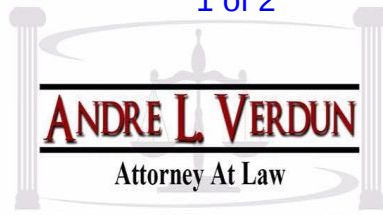


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June 02, 2023

Hon. Michael S. Berg
Edward J. Schwartz - United States Courthouse
Chambers Rm. #: Suite 2160
221 West Broadway
San Diego, CA 92101
efile_berg@casd.uscourts.gov

**Re: Bank of American California Unemployment
Benefits Litigation MDL, CASE #: 3:21-md-02992-
LAB-MSB; Request for Discovery for Individual
Plaintiffs**

Dear Hon. Michael S. Berg:

This letter is presented on behalf of myself as the attorney for three individual plaintiffs in the case identified above, as well as for a portion of the legal counsel representing individual plaintiffs. Counsel for the *individual* plaintiffs had multiple meetings this week, and met with liaison counsel, who also conferred with counsel for the *class*. See the *Joint [Proposed] Scheduling Order*, filed June 2, 2023 ("Liaison Counsel for the non-class plaintiffs to meet and confer regarding the timing of discovery as to the non-class plaintiffs."). Docket # 128, 2:1-2.

To ensure that all plaintiffs, those in the proposed class, as well as cases brought by individual plaintiffs have input in the discovery process, we respectfully request the Court order the following:

Class counsel shall proceed with the discovery plan filed on June 2, 2023, and in doing so, will conduct discovery consistent with the interests of the individual plaintiffs, and will communicate and work with the individual plaintiffs' counsel in the drafting and serving of discovery. Counsel are encouraged to place a joint call to chambers to request a further discovery conference if the need arises.

So, Your Honor is not left in the dark, and to provide an explanation, the three plaintiffs I represent alleged claims which are not asserted in the class action, as

mentioned in the Opposition to Motion to Dismiss (See Docket #90, 2:24-28; referring to Plaintiffs Alvarez, Rojas and Verdun, and their claims of California Identity Theft Act and Conversion). Thus, there will be some differences in the discovery these plaintiffs need to propound, as compared with the class of plaintiffs.

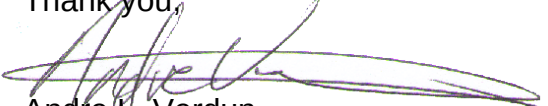
Since the Motion to Dismiss has been denied in part, and discovery will open, I could foresee needing discovery to support the claims my clients alleged (which will vary some degree from the class discovery). In addition to having input in the discovery served on Defendant, I respectfully request the ability to serve on behalf of each of my three clients:

- 1) 10 Interrogatories,**
- 2) 10 Requests for Production of Documents, and**
- 3) to conduct two Depositions,**

This would help ensure that the discovery propounded would not be limited to the issues relating to the proposed class, but also other plaintiffs who expect competent advocacy from their counsel to support and advance their claims. Indeed, regarding at least one of the three plaintiffs I represent, we believe at least two dozen people working for Defendant have knowledge related to the state claims. Despite this large number, we are currently seeking to depose only two of these employees. If plaintiffs are forced to wait until 2024 to conduct depositions, we run the risk the individuals will no longer be employees of defendant, and evidence will not be preserved.

We have made arrangements to attend Monday's Zoom video discovery conference in the event that the Court has any questions.

Thank you,



Andre L. Verdun
Attorney at Law