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Counsel for Class Representative Plaintiff Lindsay McClure

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re BANK OF AMERICA CALIFORNIA UNEMPLOYMENT BENEFITS LITIGATION

This Document Relates to All Actions

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

The Honorable Michael S. Berg

Declaration of Aaron P. Arnzen in Support of Plaintiffs' *Ex Parte* Motion to Compel Compliance with Subpoena for the Production of Documents

Under 28 U.S.C. § 1746, I, Aaron P. Arnzen, declare as follows:

1. I am an attorney with the law firm of Bottini & Bottini, Inc., counsel for Class Representative Plaintiff Lindsay McClure in this action. I submit this declaration in support of Plaintiffs' *Ex Parte* Motion to Compel Compliance with Subpoena for the Production of Documents. I have personal knowledge of the facts stated in this declaration; I could and would competently testify to these facts, if called upon to do so.

2. As evident in the exhibits attached hereto, Plaintiff's counsel originally served a subpoena for the production of documents on TTEC Holdings, Inc.'s registered agent for service of process. Counsel for TTEC Holdings contacted Plaintiff's counsel, stated that TTEC Holdings did not have possession of the documents that Plaintiff sought, and that a subpoena issued to TTEC Government Solutions, LLC would be more appropriate. The same counsel agreed to accept service of a revised subpoena on behalf of TTEC Government Solutions.

3. Attached as Exhibit 1 is a true and accurate copy of a subpoena this firm served on the registered agent for service of process of TTEC Holdings, Inc.

4. Attached as Exhibit 2 is a true and accurate copy of a November 3, 2023 letter from counsel for TTEC Government Solutions, LLC, to Plaintiff's counsel.

5. Attached as Exhibit 3 is a true and accurate copy of a subpoena this firm served on counsel for TTEC Government Solutions, LLC.

6. Attached as Exhibit 4 is a true and accurate copy of email correspondence between this firm and counsel for TTEC Government Solutions, LLC regarding the subpoena.

7. Attached as Exhibit 5 is a true and accurate copy of a May 17, 2021 Preliminary Injunction Order issued in *Yick v. Bank of America, N.A.*, Case No. 21CV00376-VC (N.D. Cal.), ECF No. 89.

8. At or near the time of filing the related *Ex Parte* Motion to Compel

Compliance with Subpoena for the Production of Documents, this firm will email a copy of the moving papers to counsel for TTEC.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 14, 2024, in La Jolla, California.

/s/ *Aaron P. Arnzen*
Aaron P. Arnzen

Table of Contents of Exhibits to Declaration of Aaron P. Arnzen in Support of Plaintiffs' *Ex Parte* Motion to Compel Compliance with Subpoena for the Production of Documents

EXHIBIT 1

EXHIBIT 1

UNITED STATES DISTRICT COURT

for the

Southern District of California

In re Bank of Am. Cal. Unemployment Benefits Litig.
Plaintiff
v.

Defendant

Civil Action No. 3:21-md-2992-LAB-MSB

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: TTEC Holdings, Inc., c/o CT Corporation System, 330 N. Brand Blvd., Suite 700, Glendale, CA 91203

(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Schedule A

Place: BOTTINI & BOTTINI, INC. 7817 Ivanhoe Ave., Suite 102 La Jolla, CA 92037	Date and Time: 11/03/2023 5:00 pm

❐ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 10/02/2023

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

s/ Francis A. Bottini, Jr.
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiff, Lindsay McClure, who issues or requests this subpoena, are:

Francis A. Bottini, Jr., 7817 Ivanhoe Ave., Suite 102, La Jolla, CA 92037; fbottini@bottinilaw.com; (858)914-2001

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 3:21-md-2992-LAB-MSB

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* ____________________

on *(date)* __________ .

❒ I served the subpoena by delivering a copy to the named person as follows: ____________________

____________________ on *(date)* __________ ; or

❒ I returned the subpoena unexecuted because: ____________________

____________________ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

$ __________ .

My fees are $ __________ for travel and $ __________ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: __________

____
Server's signature

____
Printed name and title

____
Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
(i) is a party or a party's officer; or
(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:
(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***
(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***
(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
(i) fails to allow a reasonable time to comply;
(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
(iv) subjects a person to undue burden.
(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
(i) disclosing a trade secret or other confidential research, development, or commercial information; or
(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:
(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.
(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***
(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
(i) expressly make the claim; and
(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.
The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

SCHEDULE A
(TTEC Holdings, Inc.)

I. DEFINITIONS

Each word or term used in these Requests is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure and the Local Rules of this Court. Furthermore, these Requests shall be interpreted by reference to the definitions set forth below.

1. "YOU" and "YOUR" means TTEC Holdings, Inc., its business segments, and any of its predecessors, successors, parents, subsidiaries, divisions, partnerships, and branches; its international, foreign, national, regional, and local offices; and all present or former officers, directors, partners, employees, agents, attorneys, advisors, accountants, tax, financial and other consultants, and all other persons acting on behalf of TTEC Holdings, Inc.

2. "DEFENDANT" refers to Bank of America, N.A., the Defendant in this action, and any other person or entity acting on DEFENDANT's behalf, including YOU as appropriate.

3. "BLOCKING," and related words, such as "BLOCK" and "BLOCKED" refer to actions taken by DEFENDANT or YOU which prevent an EDD DEBIT CARDHOLDER from accessing funds in, or otherwise using, their EDD DEBIT CARD ACCOUNT and that may be lifted when the EDD DEBIT CARDHOLDER verifies his or her identity with DEFENDANT (under DEFENDANT'S stated policy). This definition of BLOCKING is intended to encompass, at a minimum, any instance in which DEFENDANT uses the word "blocking," "blocked," or another iteration of the word "block" in connection with or relation to an EDD DEBIT CARD, an EDD DEBIT CARD ACCOUNT, or an EDD DEBIT CARDHOLDER's ability or inability to access or use their EDD DEBIT CARD or EDD DEBIT CARD ACCOUNT.

4. “CARDHOLDER” includes any EDD DEBIT CARDHOLDER as well as any other individual to whom DEFENDANT issues a debit card or credit card.

5. “CLAIM” refers to a COMMUNICATION from a CARDHOLDER to the DEFENDANT or YOU by which the CARDHOLDER communicates information to DEFENDANT or YOU indicating the CARDHOLDER’s belief that they did not initiate or authorize an electronic fund transfer or transaction from their EDD DEBIT CARD ACCOUNT or another account, or that they otherwise dispute the transfer or transaction.

6. “CLAIM INVESTIGATION” refers to all acts that YOU take or have taken in response to a CLAIMANT’s submission of a CLAIM in order to resolve the CLAIM.

7. “CLAIMANT” refers to a CARDHOLDER who has submitted a CLAIM to DEFENDANT or YOU.

8. “COMMUNICATION” and “COMMUNICATING” refers to any transmission or transfer of information of any kind, whether orally, electronically (*e.g.*, by e-mail, text message, chat or any other electronic transmission), in writing, or in any other manner, at any time or place, and under any circumstances.

9. “CONTRACTOR” refers to any person or entity with whom YOU contract for services RELATING TO EDD DEBIT CARD ACCOUNTS, including, but not limited to, any other CSP, and also includes any subcontractor of that CONTRACTOR.

10. “CSP” (customer service provider) refers to YOU and any other third-party company providing customer service RELATING TO EDD DEBIT CARDHOLDER ACCOUNTS.

