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Attorneys for individual Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

IN RE: BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION

Case No. 21-md-02992-LAB-MSB

**DECLARATION OF DANIEL G.
SHAY IN SUPPORT OF EX PARTE
MOTION TO APPOINT SWIGART
LAW GROUP AS CO-INTERIM
LIASON COUNSEL FOR
INDIVIDUAL PLAINTIFFS**

District Judge: Larry A. Burns

Magistrate Judge: Michael S. Berg

1 I, Daniel G. Shay, hereby declare under penalty of perjury the following:

- 2 1. I am one of the attorneys for individual plaintiffs in this multidistrict litigation.
- 3 2. I was admitted to the State Bar of California in 2007 and have been a member
- 4 in good standing ever since.
- 5 3. I am licensed to practice law in both state and federal courts in California and
- 6 Washington D.C.
- 7 4. If called as a witness, I would competently testify to the matters herein from
- 8 personal knowledge.
- 9 5. I submit this declaration in support of our Ex Parte Motion to Appoint Swigart
- 10 Law Group as Co-Interim Liaison Counsel for Individual Plaintiffs.
- 11 6. On July 20, 2021, an Order was entered appointing the Law Office of Daniel
- 12 G. Shay as Interim Liaison Counsel for individual plaintiffs in this multidistrict
- 13 litigation [Docket No. 48].
- 14 7. I consider this appoint an honor and thank the Court for this opportunity. I
- 15 assure the Court I will do my best in this capacity.
- 16 8. I respectfully request the court to allow my co-counsel, Swigart Law Group, to
- 17 assist in this role.
- 18 9. Currently, Swigart Law Group and my office have five-hundred and seventy-
- 19 two (572) clients retained as plaintiffs against Bank of America. This number
- 20 includes the two-hundred and thirty (230) plaintiffs in *Abarr et al v. Bank of*
- 21 *America, N.A.*, 3:21-cv-01203 and the other individual cases we filed.
- 22 10. The scope of the work required to effectively perform the role of Interim
- 23 Liaison Counsel for individual plaintiffs is quite large when dealing with so
- 24 many plaintiffs.
- 25 11. I have other work and personal matters that demand time as well. For
- 26 example, I have conflicts for the upcoming ENE Scheduling Conference on
- 27 August 2, 2021, and the Discovery Conference on August 5, 2021.
- 28

1 12. I respectfully request the Court to allow Swigart Law Group to assist in the
2 role as Co-Interim Liaison Counsel for individual plaintiffs during the
3 conferences above and throughout this multidistrict litigation.

4 13. On July 22, 2021, I met and conferred with counsel for Bank of America who
5 did not object and took no position on the substance of this motion. I also
6 contacted Interim Co-Lead and Liaison Counsel for the class plaintiffs who
7 also did not object.

8
9 I declare under penalty of perjury that the foregoing is true and correct.

10
11 Date: July 22, 2021

12 By: s/ Daniel G. Shay
13 Daniel G. Shay, Esq.
14 DanielShay@TCPAFDCPA.com
15 **LAW OFFICE OF DANIEL G. SHAY**
16 Attorney for Individual Plaintiffs
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