9 adequacy of the proposed Settlement.

10 11. Any lawyer intending to appear at the Final Approval Hearing must be
11 authorized to represent a Class Member, must be duly admitted to practice law before the
12 Court, and must file a written appearance. Copies of the appearance must be served on Class
13 Counsel and counsel for Defendant in accordance with the Washington Superior Court Civil
14 Rules.

15
16 12. Prior to the Final Approval Hearing, the Settlement Administrator shall provide
17 Class Counsel with a listing of the names of all persons or entities who timely and validly
18 excluded themselves from the Settlement, and Class Counsel shall promptly file the list with
19 the Court.

20 13. Prior to the Final Approval Hearing, Class Counsel shall file a motion for
21 approval of the attorneys' fees and expenses, and shall file a motion for any service awards to
22 be paid from the Settlement Fund, along with any supporting materials.

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24 14. If the Settlement does not become effective or is rescinded pursuant to the
25 Settlement, the Settlement and all proceedings had in connection therewith shall be without
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1 prejudice to the status quo ante rights of the Plaintiffs and Defendant, and all Orders issued
2 pursuant to the Settlement shall be vacated.

3 15. The Court retains jurisdiction to consider all further applications arising out of
4 or connected with the proposed Settlement.

5 **SO ORDERED.**

6 *16. The Clerk is directed to SET The 9/26/25 hearing
as stated in IP 6.*

7 Dated:

8 
Judge, Superior Court

9
10 Presented by:

11 /s/ Cecily C. Jordan

12 Kim D. Stephens, P.S., WSBA #11984

13 Cecily C. Jordan, WSBA #50061

14 TOUSLEY BRAIN STEPHENS PLLC

15 1200 Fifth Avenue, Suite 1700

16 Seattle, WA 98101

17 Telephone: (206) 682-5600

18 Facsimile: (206) 682-2992

19 kstephens@tousley.com

20 cjordan@tousley.com

21 Lynn A. Toops, *pro hac vice*

22 COHEN & MALAD, LLP

23 One Indiana Square, Suite 1400

24 Indianapolis, IN 46204

25 Telephone: (317) 636-6481

26 Facsimile: (317) 636-2593

27 ltoops@cohenmalad.com

Gerard Stranch, IV, *pro hac vice*

STRANCH, JENNINGS & GARVEY, PLLC

223 Rosa L. Parks Avenue, Suite 200

Nashville, Tennessee 37203

Telephone: (615) 254-8801

Facsimile: (615) 255-5419

gstranch@stranchlaw.com

Counsel for Plaintiffs and the Proposed Class

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TOUSLEY BRAIN STEPHENS PLLC
1700 Seventh Avenue, Suite 2200
Seattle, Washington 98101
TEL. 206.682.5600 • FAX 206.682.2992