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(Additional Counsel Listed Below)*

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

**IN RE BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION**

Case No. 3:21-md-02992-LAB-MSB

**DECLARATION OF BRIAN
DANITZ IN SUPPORT
PLAINTIFFS' OPPOSITION TO
DEFENDANT'S MOTION TO
DISMISS**

This Document Relates to All Actions

Date: January 10, 2022
Time: 11:30 a.m.
Crtm: 14A – 14th Floor
Judge: Hon. Larry Alan Burns

1 I, BRIAN DANITZ, declare as follows:

2 1. I am a partner with the law firm of Cotchett, Pitre & McCarthy, LLP,
3 co-lead counsel for Plaintiffs in this action. I submit this declaration in support of
4 (1) Plaintiffs' Opposition to Motion to Dismiss Master Consolidated Complaint;
5 (2) Plaintiffs' Opposition to Request for Judicial Notice in Support of Motion to
6 Dismiss Master Consolidated Complaint; and (3) Plaintiff's Request for Judicial
7 Notice In Support Of Opposition to Motion to Dismiss Master Consolidated
8 Complaint. I make this declaration of my own personal knowledge and, if called to
9 testify as a witness, I could and would testify competently to the matters stated
10 herein.

11 2. Attached hereto as **Exhibit A** is a true and correct copy of The
12 California Employment Development Department Debit Card Account Agreement,
13 effective March 1, 2018, available on Bank of America's EDD Debit Card website
14 at: <https://www.visaprepaidprocessing.com/eddcard/Program/Terms>.

15 3. Attached hereto as **Exhibit B** is a true and correct copy of excerpts of
16 agreement between Bank of America, N.A. and the California Employment
17 Development Department, Agreement No. M6100352, executed October 13, 2015,
18 produced by EDD in response to Plaintiffs' Public Records Act Request.

19 I declare under penalty of perjury that the foregoing is true and correct.
20 Executed this 15th day of November 2021 at Burlingame, California.

21 /s/ Brian Danitz
22 BRIAN DANITZ
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