11. “CSR” (customer service representative) refers to a natural person or simulated person, including, without limitation, any employee or independent contractor or temporary

worker employed by or working for DEFENDANT, YOU, or any CSP, who provides or has provided customer service RELATING TO EDD DEBIT CARDS or EDD DEBIT CARD ACCOUNTS.

12. "DOCUMENT" or "DOCUMENTS" have the full meaning ascribed to those terms under Rule 34 of the Federal Rules of Civil Procedure and include, without limitation correspondence; letters; emails; text messages; chats, calendar entries; memoranda; records; books; reports; summaries of personal conversations or interviews; diaries; graphs; charts; diagrams; tables; photographs; recordings; tapes; microfilms; minutes; and summaries of meetings or conferences; records and reports of consultants; press releases; stenographic, handwritten, and any other notes; work papers; checks, front and back; check vouchers, check stubs, and receipts; tape data sheets, data processing cards and discs, and any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced; and any paper or writing of whatever description, including any computer database or information contained in any computer. Any production of electronically stored information shall include the information needed to understand such information. The term "DOCUMENT" or "DOCUMENTS" further includes any and all drafts and all copies where the copy is not identical to the original.

13. "EDD" means the California Employment Development Department.

14. "EDD BENEFITS" refers to any public benefits funds disbursed by EDD, including without limitation any such funds disbursed as unemployment insurance benefits, disability insurance benefits, or paid family leave benefits.

15. "EDD DEBIT CARD" refers to a prepaid debit card issued by DEFENDANT to an EDD DEBIT CARDHOLDER for the purpose of allowing the CARDHOLDER to access, spend, or otherwise use EDD BENEFITS deposited into their EDD DEBIT CARD ACCOUNT.

16. "EDD DEBIT CARD ACCOUNT" refers to a bank account established by DEFENDANT for use by an EDD DEBIT CARDHOLDER.

17. "EDD DEBIT CARDHOLDER" refers to a person to whom DEFENDANT issues an EDD DEBIT CARD, or for whom DEFENDANT establishes an EDD DEBIT CARD ACCOUNT.

18. "EXECUTIVE OFFICER" means a person employed by YOU who holds a title of Vice President or higher, and includes all positions designated as "Chief."

19. "FREEZING" and related words, such as "FREEZE," "FROZE," and "FROZEN," refer to actions taken by DEFENDANT or YOU which prevent an EDD DEBIT CARDHOLDER from accessing funds in, or otherwise using, their EDD DEBIT CARD ACCOUNT and encompasses, at a minimum, any instance in which DEFENDANT or YOU uses the word "freezing," "froze," "frozen," or another iteration of the word "freeze" in connection with or relation to an EDD DEBIT CARD, an EDD DEBIT CARD ACCOUNT, or an EDD DEBIT CARDHOLDER's ability or inability to access or use their EDD DEBIT CARD or EDD DEBIT CARD ACCOUNT.

20. "CLAIMS FRAUD FILTER" refers to any automated tool, analysis, algorithm, process, or combination thereof used by YOU or the DEFENDANT at any time during the RELEVANT PERIOD as a purported means of identifying potentially fraudulently submitted CLAIMS.

21. "NAMED CLASS REPRESENTATIVES" means the class plaintiffs in this action, consisting of: Jennifer Yick, Vanessa Rivera, Candace Koole, Azuri Moon, Roland Oosthuizen, Rosemary Mathews, Carlos Rodriguez, J. Michael Willrich, Lindsay McClure, Robert L. Wilson, Clara Cajas, Stephanie Smith, Alan Karam, Luis Perez, Jonathan Smith, Alex Yuan, Jory Zoelle,

Cindy Baker, Ursula Auburn, Julie Hicks, Kuang Ting Chong, Stephanie Moore, Zinaida Petrova, and Claire Blankenship.

22. "PERSONAL CONFIDENTIAL INFORMATION" refers to any information that concerns an EDD DEBIT CARD, an EDD DEBIT CARD ACCOUNT, or an EDD DEBIT CARDHOLDER and that could help someone effect an unauthorized transfer or transaction from that EDD DEBIT CARD ACCOUNT. Examples of PERSONAL CONFIDENTIAL INFORMATION include: (a) unique identifying information for an EDD DEBIT CARD (such as the debit card number, expiration date, CVV code, cardholder name, or PIN code); (b) unique identifying information for an EDD DEBIT CARD ACCOUNT (such as the account number, name of the accountholder, address of the accountholder, accountholder phone number, or accountholder email address); (c) any security code, access code, or password that would permit access to an EDD DEBIT CARD ACCOUNT; and (d) any unique identifying personal information of an EDD DEBIT CARDHOLDER (such as their date of birth, all or part of their social security number, any security challenge questions, and the answers to any such questions).

23. "PRELIMINARY INJUNCTION" means the Preliminary Injunction Order entered in *Yick v. Bank of America, N.A.*, Case No. 21-cv-00376-VC on or about June 2, 2021 (N.D. Cal, Case No. 3:21-cv-00376-VC, Dkt. No. 103), and the underlying order entered in *Yick* dated May 17, 2021 and reported at 539 F. Supp. 3d 1023.

24. "PROVISIONAL CREDIT" refers to a temporary credit or payment that YOU or DEFENDANT issues or makes to an EDD DEBIT CARD ACCOUNT during the pendency of a CLAIM INVESTIGATION, including pursuant to the Electronic Fund Transfer Act ("EFTA") and Regulation E.

25. "RELATING TO" or "RELATED TO" means relating to, containing, concerning, referencing, embodying, discussing, or reflecting.

26. "TRANSACTIONAL FRAUD" refers to transactions from an EDD DEBIT CARD ACCOUNT that were not authorized by the EDD DEBIT CARDHOLDER on that ACCOUNT.

27. "UNBLOCKING" means DEFENDANT'S or YOUR act of reversing DEFENDANT'S or YOUR prior act of BLOCKING an EDD DEBIT CARD ACCOUNT and restoring the EDD DEBIT CARDHOLDER's ability to access funds in his or her EDD DEBIT CARD ACCOUNT.

28. "UNFREEZING" refers to a decision and resulting set of actions by which YOU or DEFENDANT reverses its prior FREEZING of an EDD DEBIT CARD ACCOUNT or EDD DEBIT CARD.

29. "CALL CENTER," "CLAIMS INITIATION CALL CENTER," and "FRAUD CALL CENTER" mean YOUR departments, subdivisions, and sections, including customer forward or back-office facing, through which YOU provide or provided services to DEFENDANT RELATING TO EDD DEBIT CARDHOLDERS and/or their EDD DEBIT CARD ACCOUNTS, CLAIMS, CLAIM INVESTIGATION, or FRAUD, and includes all remote locations, including but not limited to the homes of YOUR CSRs.

30. "YOUR CALL CENTER EMPLOYEES" and "EMPLOYEES" means YOUR CSRs, supervisors, team leaders, managers, coaches and other employees, independent contractors, and agents, including those serving in all capacities in YOUR CALL CENTERS RELATING TO EDD DEBIT CARDHOLDERS.

II. INSTRUCTIONS

1. The terms "and," "or," "any," "all," "each," "every," "herein," and "including" are to be read expansively, inclusively, in both the conjunctive and disjunctive, singly, plurally, and

wholly, and shall serve as a request for Discovery Materials that would be responsive under any of those readings.

2. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

3. A Request for "All DOCUMENTS and COMMUNICATIONS" concerning a subject is made with the understanding that the scope of YOUR review and production of DOCUMENTS will be in accordance with FRCP Rule 45.

