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16 *the Proposed Class*
17 *(Additional Counsel Listed Below)*

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

20 **IN RE BANK OF AMERICA**
21 **CALIFORNIA UNEMPLOYMENT**
22 **BENEFITS LITIGATION**

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

**JOINT MOTION TO EXTEND
CASE SCHEDULE**

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24 This Document Relates to All Actions
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Judge: Hon. Larry Alan Burns

Pursuant to Federal Rules of Civil Procedure 6(b) and 16(b)(4), Civil Local Rule 7.2, and this Court's Civil Procedures ¶6, Plaintiffs and Defendant Bank of America, N.A. (the "parties") jointly request that the pretrial schedule be extended as set forth in the parties' proposed modified case schedule below. The requested extension is sought for two principal reasons, as set forth below and in greater detail in the accompanying declaration of Plaintiffs' counsel Connie Chan ("Chan Decl.>").

1. Despite the parties' diligence in pursuing and responding to discovery, and Magistrate Judge Berg's considerable assistance in conducting regular status and discovery conferences to facilitate the expeditious resolution of the parties' discovery disputes, it has recently become clear that, due to the substantial volume of documents and data requested by Plaintiffs and the Bank's ongoing responses thereto, the parties will be unable to complete certain discovery within current deadlines and certainly not by the current date for filing the Motion for Class Certification by January 15, 2024 (ECF 139). Chan Decl. ¶¶2-9. Given the breadth of discovery sought and the hundreds of thousands of pages of documents produced pursuant to those requests, much of the Bank's production was made in the last two months, including more than 327,000 pages of documents in December. *Id.* ¶¶10-11. The outstanding discovery also includes responses to interrogatories and requests for admission that Plaintiffs contend are related to class certification, and the taking of Rule 30(b)(6) depositions encompassing topics that will require five to seven corporate witnesses to address. *Id.* ¶¶12-15. In response to Plaintiffs' 30(b)(6) deposition notice (which contained at least 32 categories of testimony sought), served on Friday, December 8, the Bank has represented that it is not realistically possible to schedule these depositions of Bank personnel before mid-January 2024, in part because of the Christmas and New Year holidays. *Id.* ¶12. Accordingly, and as set forth in more detail in the accompanying declaration, good cause exists to modify the case schedule to allow the parties time to complete important discovery Plaintiffs contend is needed for the Motion for Class Certification.

2. Modification of the January 15, 2024 date for filing the Motion for Class Certification is independently warranted because the pleadings in the case are not yet settled. For the pleadings to be settled, two pending motions will need to be decided, and the Bank will need to file an Answer. Chan Decl. ¶16; *see* ECF 136, First Am. Master Consol. Compl. (“FAMCC”) (June 13, 2023); ECF 146, Def.’s Partial Mot. to Dismiss FAMCC (July 11, 2023) (pending); ECF 151, Pls.’ Mot. for Reconsid. of Dismissal with Prejudice of UCL Claim (Aug. 7, 2023) (pending). Plaintiffs believe that the outstanding issues must be resolved (e.g., whether to address the UCL claim that is the subject of reconsideration) and an Answer filed before they can move for class certification. The state of the pleadings thus provides additional good cause for the requested relief.

For the foregoing reasons, the parties believe that good cause exists to grant the parties’ stipulation and joint motion to extend the case schedule, as stipulated and proposed below. The parties agree that the requested extension is fair, reasonable, and necessary under the circumstances. This is the first modification of case schedule sought by any party in this matter.

PROPOSED MODIFIED CASE SCHEDULE:

Event	Current Date	Proposed Date
Motion for Class Certification	1/15/24	3/15/24
Opp. to Motion for Class Certification	-	4/26/24
Reply ISO Motion for Class Certification	-	5/24/24
Deadline to Serve Written Discovery	1/15/24	3/15/24
Fact Discovery Completed	3/15/24	6/14/24
Expert Disclosures	4/19/24	7/19/24
Rebuttal Expert Disclosures	5/10/24	8/12/24
Expert Discovery Completed	5/31/24	9/13/24
Pretrial Motions Deadline	6/28/24	10/11/24
Pretrial Disclosures	9/30/24	1/13/25
L.R. 16.1(f)(4) Conference	10/7/24	1/20/25
Proposed pretrial order to Defendant	10/14/24	1/27/25

Proposed Final Pretrial Conference Order	10/21/24	2/3/25
Final Pretrial Conference	10/28/24	2/10/25

Respectfully submitted,

Dated: December 21, 2023

COTCHETT, PITRE & McCARTHY, LLP

By: /s/ Brian Danitz

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Dated: December 21, 2023

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Dated: December 21, 2023

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By: /s/ James McGarry

JAMES MCGARRY

Counsel for Defendant Bank of America, N.A.

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of this Court's Electronic Case Filing
Administrative Policies and Procedures Manual, I, Connie K. Chan, hereby certify
that the content of this document is acceptable to all the signatories herein and that I
have obtained counsel's authorization to affix their electronic signatures to this
document.

/s/ Connie K. Chan

CONNIE K. CHAN