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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF ARIZONA**

10 RITA DOS SANTOS, PUTATIVE CLASS
11 REPRESENTATIVES AND THOSE
12 SIMILARLY SITUATED,

13 Plaintiffs,

14 v.

15 TELEXELECTRIC, LLLP; TELEX MOBILE,
16 HOLDINGS, INC.; JAMES M. MERRILL;
17 CARLOS N. WANZELER; STEVEN M.
18 LABRIOLA; JOSEPH H. CRAFT, a/k/a JOE
19 H. CRAFT; CRAFT FINANCIAL
20 SOLUTIONS, LLC; ANN GENET; CARLOS
21 COSTA; KATIA WANZELER;
22 SANDERLEY RODRIGUES DE
23 VASCONCELOS; SANTIAGO DE LA
24 ROSA; RANDY N. CROSBY; FAITH R.
25 SLOAN; DANIIL SHOYFER; SCOTT
26 MILLER; GERALD P. NEHRA, individually
and doing business as LAW OFFICES OF
NEHRA AND WAAK; GERALD P. NEHRA
ATTORNEY AT LAW, PLLC; RICHARD W.
WAAK, individually and doing business as
LAW OFFICES OF NERHA AND WAAK;
RICHARD W. WAAK, ATTORNEY AT
LAW, PLLC; OPT3 SOLUTIONS, INC.;
JASON A. BORROMEI;
PRICEWATERHOUSECOOPERS, LLP;
BANK OF AMERICA, NA; TD BANK, NA;

Case No. 2:15-cv-01906-NVW

STIPULATION OF DISMISSAL

1 RSB CITIZENS, N.A.; FIDELITY CO-
2 OPERATIVE BANK, doing business as
3 FIDELITY BANK; JOHN F. MERRILL;
4 WELLS FARGO BANK, N.A.; SYNOVUS
5 BANK; GLOBAL PAYROLL GATEWAY
6 INC.; INTERNATIONAL PAYOUT
7 SYSTEMS, INC.; PROPAY, INC., doing
8 business as PROPAY.COM; BASE
9 COMMERCE, LLC, doing business as
10 PHOENIX PAYMENTS; JOHN HUGHES;
11 VANTAGE PAYMENTS, LLC; DUSTIN
12 SPARMAN; ALLIED WALLET, LTD; DOE
13 TOP LEVEL PROMOTERS; DOE
14 LICENSED PROFESSIONALS; DOE
15 BANKS; DOE PAYMENT PROCESSING
16 SERVICES, PARALEGAL DOE, and a
17 Defendant Class of Direct Victim Payment
18 Recipients,
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Defendants.

14 Plaintiffs and Defendant “RSB Citizens, N.A.” (hereinafter, “Citizens Bank,”
15 and, together with Plaintiffs, the “Parties”), agree and stipulate to the following:

17 1. On September 23, 2015, Plaintiffs filed a putative class action complaint (the
18 “Arizona Complaint”) in the U.S. District Court of the District of Arizona, captioned
19 *Santos v. Telexelectric, LLLP, et al.*, No. No. 2:15-cv-01906-NVW (Dkt. Entry #1)
20 [hereinafter, the “Arizona Action”].

22 2. In the Arizona Complaint, Plaintiffs inadvertently named Citizens Bank as a
23 defendant in the Arizona Action.

25 3. On October 21, 2015, the U.S. Judicial Panel on Multidistrict Litigation
26 transferred the Arizona Action to the U.S. District Court of the District of

1 Massachusetts, and, with the consent of that court, assigned the Arizona Action to the
2 Massachusetts Court. In Massachusetts, the clerk's office docketed the Arizona Action
3 as 4:15-cv-13614-TSH.¹

4 WHEREFORE, in light of the foregoing:

5 IT IS HEREBY STIPULATED AND AGREED, between the Parties, through
6 their respective counsel, that Citizens Bank is dismissed from the above-captioned
7 matter without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i).
8

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10 Dated this 31st day of March 2016.

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12
13 /s/ Steven J. German

14 Steven J. German, Esq.
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20 /s/ Jason C. Weida*

21 Jason C. Weida (BBO# 663097)
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¹ The Parties waited to file this Stipulation until the Court issued a decision on Plaintiffs' Motion to Amend (No. 4:14-md-02566, Dkt. Entry #252), because Plaintiffs also inadvertently named Citizens Bank as a defendant in the proposed Third Consolidated Amended Complaint in Massachusetts (No. 4:14-md-02566, Dkt. Entry #253), which was substantially identical to the Arizona Complaint. The Court denied Plaintiffs' Motion to Amend on January 15, 2016, prompting the Parties to file this Stipulation.

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Attorneys for Citizens Bank

*Executed pursuant to ECF Administrative Procedures Provision M(2).

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of March, 2016, I electronically transmitted the attached document to the Clerk’s office using the CM/ECF System for filing, and will be sent electronically to the registered participants as identified on the NEF, and electronic or paper copies will be sent to those indicated as non-registered participants.

/s/ Sheri Sadler