4. In responding to these requests, YOU shall produce all responsive DOCUMENTS (including those stored electronically), which are in YOUR possession, custody, or control, or in the possession, custody, or control of YOUR predecessors, successors, parents, subsidiaries, divisions or affiliates, or any of YOUR respective directors, officers, managing agents, agents, employees, attorneys, accountants, or other representatives. A DOCUMENT shall be deemed to be within YOUR control if YOU have the right to secure the DOCUMENT or a copy of the DOCUMENT from another person having possession or custody of the DOCUMENT.

5. Pursuant to the Federal Rules of Civil Procedure, YOU are to produce for inspection and copying ***original*** DOCUMENTS, as they are kept in the ordinary course of business or organized and labeled to correspond to the requests in this demand, and all electronically maintained DOCUMENTS shall be produced in the way such DOCUMENTS are stored and retrieved, and produced in their native format. If the original is not in YOUR custody, then YOU shall produce a copy thereof, and all non-identical copies which differ from the original or from the other copies produced for any reason, including, without limitation, the making of notes thereon.

6. If any objection is made to any of these DOCUMENT Requests, the response shall

state with specificity the grounds for the objection, whether any DOCUMENT or COMMUNICATION is being withheld from inspection and production based on such objection, or whether inspection or production of the responsive items will occur notwithstanding such objection.

7. If production of DOCUMENTS is withheld on the ground of privilege, as to each such withheld DOCUMENT state the following information:

(a) Which privilege is claimed;

(b) Who is asserting the privilege;

(c) A precise statement of the facts upon which said claim of privilege is based;

(d) The following information describing each purportedly privileged DOCUMENT:

(i) A brief description sufficient to identify its nature, *i.e.*, agreement, letter, memorandum, type, *etc.*;

(ii) A brief description sufficient to identify its subject matter and purpose of the DOCUMENT;

(iii) The date it was prepared;

(iv) The date it bears;

(v) The date it was sent;

(vi) The date it was received;

(vii) The identity of the person preparing it;

(viii) The identity of the person sending it;

(ix) The identity of each person to whom it was sent or was to have been sent, including all addresses and all recipients of copies;

(x) A statement as to whom each identified person represented or purported to represent at all relevant times; and

(xi) All persons to whom its contents have been disclosed; and

(e) A precise description of the place where each copy of that DOCUMENT is kept, including the title or description of the file in which said DOCUMENT may be found and the location of such file.

8. If a portion of any DOCUMENT responsive to these requests is withheld under

claim of privilege pursuant to Instruction No. 7 above, any non-privileged portion of such DOCUMENT must be produced with the portion claimed to be privileged redacted.

9. YOU are to produce each DOCUMENT requested herein in its entirety, without deletion or excision (except as qualified by Instruction Nos.7 and 8 above), regardless of whether YOU consider the entire DOCUMENT to be relevant or responsive to the requests.

10. Whenever a DOCUMENT is not produced in full or is produced in redacted form, so indicate on the DOCUMENT and state with particularity the reason or reasons that it is not being produced in full in accordance with Instruction Nos. 7 and 8 above.

11. If a DOCUMENT responsive to these requests was at any time in YOUR possession, custody, or control, but is no longer available for production, as to each such DOCUMENT state the following information:

(a) Whether the DOCUMENT is missing or lost;
(b) Whether it has been destroyed;
(c) Whether and to whom the DOCUMENT has been transferred or delivered and, if so, at whose request;
(d) Whether the DOCUMENT has been otherwise disposed of; and
(e) A precise statement of the circumstances surrounding the disposition of the DOCUMENT and the date of its disposition.

12. If there are no Discovery Materials responsive to any DOCUMENT Request or subpart thereof, YOU shall state so in writing.

III. FORM OF PRODUCTION

1. Scanned DOCUMENTS should be provided as single-page tiff images with an .opt image cross-reference file and a delimited database load file. The database load file should contain the following fields: “BEGNO,” “ENDNO,” “PAGES,” “VOLUME,” and “CUSTODIAN.” The DOCUMENTS should be logically unitized (*i.e.*, contain correct DOCUMENT breaks: for instance, a five-page fax consisting of a cover page and a four-page memo should be unitized as a five-page DOCUMENT). Multi-page OCR text for each DOCUMENT should also be provided.

2. Electronically stored information ("ESI") should be produced as single-page tiff images except for Microsoft Excel spreadsheets, audio, and database-type files, including, but not limited to, Microsoft Access – which shall be produced in native format. Each native file should be named according to the Bates number it has been assigned, and should be linked directly to its corresponding record in the load file using the NATIVELINK field. To the extent that either party believes native files should be produced for a specific DOCUMENT or class of DOCUMENTS not required to be produced in native format pursuant to this paragraph, the parties agree to meet and confer on the issue in good faith. Additionally, all ESI should be produced with a delimited, Unicode database load file that contains the metadata fields listed in Table 1, attached hereto. An .opt image cross-reference file should also be provided for all tiff images.

IV. RELEVANT TIME PERIOD

All requests herein refer to the time period from January 1, 2020 to December 31, 2022 (the "RELEVANT TIME PERIOD") and shall include all information and DOCUMENTS that relate to the Relevant Time Period, even if prepared or published outside of the Relevant Time Period.

V. REQUESTS FOR PRODUCTION

REQUEST NO. 1:

All contracts and agreements, including drafts of such agreements, for services between YOU and DEFENDANT RELATING TO EDD DEBIT CARDHOLDERS, EDD DEBIT CARD ACCOUNTS, EDD BENEFITS, and CLAIMS.

REQUEST NO. 2:

All COMMUNICATIONS RELATING TO the PRELIMINARY INJUNCTION and the implementation of and compliance with such PRELIMINARY INJUNCTION.

REQUEST NO. 3:

DOCUMENTS and COMMUNICATIONS sufficient to show all of YOUR policies and procedures for recruiting, hiring, onboarding, training, disciplining, and terminating YOUR CALL CENTER EMPLOYEES for Bank of America in effect at any time during the RELEVANT TIME PERIOD.

REQUEST NO. 4:

All DOCUMENTS and COMMUNICATIONS RELATING TO any decisions, policies, instructions, or procedures regarding the alteration, suspension or elimination of any requirements related to the education, experience, background checks or training requirements for YOUR CALL CENTER EMPLOYEES at any time during the RELEVANT TIME PERIOD.

REQUEST NO. 5:

DOCUMENTS and COMMUNICATIONS sufficient to show all training materials, scripts, directives, and other instructions provided to YOUR CALL CENTER EMPLOYEES.

REQUEST NO. 6:

All COMMUNICATIONS (including all tracking forms related to such COMMUNICATIONS) between YOU, YOUR CALL CENTER EMPLOYEES or the DEFENDANT, on one hand, and any NAMED CLASS REPRESENTATIVE, on the other hand.

REQUEST NO. 7:

Reports and summaries sufficient to show the total number of and average hours worked by YOUR CALL CENTER EMPLOYEES RELATING TO EDD CARDHOLDERS on a weekly basis.

REQUEST NO. 8:

Reports and summaries sufficient to show the average tenure of CSRs staffing the CALL CENTERS RELATING TO EDD CARDHOLDERS.

REQUEST NO. 9:

DOCUMENTS sufficient to show the security measures taken by YOU to prevent theft of CARDHOLDERS' PERSONAL CONFIDENTIAL INFORMATION by YOUR EMPLOYEES.

