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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION

Case No: 21md2992-LAB(MSB)

**PLAINTIFFS' REQUEST TO
ALLOW COUNSEL TO APPEAR
IN PERSON FOR THE
SCHEDULED EARLY NEUTRAL
EVALUATION**

Date: September 29, 2021

Time: 9:30 a.m.

Via Zoom

[Hon. Michael S. Berg]

1 Pursuant the Court's August 2, 2021 Order [Dkt. No. 64] counsel along with their
2 respective parties and client representatives were ordered to appear via Zoom at the
3 Early Neutral Evaluation for several individual cases filed in the MDL. On the evening
4 of September 13, 2021, Bank of America produced a number of documents related to
5 twenty (20) selected Plaintiffs.¹

6 There were four main categories of documents produced for each Plaintiff:

- 7 1. Account statements;
- 8 2. Call logs;
- 9 3. Account notes;
- 10 4. Investigative findings; and
- 11 5. A limited number of documents related to fraud filter findings

12 These documents were not produced per Plaintiff, but in individual files per
13 category. Several of the files were produced in native format, inclusive of documents
14 in Excel format. Plaintiffs' counsel has spent several days just organizing the data by
15 Plaintiff. The summary of each Plaintiffs' claims can be presented to the Court in a
16 succinct fashion, but if any request for supporting documents are made (which is likely,
17 as it is anticipated there will be discussions about specific transactions) documents will
18 need to be pulled from 3-4 different sources. This will be extremely time consuming
19 and difficult to present these documents to the court and walk through how they relate
20 using video conference technology for nineteen Plaintiffs.

21 Plaintiffs' counsel has invested a large amount of time and resources in preparing
22 for the upcoming ENE (as we imagine so has counsel for Bank of America). In addition,
23 the court has blocked off a full day for the parties in hopes that significant progress can
24 be made toward settlement.

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27 ¹ The Court ordered the production of documents for twenty (20) Plaintiffs, but Defendant was only
28 able to locate nineteen (19). Accordingly, Plaintiff's counsel only received documents for the
nineteen Plaintiffs.

1 Plaintiffs' counsel respectfully requests that the attorneys for the parties be
2 allowed to appear in person. Plaintiffs' counsel intends to bring all supporting
3 documents which may be referenced throughout the day. This will greatly speed up the
4 settlement process and assist the court in better understanding the chronology of
5 numerous complex transactions. Plaintiffs' counsel does not intend to burden defense
6 counsel with the requirement of appearing in person and has no objection to counsel for
7 Bank of America appearing via video conference, but respectfully requests that the
8 attorneys have the option to appear in person.

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10 Respectfully submitted,

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12 Date: September 16, 2021

SWIGART LAW GROUP, APC

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16 Attorneys for Plaintiffs
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