

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: BANK OF AMERICA CALIFORNIA
UNEMPLOYMENT BENEFITS LITIGATION

Case No.: 21md2992-LAB (MSB)

**ORDER SETTING PROCEDURES FOR
VIDEO DISCOVERY CONFERENCE**

After the Judicial Panel on Multidistrict Litigation assigned this matter to the Honorable United States District Judge Larry Alan Burns, the Court stayed all discovery pending the issuance of a case management order. (See ECF No. 16 at 5.) Judge Burns heard from counsel for the parties regarding a continued discovery stay at the July 19, 2021 Status Conference before determining that the discovery stay will continue until Bank of America files an answer to the consolidated complaint, except to the extent that Magistrate Judge Michael S. Berg permits discovery to go forward. (See ECF No. 48 at 4.) A Zoom Discovery Conference is set to take place with Interim Co-Lead Counsel, Interim Liaison Counsel, and counsel for Defendant on August 5, 2021, at 9:30 a.m. (Id. at 4.) The following deadlines and procedures apply to the Zoom Discovery Conference:

1. The Court will use its official Zoom video conferencing account to hold the Discovery Conference. **IF YOU ARE UNFAMILIAR WITH ZOOM:** Zoom is available on computers through a download on the Zoom website (<https://zoom.us/meetings>) or on

mobile devices through the installation of a free app.¹ Joining a Zoom conference does not require creating a Zoom account, but it does require downloading the .exe file (if using a computer) or the app (if using a mobile device). Participants are encouraged to create an account, install Zoom, and familiarize themselves with Zoom in advance of the MSC.² There is a cost-free option for creating a Zoom account.

2. Prior to the start of the Discovery Conference, the Court will e-mail each participant an invitation to join a Zoom video conference. No later than **July 29, 2021**, counsel for each party shall send an e-mail to the Court at efile_berg@casd.uscourts.gov, containing the **names, email addresses, and contact telephone numbers** for all attorneys who plan to attend the Discovery Conference.

3. In determining what discovery may proceed prior to an answer being filed, the Court will seek to balance Plaintiffs' need for urgent relief and timely payment of unemployment benefits against Defendant's desire to avoid burdensome discovery that may be mooted by Defendant's anticipated motion to dismiss. No later than **July 29, 2021**, Interim Co-Lead Counsel and counsel for Defendant must each file a **discovery position statement of no more than two pages**, indicating what discovery each party believes can proceed, and how the suggested discovery will facilitate case progression.

IT IS SO ORDERED.

Dated: July 21, 2021



Honorable Michael S. Berg
United States Magistrate Judge

¹ If possible, participants are encouraged to use laptops or desktop computers for the video conference, as mobile devices often offer inferior performance.

² For help getting started with Zoom, visit: <https://support.zoom.us/hc/en-us/categories/200101697-Getting-Started>.