REQUEST NO. 10:

All DOCUMENTS and COMMUNICATIONS related to unauthorized or improper use of CARDHOLDER'S PERSONAL CONFIDENTIAL INFORMATION by:

a) YOUR EMPLOYEES or
b) Third parties.

REQUEST NO. 11:

DOCUMENTS sufficient to show YOUR use of codes, including the code "199," RELATING TO the EDD DEBIT CARDS AND EDD DEBIT CARD ACCOUNTS.

REQUEST NO. 12:

DOCUMENTS sufficient to show the average wait times experienced, on a weekly basis by EDD DEBIT CARDHOLDERS.

REQUEST NO. 13:

DOCUMENTS sufficient to show on a weekly basis the number of EDD DEBIT CARDHOLDERS who called YOUR CALL CENTER but failed to successfully communicate with YOUR CSRs, including but not limited to calls that were dropped or otherwise terminated based on the volume of calls, excessive wait times, or, the caller hanging up.

REQUEST NO. 14:

DOCUMENTS sufficient to show the volume of resolutions of EDD DEBIT CARDHOLDER CLAIMS and CLAIM INVESTIGATIONS, on a weekly basis, including the percentage of denied CLAIMS and percentage of CARDHOLDERS COMMUNICATING they were satisfied with the resolution and service provided by YOUR EMPLOYEES.

REQUEST NO. 15:

All DOCUMENTS RELATING TO COMMUNICATIONS between YOUR CALL CENTERS and EDD DEBIT CARDHOLDERS RELATING TO:

a) suicide and depression,
b) threats of other self-harm or violence, and
c) the inability to pay for food, shelter, clothing, medication, or other necessities;

including YOUR decisions, policies, procedures, and instructions RELATING TO those COMMUNICATIONS.

REQUEST NO. 16:

All DOCUMENTS and COMMUNICATIONS concerning concerns, complaints, criticisms, and suggestions for improvement from YOUR EMPLOYEES concerning:

a) training RELATING TO CLAIMS, CLAIMS INVESTIGATION and EDD DEBIT CARD ACCOUNTS,
b) the CLAIMS FRAUD FILTER,
c) FREEZING or BLOCKING of EDD DEBIT CARD ACCOUNTs, and
d) the closing or denying of CLAIMs submitted by EDD DEBIT CARDHOLDERs.

This Request includes all COMMUNICATIONS made by YOUR EMPLOYEES to internal and external ethics hot lines (including audio recordings).

REQUEST NO. 17:

All DOCUMENTS and COMMUNICATIONS concerning YOUR responses to concerns, complaints, criticism, and suggestions for improvement received from YOUR EMPLOYEES and CSRs RELATING to EDD CARDHOLDER CLAIMS.

REQUEST NO. 18:

All DOCUMENTS and COMMUNICATIONS related to concerns, complaints, criticisms, and suggestions for improvement from YOUR EXECUTIVE OFFICERS RELATING TO:

a) EDD DEBIT CARDHOLDERS,
b) EDD DEBIT CARD ACCOUNTS,
c) EDD BENEFITS,
d) CLAIMS INVESTIGATIONS,
e) FREEZING AND BLOCKING OF EDD DEBIT CARD ACCOUNTS, and
f) the closing or denying of CLAIMS submitted by EDD DEBIT CARDHOLDERS.

REQUEST NO. 19:

All DOCUMENTS and COMMUNICATIONS concerning concerns, complaints, criticisms, and suggestions for improvement from DEFENDANT regarding YOUR performance of contracts or agreements for DEFENDANT, including YOUR response to same.

REQUEST NO. 20:

DOCUMENTS sufficient to show YOUR EMPLOYEES who were responsible for supervising, interacting and otherwise COMMUNICATING with DEFENDANT.

REQUEST NO. 21:

DOCUMENTS sufficient to show DEFENDANT's key supervisors and decision makers responsible for handling tasks related to YOUR contracts and agreements with DEFENDANT.

REQUEST NO. 22:

All DOCUMENTS and COMMUNICATIONS RELATING TO the CLAIMS FRAUD FILTER.

REQUEST NO. 23:

All DOCUMENTS and COMMUNICATIONS containing the phrase "G Bam" or the phrase "Systemic Denial."

Exhibit 1
017

TABLE 1: METADATA FIELDS

Field Name	Example / Format	Description
BEGNO	ABC0000001 (Unique ID)	The Document ID number associated with the first page of a document.
ENDNO	ABC0000003 (Unique ID)	The Document ID number associated with the last page of a document.
BEGATTACH	ABC0000001 (Unique ID Parent-Child Relationships)	The Document ID number associated with the first page of the parent document
ENDATTACH	ABC0000008 (Unique ID Parent-Child Relationships)	The Document associated with the last page of the last attachment.
PAGES	3 (Numeric)	The number of pages for a document.
VOLUME	VOL001	The name of CD, DVD or Hard Drive (vendor assigns).
RECORDTYPE	Options: e-mail, attachment, hard copy, loose e-file	The record type of a document
DESIGNATION	Confidential, Highly Confidential, etc.	If the document is only provided in native, this field would be populated with the designation the native file should have if printed.
SENTDATE	MM/DD/YYYY HH:MM	The date & time the email was sent.
CREATEDATE	MM/DD/YYYY HH:MM	The date & time the email was created.
LASTMODDATE	MM/DD/YYYY HH:MM	The date & time the email was modified.
RECEIVEDDATE	MM/DD/YYYY HH:MM	The date & time the email was received.
TIMEZONE PROCESSED	PST, CST, EST, etc.	The time zone the document was processed in. **Note**: This should be the time zone where the documents were located at time of collection.
FILEPATH	i.e. Joe Smith/E-mail/Inbox Joe Smith/E-mail/Deleted Items Joe Smith/Loose Files/Accounting/ ... Joe Smith/Loose Files/Documents and Settings/...	Location of the original document. The source should be the start of the full path.
AUTHOR	jsmith	The author of a document from entered metadata.
FROM	Joe Smith <jsmith@email.com>	The display name and e-mail of the author of an e-mail. If only e-mail is given, then just list the e-mail address. An e-mail address should always be provided for every document.
TO	Joe Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail of the recipient(s) of an e-mail. If only e-mail is given, then just list the e-mail address. An e-mail address should always be provided for every document.
CC	Joe Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail of the copyee(s) of an e-mail. If only e-mail is given, then just list the e-mail address. An e-mail address should always be provided for every document.

BCC	Joe Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail of the blind copyee(s) of an e-mail. If only email is given, then just list the e-mail address. An e-mail address should always be provided for every document.
SUBJECT		The subject line of the e-mail.
DOCTITLE		The extracted document title of a document.
CUSTODIAN		The custodian/source of a document. **Note**: If the documents are de-duped on a global level, this field should contain the name of each custodian from which the document originated.
ATTACH COUNT	Numeric	Number of attachments to a document.
FILEEXT	XLS	The file extension of a document.
FILENAME	Document Name.xls	The file name of a document.
FILESIZE	Numeric	The file size of a document (including embedded attachments).
MD5HASH		The MDS Hash value or "de-duplication key" assigned to a document.
CONVERSATION INDEX		ID used to file together e-mail threads.
NATIVELINK	D:\NATIVES\ABC000001.xls	The full path to a native copy of a document.
FULLTEXT	D:\TEXT\ABC000001.txt	The path to the full extracted text of the document. There should be a folder on the deliverable, containing a separate text file per document. These text files should be named with their corresponding bates numbers. **Note**: E-mails should include header information: author, recipient, cc, bcc, date, subject, etc. If the attachment or e-file does not extract any text, then OCR for the document should be provided.

