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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10 **SAN DIEGO DIVISION**
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12 IN RE: BANK OF AMERICA
13 CALIFORNIA UNEMPLOYMENT
14 BENEFITS LITIGATION

Case No. 21-md-02992-LAB

15 **ORDER:**

- 16 1) **SETTING STATUS**
17 **CONFERENCE;**
18 2) **REQUIRING STATUS**
19 **REPORT;**
20 3) **ESTABLISHING**
21 **PROCEDURES FOR FILING**
22 **AND DOCKETING;**
23 4) **ASSIGNING MAGISTRATE**
24 **JUDGE; and**
25 5) **STAYING DEADLINES,**
26 **DISCOVERY, AND MOTION**
27 **PRACTICE**
28

23 Pursuant to 28 U.S.C. § 1407, the Judicial Panel on Multidistrict Litigation
24 (“JPML”) has transferred to this Court certain civil actions from multiple districts
25 involving one or more common questions of fact for coordinated and consolidated
26 pretrial proceedings. (ECF No. 1.)

27 The Court will hold a Status Conference in this matter on **July 19, 2021 at**
28 **11:30 a.m.** in Courtroom 14A in the James M. Carter and Judith N. Keep United

1 States Courthouse at 333 West Broadway, San Diego, CA 92101. At the Status
2 Conference, the Court will discuss with counsel the status of these cases in addition
3 to the following issues:

4 A. The proposed organizational structure governing each group of parties
5 whose interests are similarly aligned, including the appointment of lead,
6 liaison, and/or coordinating counsel. In this regard:

7 1) Counsel for each Plaintiff should immediately confer to discuss a
8 proposed organizational structure and the selection of a plaintiffs'
9 steering committee ("PSC") and lead, liaison, and/or coordinating
10 counsel. If an agreement can be reached, plaintiffs' counsel must
11 submit a recommended organizational structure and list of the
12 selected lead, liaison, and/or coordinating counsel and the PSC
13 members no later than July 6, 2021. Alternatively, if an agreement
14 cannot be reached, the Court will determine a process and set a
15 timeline for selection of the PSC and lead, liaison, and/or
16 coordinating counsel at the Status Conference.

17 2) The duties and responsibilities of the PSC will be set by the Court
18 in a future order.

19 B. Whether a master consolidated complaint or complaints will help
20 facilitate or focus this case for dispositive motions and/or for trial. Any
21 such master consolidated complaint should omit pendent state claims.

22 C. Suggestions on the content and timing for submission of a proposed
23 Case Management Order ("CMO").

24 D. Counsel's proposed schedule for resolution of future dispositive
25 motions.

26 In the interim, the Court **ORDERS**:

27 A. Counsel for defendants must prepare and file a joint list of all related
28 cases pending in state or federal court that have not yet joined this MDL

1 matter and, to the extent known, the status of those cases. This list must
 2 be submitted no later than **July 6, 2021**. Counsel for the defendants must
 3 also promptly notify plaintiffs' counsel in the cases not joined of this
 4 pending Status Conference.

5 B. Any party may submit proposed agenda items for the July 19, 2021
 6 Status Conference by filing a list of such items no later than
 7 **July 6, 2021**. Any such list must not exceed two pages, without
 8 attachments, and must consist of bullet point items, without argument
 9 or legal analysis, reasoning, or justification.

10 C. All attorneys of record for parties who appeared in the transferor court
 11 prior to transfer of this MDL need not enter an additional appearance
 12 before this Court. Counsel who did not appear in a related action prior
 13 to the consolidation and who are not a member of the Bar of this Court
 14 may be admitted *pro hac vice* upon the proper filings with the Clerk of
 15 the Court as provided by the Local Rules of this District. An attorney
 16 admitted *pro hac vice* for the MDL shall be admitted *pro hac vice* for
 17 all member cases without the need for further *pro hac vice* motions or
 18 fees. All counsel are expected to familiarize themselves with prior court
 19 orders and proceedings from this Court, as well as the Local Rules of
 20 the Southern District of California ([https://www.casd.uscourts.gov/
 21 assets/pdf/rules/2021.03.24%20Local%20Rules.pdf](https://www.casd.uscourts.gov/assets/pdf/rules/2021.03.24%20Local%20Rules.pdf)).

