

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: BANK OF AMERICA CALIFORNIA
UNEMPLOYMENT BENEFITS LITIGATION

Case No.: 21md2992-LAB (MSB)

**ORDER PERMITTING LIMITED
DISCOVERY**

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 Defendant Bank of America (“BofA”) 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.) Judge Berg held a Zoom Discovery Conference with Interim Co-Lead Counsel, Interim Liaison Counsel for the class and individual plaintiffs, and counsel for BofA on August 5, 2021. As discussed with the above-listed counsel for the parties, the Court permits the following, limited discovery prior to the litigation of Defendant’s anticipated Motion to Dismiss:

1. BofA is to provide Interim Co-Lead Counsel with named class representatives’ account files, specifically account statements for the relevant period

(beginning in January 2020), call logs relevant to the plaintiff's allegations, account notes relevant to plaintiffs' allegations, and investigation findings relevant to plaintiffs' allegations.

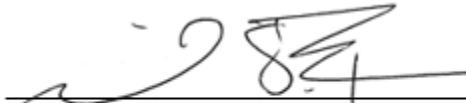
2. BofA is to provide Interim Co-Lead Counsel discovery regarding BofA's compliance with the Preliminary Injunction previously entered in Yick v. Bank of America, N.A., 21cv1092-LAB (MSB) [ECF No. 103].

3. BofA is to provide Interim Co-Lead Counsel with data regarding the number of accounts that have been impacted by "the fraud filter," and the review and resolution of such action.

If circumstances evolve such that either party believes the Court should revisit the issue of pre-answer discovery, the parties are encouraged to place a joint call to chambers to request a further discovery conference.

IT IS SO ORDERED.

Dated: August 5, 2021



Honorable Michael S. Berg
United States Magistrate Judge