Attorney or Party without Attorney: BOTTINI & BOTTINI, INC. 7817 IVANHOE AVENUE, STE. 102 LA JOLLA, CA 92037 *Telephone No:* 858-914-2001 *FAX No:* 858-914-2002				*For Court Use Only*
Attorney for: Plaintiff	*Ref. No. or File No.:* BofA EDD BENEFITS			
Insert name of Court, and Judicial District and Branch Court: United States District Court For The Southern District Of California				
Plaintiff: IN RE BANK OF AM. CAL. UNEMPLOYMENT BENFITS LITIG. *Defendant:* --				
PROOF OF SERVICE SUBPOENA TO PRODUCE	*Hearing Date:* Fri, Nov. 03, 2023	*Time:* 5:00PM	*Dept/Div:*	*Case Number:* 3:21-MD-2992-LAB-MSB

1. *At the time of service I was at least 18 years of age and not a party to this action.*

2. I served copies of the SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT; INSPECTION OF PREMISES IN A CIVIL ACTION.

3. a. *Party served:* TTEC HOLDINGS, INC. C/O CT CORPORATION SYSTEM
   b. *Person served:* DAISY MONTENEGRO, INTAKE SPECIALIST

4. *Address where the party was served:* 330 N. BRAND BLVD., STE. 700
   GLENDALE, CA 91203

5. *I served the party:*
   a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Tue., Oct. 03, 2023 (2) at: 12:40PM
   b. *I received this subpoena for service on:* Monday, October 02, 2023

6. *Witness fees were not demanded or paid.*

7. ***Person Who Served Papers:***
   a. DOUGLAS FORREST
   b. A & A LEGAL SERVICE, Inc.
   880 MITTEN ROAD, SUITE 102
   BURLINGAME, CA 94010
   c. (650) 697-9431, FAX (650) 697-4640

   Recoverable Cost Per CCP 1033.5(a)(4)(B)
   d. ***The Fee** for Service was:*
   e. I am: (3) registered California process server
   (i) Employee
   (ii) Registration No.: 5141
   (iii) County: Los Angeles

8. ***I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.***

Date: Wed, Oct. 04, 2023

(DOUGLAS FORREST)

EXHIBIT 2

EXHIBIT 2

PERKINS COIE

110 North Wacker Drive
Suite 3400
Chicago, Illinois 60606-1511

T +1.312.324.8400
F +1.312.324.9400
PerkinsCoie.com

November 3, 2023

Arthur J. Rooney
ARooney@perkinscoie.com
D. +1.312.263.5071

VIA EMAIL

Francis A. Bottini, Jr.
Anne B. Beste
Bottini & Bottini, Inc.
7817 Ivanhoe Ave., Ste. 102
La Jolla, CA 92037

Re: In re Bank of Am. Cal. Unemployment Benefits Litig., 3:21-md-2992 (S.D. Cal.)

Counsel,

We write regarding the subpoena issued to non-party TTEC Holdings, Inc., in the above-titled action, dated October 2, 2023 (the "Subpoena"). As discussed during our telephone call on October 31, 2023, we hereby confirm the following:

- TTEC Holdings, Inc., is a holding company that does not have any employees.
- TTEC Holdings, Inc., does not have any documents responsive to the Subpoena.
- Responsive documents sought by the Subpoena, if any, are not within TTEC Holdings, Inc.'s possession, custody, or control.

Neither a copy of the underlying complaint nor a description of the underling claims at issue accompanied the Subpoena. But based on our review and our telephone conversation with you on October 31, we believe the correct entity on which to serve a revised subpoena is TTEC Government Solutions, LLC. As discussed, we are willing to accept service of the revised subpoena on behalf of TTEC Government Solutions, LLC.

Please let us know if you have any questions or would like to discuss.

Sincerely,

Arthur J. Rooney

AJR:jww

EXHIBIT 3

EXHIBIT 3

UNITED STATES DISTRICT COURT

for the

Southern District of California

In re Bank of Am. Cal. Unemployment Benefits Litig. *Plaintiff* v. *Defendant*	)	Civil Action No. 3:21-md-2992-LAB-MSB

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: TTEC Government Solutions, LLC, c/o Arthur J. Rooney, Perkins Coie LLP, 110 North Wacker Drive, Suite 3400, Chicago, Illinois 60606-1511

(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Schedule A

Place: BOTTINI & BOTTINI, INC. 7817 Ivanhoe Ave., Suite 102 La Jolla, CA 92037	Date and Time: 12/08/2023 5:00 pm

❒ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 11/09/2023

CLERK OF COURT

OR

s/ Francis A. Bottini, Jr.

Signature of Clerk or Deputy Clerk | *Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Plaintiff, Lindsay McClure, who issues or requests this subpoena, are:

Francis A. Bottini, Jr., 7817 Ivanhoe Ave., Suite 102, La Jolla, CA 92037; fbottini@bottinilaw.com; (858)914-2001

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 3:21-md-2992-LAB-MSB

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* __________

on *(date)* __________ .

❒ I served the subpoena by delivering a copy to the named person as follows: __________

__________ on *(date)* __________ ; or

❒ I returned the subpoena unexecuted because: __________

__________ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

$ __________ .

My fees are $ __________ for travel and $ __________ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: __________

____
Server's signature

____
Printed name and title

____
Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:
(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
(i) is a party or a party's officer; or
(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:
(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***
(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***
(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:
(i) fails to allow a reasonable time to comply;
(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
(iv) subjects a person to undue burden.
(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
(i) disclosing a trade secret or other confidential research, development, or commercial information; or
(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.
(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:
(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.
(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***
(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
(i) expressly make the claim; and
(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.
The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

SCHEDULE A
(TTEC Government Solutions, LLC)

I. DEFINITIONS

Each word or term used in these Requests is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure and the Local Rules of this Court. Furthermore, these Requests shall be interpreted by reference to the definitions set forth below.

1. "YOU" and "YOUR" means TTEC Government Solutions, LLC, its business segments, and any of its predecessors, successors, parents, subsidiaries, divisions, partnerships, and branches; its international, foreign, national, regional, and local offices; and all present or former officers, directors, partners, employees, agents, attorneys, advisors, accountants, tax, financial and other consultants, and all other persons acting on behalf of TTEC Government Solutions, LLC.

2. "DEFENDANT" refers to Bank of America, N.A., the Defendant in this action, and any other person or entity acting on DEFENDANT's behalf, including YOU as appropriate.

3. "BLOCKING," and related words, such as "BLOCK" and "BLOCKED" refer to actions taken by DEFENDANT or YOU which prevent an EDD DEBIT CARDHOLDER from accessing funds in, or otherwise using, their EDD DEBIT CARD ACCOUNT and that may be lifted when the EDD DEBIT CARDHOLDER verifies his or her identity with DEFENDANT (under DEFENDANT'S stated policy). This definition of BLOCKING is intended to encompass, at a minimum, any instance in which DEFENDANT uses the word "blocking," "blocked," or another iteration of the word "block" in connection with or relation to an EDD DEBIT CARD, an EDD DEBIT CARD ACCOUNT, or an EDD DEBIT CARDHOLDER's ability or inability to access or use their EDD DEBIT CARD or EDD DEBIT CARD ACCOUNT.

4. "CARDHOLDER" includes any EDD DEBIT CARDHOLDER as well as any other individual to whom DEFENDANT issues a debit card or credit card.