22 D. All the parties shall comply with the Electronic Case Filing ("ECF")
 23 Administrative Policies and Procedures Manual for this District
 24 ([https://www.casd.uscourts.gov/ assets/pdf/attorney/Electronic%20Ca
 25 se%20Filing%20Procedures%20Manual.pdf](https://www.casd.uscourts.gov/assets/pdf/attorney/Electronic%20Case%20Filing%20Procedures%20Manual.pdf)) for all documents
 26 submitted for filing before this Court. Service through ECF shall be
 27 deemed sufficient with no additional service required. Additionally, the
 28 Court establishes the following procedure for filing and docketing:

- 1 1) Case No. 21-MD-2992 is designated as the lead case for all
2 related California unemployment benefits claims against Bank of
3 America.
- 4 2) All filings related to the MDL that are generally applicable to all
5 related cases are to be filed only in the lead case, 21-MD-2992.
6 Non-exhaustive examples include discovery disputes and
7 scheduling motions.
- 8 3) Filings that are specific to an individual plaintiff and that are not
9 generally applicable to the MDL proceedings are to be filed only
10 in the individual case assigned at filing. Non-exhaustive examples
11 include joint or unopposed motions to file an amended complaint
12 and motions to substitute plaintiff.
- 13 4) As of the date of this order, all new complaints involving
14 unemployment claims against Bank of America must be filed
15 individually and given their own individual case number at the
16 time of filing. Counsel must indicate at the time of filing that such
17 complaints are related to 21-MD-2992.
- 18 5) Minute entries for hearings generally applicable to all
19 proceedings (e.g., motion hearings, status and case management
20 conferences) will be docketed in the lead case, 21-MD-2992.
- 21 6) Minute entries for hearings that are not generally applicable will
22 only be docketed in the individual case only, and not as part of
23 the lead case.
- 24 7) Court orders that are generally applicable to all MDL cases **will**
25 **be docketed in the designated lead case only.** No other
26 generally applicable orders will be docketed in the individual
27 cases following issuance of this order.
- 28 8) Court orders that are applicable only to an individual plaintiff will

1 be docketed in the individual case only.

2 9) Counsel not already associated with Case No. 21-MD-2992 are
3 instructed file a notice of appearance in the lead case and the
4 appropriate individual case(s).

5 E. All deadlines (including but not limited to those for responsive
6 pleadings), all discovery, and all motion practice are **STAYED** until
7 after entry of the CMO.

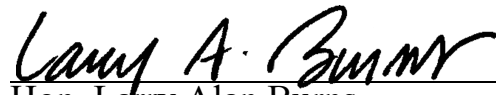
8 F. All parties shall take reasonable steps to preserve documents and other
9 records, including electronic documents, containing information
10 potentially relevant to the subject matter of this litigation.

11 G. Counsel may appear at the July 19, 2021 Status Conference in person or
12 by telephone. The parties and party representatives need not participate.
13 If counsel wish to participate by telephone, they must confer with other
14 counsel of record and create an agreed-upon plan to set up a conference
15 call to accommodate all interested counsel and circulate that plan among
16 all known counsel. This plan and a list of all counsel participating by
17 telephone must be submitted to the Court no later than **July 6, 2021**.

18 Finally, the Court assigns Judge Michael S. Berg to serve as the magistrate
19 judge on the MDL and all member cases.

20 **IT IS SO ORDERED.**

21
22 Dated: June 15, 2021

23 
24 Hon. Larry Alan Burns
25 United States District Judge
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