Based on this filing, the plaintiffs are absolutely trying to make dispensaries liable for paying customers back for the alleged “overcharges,” fees, and rounded-up transactions tied to cashless ATM systems.

But there’s an important distinction:

- This is currently an allegation in a class action lawsuit — not a court ruling.
- The plaintiff still has to prove the claims.
- A judge has not yet determined that dispensaries actually violated the law.

What the lawsuit is seeking
The lawsuit asks the court for:

- Restitution (paying customers back)
- Damages
- Punitive damages
- Attorneys’ fees
- An injunction stopping cashless ATM use
- Disgorgement of profits tied to the fees/overcharges

The core theory is:

- customers thought they were making normal debit purchases,
- but the dispensary allegedly disguised them as ATM withdrawals,
- which caused extra fees and rounded-up charges.

How far back could they go?
This is the most important part of the filing.

The plaintiff’s attorneys are trying to avoid normal statute-of-limitations limits by arguing:

1. “Discovery Rule” tolling
   They argue consumers could not reasonably know the transactions were allegedly miscoded or deceptive.
2. “Fraudulent Concealment” tolling
   They argue the dispensary concealed the true nature of the transactions and therefore the clock should be paused.
3. Estoppel
   They also argue the dispensary should be prevented from using statute-of-limitations defenses at all because it allegedly hid the conduct.

Practically speaking, that means:

- Plaintiffs will likely try to go back as far as the dispensary used cashless ATM systems.
- Potentially multiple years.
- Possibly back to 2021 or earlier depending on records and the court’s ruling.

However:
Just because they ASK for tolling does not mean the judge will allow unlimited lookback periods.

Realistically, courts often still impose limits unless there is strong evidence of intentional concealment.

What is the real financial exposure?
The actual dollar exposure could include:

- ATM surcharge fees
- Rounded-up transaction amounts
- Out-of-network bank fees
- Possible punitive damages
- Legal fees

Example:
If a dispensary processed:

- 500,000 transactions
- with an average alleged overcharge of $3–$5

The theoretical exposure could become millions in a class action.

Who is most at risk?
Highest risk:

- dispensaries heavily using traditional cashless ATM setups,
- especially ones using round-ups + ATM coding,
- especially after Visa's 2021 memo and Mastercard's 2023 enforcement announcements.

Lower risk:

- true PIN debit programs,
- bank-direct programs,
- systems where the bank knowingly underwrites cannabis transactions,
- systems coded as regulated debit rather than ATM withdrawals.

Important practical reality
This lawsuit is against the dispensary — not just the processor.

That means plaintiffs are specifically targeting retailers as the party that:

- collected the money,
- presented the transaction to customers,
- and allegedly benefited from the fees.

This is a major shift because many dispensaries previously assumed liability sat mostly with processors or ATM providers.

My read on the industry impact
This filing is likely the beginning of a broader strategy against cashless ATM programs nationwide.

If these lawsuits gain traction:

- many dispensaries will rapidly move away from classic cashless ATM systems,
- processors using ATM coding could face massive pressure,
- compliant bank-direct debit systems will likely gain market share,
- and dispensaries may start demanding indemnification from processors.

The biggest legal danger is not necessarily federal cannabis law itself — it is consumer protection law and class action exposure over fees and disclosures.