5. "CLAIM" refers to a COMMUNICATION from a CARDHOLDER to the DEFENDANT or YOU by which the CARDHOLDER communicates information to DEFENDANT or YOU indicating the CARDHOLDER's belief that they did not initiate or authorize an electronic fund transfer or transaction from their EDD DEBIT CARD ACCOUNT or another account, or that they otherwise dispute the transfer or transaction.

6. "CLAIM INVESTIGATION" refers to all acts that YOU take or have taken in response to a CLAIMANT's submission of a CLAIM in order to resolve the CLAIM.

7. "CLAIMANT" refers to a CARDHOLDER who has submitted a CLAIM to DEFENDANT or YOU.

8. "COMMUNICATION" and "COMMUNICATING" refers to any transmission or transfer of information of any kind, whether orally, electronically (*e.g.*, by e-mail, text message, chat or any other electronic transmission), in writing, or in any other manner, at any time or place, and under any circumstances.

9. "CONTRACTOR" refers to any person or entity with whom YOU contract for services RELATING TO EDD DEBIT CARD ACCOUNTS, including, but not limited to, any other CSP, and also includes any subcontractor of that CONTRACTOR.

10. "CSP" (customer service provider) refers to YOU and any other third-party company providing customer service RELATING TO EDD DEBIT CARDHOLDER ACCOUNTS.

11. "CSR" (customer service representative) refers to a natural person or simulated person, including, without limitation, any employee or independent contractor or temporary

worker employed by or working for DEFENDANT, YOU, or any CSP, who provides or has provided customer service RELATING TO EDD DEBIT CARDS or EDD DEBIT CARD ACCOUNTS.

12. “DOCUMENT” or “DOCUMENTS” have the full meaning ascribed to those terms under Rule 34 of the Federal Rules of Civil Procedure and include, without limitation correspondence; letters; emails; text messages; chats, calendar entries; memoranda; records; books; reports; summaries of personal conversations or interviews; diaries; graphs; charts; diagrams; tables; photographs; recordings; tapes; microfilms; minutes; and summaries of meetings or conferences; records and reports of consultants; press releases; stenographic, handwritten, and any other notes; work papers; checks, front and back; check vouchers, check stubs, and receipts; tape data sheets, data processing cards and discs, and any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced; and any paper or writing of whatever description, including any computer database or information contained in any computer. Any production of electronically stored information shall include the information needed to understand such information. The term “DOCUMENT” or “DOCUMENTS” further includes any and all drafts and all copies where the copy is not identical to the original.

13. “EDD” means the California Employment Development Department.

14. “EDD BENEFITS” refers to any public benefits funds disbursed by EDD, including without limitation any such funds disbursed as unemployment insurance benefits, disability insurance benefits, or paid family leave benefits.

15. “EDD DEBIT CARD” refers to a prepaid debit card issued by DEFENDANT to an EDD DEBIT CARDHOLDER for the purpose of allowing the CARDHOLDER to access, spend, or otherwise use EDD BENEFITS deposited into their EDD DEBIT CARD ACCOUNT.

16. “EDD DEBIT CARD ACCOUNT” refers to a bank account established by DEFENDANT for use by an EDD DEBIT CARDHOLDER.

17. “EDD DEBIT CARDHOLDER” refers to a person to whom DEFENDANT issues an EDD DEBIT CARD, or for whom DEFENDANT establishes an EDD DEBIT CARD ACCOUNT.

18. “EXECUTIVE OFFICER” means a person employed by YOU who holds a title of Vice President or higher, and includes all positions designated as “Chief.”

19. “FREEZING” and related words, such as “FREEZE,” “FROZE,” and “FROZEN,” refer to actions taken by DEFENDANT or YOU which prevent an EDD DEBIT CARDHOLDER from accessing funds in, or otherwise using, their EDD DEBIT CARD ACCOUNT and encompasses, at a minimum, any instance in which DEFENDANT or YOU uses the word “freezing,” “froze,” “frozen,” or another iteration of the word “freeze” in connection with or relation to an EDD DEBIT CARD, an EDD DEBIT CARD ACCOUNT, or an EDD DEBIT CARDHOLDER’s ability or inability to access or use their EDD DEBIT CARD or EDD DEBIT CARD ACCOUNT.

20. “CLAIMS FRAUD FILTER” refers to any automated tool, analysis, algorithm, process, or combination thereof used by YOU or the DEFENDANT at any time during the RELEVANT PERIOD as a purported means of identifying potentially fraudulently submitted CLAIMS.

21. “NAMED CLASS REPRESENTATIVES” means the class plaintiffs in this action, consisting of: Jennifer Yick, Vanessa Rivera, Candace Koole, Azuri Moon, Roland Oosthuizen, Rosemary Mathews, Carlos Rodriguez, J. Michael Willrich, Lindsay McClure, Robert L. Wilson, Clara Cajas, Stephanie Smith, Alan Karam, Luis Perez, Jonathan Smith, Alex Yuan, Jory Zoelle,

Cindy Baker, Ursula Auburn, Julie Hicks, Kuang Ting Chong, Stephanie Moore, Zinaida Petrova, and Claire Blankenship.

22. "PERSONAL CONFIDENTIAL INFORMATION" refers to any information that concerns an EDD DEBIT CARD, an EDD DEBIT CARD ACCOUNT, or an EDD DEBIT CARDHOLDER and that could help someone effect an unauthorized transfer or transaction from that EDD DEBIT CARD ACCOUNT. Examples of PERSONAL CONFIDENTIAL INFORMATION include: (a) unique identifying information for an EDD DEBIT CARD (such as the debit card number, expiration date, CVV code, cardholder name, or PIN code); (b) unique identifying information for an EDD DEBIT CARD ACCOUNT (such as the account number, name of the accountholder, address of the accountholder, accountholder phone number, or accountholder email address); (c) any security code, access code, or password that would permit access to an EDD DEBIT CARD ACCOUNT; and (d) any unique identifying personal information of an EDD DEBIT CARDHOLDER (such as their date of birth, all or part of their social security number, any security challenge questions, and the answers to any such questions).

23. "PRELIMINARY INJUNCTION" means the Preliminary Injunction Order entered in *Yick v. Bank of America, N.A.*, Case No. 21-cv-00376-VC on or about June 2, 2021 (N.D. Cal, Case No. 3:21-cv-00376-VC, Dkt. No. 103), and the underlying order entered in *Yick* dated May 17, 2021 and reported at 539 F. Supp. 3d 1023.

24. "PROVISIONAL CREDIT" refers to a temporary credit or payment that YOU or DEFENDANT issues or makes to an EDD DEBIT CARD ACCOUNT during the pendency of a CLAIM INVESTIGATION, including pursuant to the Electronic Fund Transfer Act ("EFTA") and Regulation E.

25. "RELATING TO" or "RELATED TO" means relating to, containing, concerning, referencing, embodying, discussing, or reflecting.

26. "TRANSACTIONAL FRAUD" refers to transactions from an EDD DEBIT CARD ACCOUNT that were not authorized by the EDD DEBIT CARDHOLDER on that ACCOUNT.

27. "UNBLOCKING" means DEFENDANT'S or YOUR act of reversing DEFENDANT'S or YOUR prior act of BLOCKING an EDD DEBIT CARD ACCOUNT and restoring the EDD DEBIT CARDHOLDER's ability to access funds in his or her EDD DEBIT CARD ACCOUNT.

28. "UNFREEZING" refers to a decision and resulting set of actions by which YOU or DEFENDANT reverses its prior FREEZING of an EDD DEBIT CARD ACCOUNT or EDD DEBIT CARD.

