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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA –**
12 **SAN DIEGO DIVISION**

13 IN RE: BANK OF AMERICA
14 CALIFORNIA UNEMPLOYMENT
15 BENEFITS LITIGATION

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

**DEFENDANT BANK OF
AMERICA, N.A.’S NOTICE OF
MOTION AND MOTION TO
DISMISS MASTER
CONSOLIDATED COMPLAINT
PURSUANT TO FED. R. CIV. P.
12(B)(1) AND 12(B)(6)**

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

Filed/Lodged Concurrently with:

1. Memorandum
2. Request for Judicial Notice
3. Declaration of Robert Chestnut
4. Declaration of Shane Daniels
5. [Proposed] Order

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on January 10, 2022 at 11:30 a.m., or as soon thereafter as counsel may be heard, in Courtroom 14A, 14th Floor, of the United States District Court for the Southern District of California, located at 333 West Broadway, San Diego, California, before the Honorable Judge Larry Alan Burns, Defendant Bank of America, N.A., will, and hereby does, move to dismiss the Master Consolidated Complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

This Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities in support thereof, the Request for Judicial Notice, the Declaration of Robert Chestnut, the Declaration of Shane Daniels, all papers from this case on file with the Court, all other matters of which the Court may take judicial notice, any further evidence or argument offered to the Court at the hearing on this Motion, and any other evidence and argument the Court may consider.

Dated: October 1, 2021

Respectfully submitted,

By: s/ Yvonne W. Chan

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the clerk of the court for the United States District Court for the Southern District of California by using the CM/ECF system on October 1, 2021. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system. I certify under penalty of perjury that the foregoing is true and correct.

Executed: October 1, 2021

s/ Yvonne W. Chan

Yvonne W. Chan