29. "CALL CENTER," "CLAIMS INITIATION CALL CENTER," and "FRAUD CALL CENTER" mean YOUR departments, subdivisions, and sections, including customer forward or back-office facing, through which YOU provide or provided services to DEFENDANT RELATING TO EDD DEBIT CARDHOLDERS and/or their EDD DEBIT CARD ACCOUNTS, CLAIMS, CLAIM INVESTIGATION, or FRAUD, and includes all remote locations, including but not limited to the homes of YOUR CSRs.

30. "YOUR CALL CENTER EMPLOYEES" and "EMPLOYEES" means YOUR CSRs, supervisors, team leaders, managers, coaches and other employees, independent contractors, and agents, including those serving in all capacities in YOUR CALL CENTERS RELATING TO EDD DEBIT CARDHOLDERS.

II. INSTRUCTIONS

1. The terms "and," "or," "any," "all," "each," "every," "herein," and "including" are to be read expansively, inclusively, in both the conjunctive and disjunctive, singly, plurally, and

wholly, and shall serve as a request for Discovery Materials that would be responsive under any of those readings.

2. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

3. A Request for "All DOCUMENTS and COMMUNICATIONS" concerning a subject is made with the understanding that the scope of YOUR review and production of DOCUMENTS will be in accordance with FRCP Rule 45.

4. In responding to these requests, YOU shall produce all responsive DOCUMENTS (including those stored electronically), which are in YOUR possession, custody, or control, or in the possession, custody, or control of YOUR predecessors, successors, parents, subsidiaries, divisions or affiliates, or any of YOUR respective directors, officers, managing agents, agents, employees, attorneys, accountants, or other representatives. A DOCUMENT shall be deemed to be within YOUR control if YOU have the right to secure the DOCUMENT or a copy of the DOCUMENT from another person having possession or custody of the DOCUMENT.

5. Pursuant to the Federal Rules of Civil Procedure, YOU are to produce for inspection and copying ***original*** DOCUMENTS, as they are kept in the ordinary course of business or organized and labeled to correspond to the requests in this demand, and all electronically maintained DOCUMENTS shall be produced in the way such DOCUMENTS are stored and retrieved, and produced in their native format. If the original is not in YOUR custody, then YOU shall produce a copy thereof, and all non-identical copies which differ from the original or from the other copies produced for any reason, including, without limitation, the making of notes thereon.

6. If any objection is made to any of these DOCUMENT Requests, the response shall

state with specificity the grounds for the objection, whether any DOCUMENT or COMMUNICATION is being withheld from inspection and production based on such objection, or whether inspection or production of the responsive items will occur notwithstanding such objection.

7. If production of DOCUMENTS is withheld on the ground of privilege, as to each such withheld DOCUMENT state the following information:

(a) Which privilege is claimed;

(b) Who is asserting the privilege;

(c) A precise statement of the facts upon which said claim of privilege is based;

(d) The following information describing each purportedly privileged DOCUMENT:

(i) A brief description sufficient to identify its nature, *i.e.*, agreement, letter, memorandum, type, *etc.*;

(ii) A brief description sufficient to identify its subject matter and purpose of the DOCUMENT;

(iii) The date it was prepared;

(iv) The date it bears;

(v) The date it was sent;

(vi) The date it was received;

(vii) The identity of the person preparing it;

(viii) The identity of the person sending it;

(ix) The identity of each person to whom it was sent or was to have been sent, including all addresses and all recipients of copies;

(x) A statement as to whom each identified person represented or purported to represent at all relevant times; and

(xi) All persons to whom its contents have been disclosed; and

(e) A precise description of the place where each copy of that DOCUMENT is kept, including the title or description of the file in which said DOCUMENT may be found and the location of such file.

8. If a portion of any DOCUMENT responsive to these requests is withheld under

claim of privilege pursuant to Instruction No. 7 above, any non-privileged portion of such DOCUMENT must be produced with the portion claimed to be privileged redacted.

9. YOU are to produce each DOCUMENT requested herein in its entirety, without deletion or excision (except as qualified by Instruction Nos.7 and 8 above), regardless of whether YOU consider the entire DOCUMENT to be relevant or responsive to the requests.

10. Whenever a DOCUMENT is not produced in full or is produced in redacted form, so indicate on the DOCUMENT and state with particularity the reason or reasons that it is not being produced in full in accordance with Instruction Nos. 7 and 8 above.

11. If a DOCUMENT responsive to these requests was at any time in YOUR possession, custody, or control, but is no longer available for production, as to each such DOCUMENT state the following information:

(a) Whether the DOCUMENT is missing or lost;
(b) Whether it has been destroyed;
(c) Whether and to whom the DOCUMENT has been transferred or delivered and, if so, at whose request;
(d) Whether the DOCUMENT has been otherwise disposed of; and
(e) A precise statement of the circumstances surrounding the disposition of the DOCUMENT and the date of its disposition.

12. If there are no Discovery Materials responsive to any DOCUMENT Request or subpart thereof, YOU shall state so in writing.

III. FORM OF PRODUCTION

1. Scanned DOCUMENTS should be provided as single-page tiff images with an .opt image cross-reference file and a delimited database load file. The database load file should contain the following fields: "BEGNO," "ENDNO," "PAGES," "VOLUME," and "CUSTODIAN." The DOCUMENTS should be logically unitized (*i.e.*, contain correct DOCUMENT breaks: for instance, a five-page fax consisting of a cover page and a four-page memo should be unitized as a five-page DOCUMENT). Multi-page OCR text for each DOCUMENT should also be provided.

2. Electronically stored information ("ESI") should be produced as single-page tiff images except for Microsoft Excel spreadsheets, audio, and database-type files, including, but not limited to, Microsoft Access – which shall be produced in native format. Each native file should be named according to the Bates number it has been assigned, and should be linked directly to its corresponding record in the load file using the NATIVELINK field. To the extent that either party believes native files should be produced for a specific DOCUMENT or class of DOCUMENTS not required to be produced in native format pursuant to this paragraph, the parties agree to meet and confer on the issue in good faith. Additionally, all ESI should be produced with a delimited, Unicode database load file that contains the metadata fields listed in Table 1, attached hereto. An .opt image cross-reference file should also be provided for all tiff images.

IV. RELEVANT TIME PERIOD

All requests herein refer to the time period from January 1, 2020 to December 31, 2022 (the "RELEVANT TIME PERIOD") and shall include all information and DOCUMENTS that relate to the Relevant Time Period, even if prepared or published outside of the Relevant Time Period.

V. REQUESTS FOR PRODUCTION

REQUEST NO. 1:

All contracts and agreements, including drafts of such agreements, for services between YOU and DEFENDANT RELATING TO EDD DEBIT CARDHOLDERS, EDD DEBIT CARD ACCOUNTS, EDD BENEFITS, and CLAIMS.

REQUEST NO. 2:

All COMMUNICATIONS RELATING TO the PRELIMINARY INJUNCTION and the implementation of and compliance with such PRELIMINARY INJUNCTION.

<u>REQUEST NO. 3:</u>

DOCUMENTS and COMMUNICATIONS sufficient to show all of YOUR policies and procedures for recruiting, hiring, onboarding, training, disciplining, and terminating YOUR CALL CENTER EMPLOYEES for Bank of America in effect at any time during the RELEVANT TIME PERIOD.

<u>REQUEST NO. 4:</u>

All DOCUMENTS and COMMUNICATIONS RELATING TO any decisions, policies, instructions, or procedures regarding the alteration, suspension or elimination of any requirements related to the education, experience, background checks or training requirements for YOUR CALL CENTER EMPLOYEES at any time during the RELEVANT TIME PERIOD.

<u>REQUEST NO. 5:</u>

DOCUMENTS and COMMUNICATIONS sufficient to show all training materials, scripts, directives, and other instructions provided to YOUR CALL CENTER EMPLOYEES.

<u>REQUEST NO. 6:</u>

All COMMUNICATIONS (including all tracking forms related to such COMMUNICATIONS) between YOU, YOUR CALL CENTER EMPLOYEES or the DEFENDANT, on one hand, and any NAMED CLASS REPRESENTATIVE, on the other hand.

<u>REQUEST NO. 7:</u>

Reports and summaries sufficient to show the total number of and average hours worked by YOUR CALL CENTER EMPLOYEES RELATING TO EDD CARDHOLDERS on a weekly basis.

<u>REQUEST NO. 8:</u>

Reports and summaries sufficient to show the average tenure of CSRs staffing the CALL CENTERS RELATING TO EDD CARDHOLDERS.

<u>REQUEST NO. 9:</u>

DOCUMENTS sufficient to show the security measures taken by YOU to prevent theft of CARDHOLDERS' PERSONAL CONFIDENTIAL INFORMATION by YOUR EMPLOYEES.

<u>REQUEST NO. 10:</u>

All DOCUMENTS and COMMUNICATIONS related to unauthorized or improper use of CARDHOLDER'S PERSONAL CONFIDENTIAL INFORMATION by:

a) YOUR EMPLOYEES or
b) Third parties.

REQUEST NO. 11:

DOCUMENTS sufficient to show YOUR use of codes, including the code "199," RELATING TO the EDD DEBIT CARDS AND EDD DEBIT CARD ACCOUNTS.

REQUEST NO. 12:

DOCUMENTS sufficient to show the average wait times experienced, on a weekly basis by EDD DEBIT CARDHOLDERS.

REQUEST NO. 13:

DOCUMENTS sufficient to show on a weekly basis the number of EDD DEBIT CARDHOLDERS who called YOUR CALL CENTER but failed to successfully communicate with YOUR CSRs, including but not limited to calls that were dropped or otherwise terminated based on the volume of calls, excessive wait times, or, the caller hanging up.

REQUEST NO. 14:

DOCUMENTS sufficient to show the volume of resolutions of EDD DEBIT CARDHOLDER CLAIMS and CLAIM INVESTIGATIONS, on a weekly basis, including the percentage of denied CLAIMS and percentage of CARDHOLDERS COMMUNICATING they were satisfied with the resolution and service provided by YOUR EMPLOYEES.

REQUEST NO. 15:

All DOCUMENTS RELATING TO COMMUNICATIONS between YOUR CALL CENTERS and EDD DEBIT CARDHOLDERS RELATING TO:

a) suicide and depression,
b) threats of other self-harm or violence, and
c) the inability to pay for food, shelter, clothing, medication, or other necessities;

including YOUR decisions, policies, procedures, and instructions RELATING TO those COMMUNICATIONS.

REQUEST NO. 16:

All DOCUMENTS and COMMUNICATIONS concerning concerns, complaints, criticisms, and suggestions for improvement from YOUR EMPLOYEES concerning:

a) training RELATING TO CLAIMS, CLAIMS INVESTIGATION and EDD DEBIT CARD ACCOUNTS,
b) the CLAIMS FRAUD FILTER,
c) FREEZING or BLOCKING of EDD DEBIT CARD ACCOUNTs, and
d) the closing or denying of CLAIMs submitted by EDD DEBIT CARDHOLDERs.

This Request includes all COMMUNICATIONS made by YOUR EMPLOYEES to internal and external ethics hot lines (including audio recordings).

REQUEST NO. 17:

All DOCUMENTS and COMMUNICATIONS concerning YOUR responses to concerns, complaints, criticism, and suggestions for improvement received from YOUR EMPLOYEES and CSRs RELATING to EDD CARDHOLDER CLAIMS.

REQUEST NO. 18:

All DOCUMENTS and COMMUNICATIONS related to concerns, complaints, criticisms, and suggestions for improvement from YOUR EXECUTIVE OFFICERS RELATING TO:

a) EDD DEBIT CARDHOLDERS,
b) EDD DEBIT CARD ACCOUNTS,
c) EDD BENEFITS,
d) CLAIMS INVESTIGATIONS,
e) FREEZING AND BLOCKING OF EDD DEBIT CARD ACCOUNTS, and
f) the closing or denying of CLAIMS submitted by EDD DEBIT CARDHOLDERS.

REQUEST NO. 19:

All DOCUMENTS and COMMUNICATIONS concerning concerns, complaints, criticisms, and suggestions for improvement from DEFENDANT regarding YOUR performance of contracts or agreements for DEFENDANT, including YOUR response to same.

REQUEST NO. 20:

DOCUMENTS sufficient to show YOUR EMPLOYEES who were responsible for supervising, interacting and otherwise COMMUNICATING with DEFENDANT.

REQUEST NO. 21:

DOCUMENTS sufficient to show DEFENDANT's key supervisors and decision makers responsible for handling tasks related to YOUR contracts and agreements with DEFENDANT.

REQUEST NO. 22:

All DOCUMENTS and COMMUNICATIONS RELATING TO the CLAIMS FRAUD FILTER.

REQUEST NO. 23:

All DOCUMENTS and COMMUNICATIONS containing the phrase "G Bam" or the phrase "Systemic Denial."

TABLE 1: METADATA FIELDS

Field Name	Example / Format	Description
BEGNO	ABC0000001 (Unique ID)	The Document ID number associated with the first page of a document.
ENDNO	ABC0000003 (Unique ID)	The Document ID number associated with the last page of a document.
BEGATTACH	ABC0000001 (Unique ID Parent-Child Relationships)	The Document ID number associated with the first page of the parent document
ENDATTACH	ABC0000008 (Unique ID Parent-Child Relationships)	The Document associated with the last page of the last attachment.
PAGES	3 (Numeric)	The number of pages for a document.
VOLUME	VOL001	The name of CD, DVD or Hard Drive (vendor assigns).
RECORDTYPE	Options: e-mail, attachment, hard copy, loose e-file	The record type of a document
DESIGNATION	Confidential, Highly Confidential, etc.	If the document is only provided in native, this field would be populated with the designation the native file should have if printed.
SENTDATE	MM/DD/YYYY HH:MM	The date & time the email was sent.
CREATEDATE	MM/DD/YYYY HH:MM	The date & time the email was created.
LASTMODDATE	MM/DD/YYYY HH:MM	The date & time the email was modified.
RECEIVEDDATE	MM/DD/YYYY HH:MM	The date & time the email was received.
TIMEZONE PROCESSED	PST, CST, EST, etc.	The time zone the document was processed in. **Note**: This should be the time zone where the documents were located at time of collection.
FILEPATH	i.e. Joe Smith/E-mail/Inbox Joe Smith/E-mail/Deleted Items Joe Smith/Loose Files/Accounting/ ... Joe Smith/Loose Files/Documents and Settings/...	Location of the original document. The source should be the start of the full path.
AUTHOR	jsmith	The author of a document from entered metadata.
FROM	Joe Smith <jsmith@email.com>	The display name and e-mail of the author of an e-mail. If only e-mail is given, then just list the e-mail address. An e-mail address should always be provided for every document.
TO	Joe Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail of the recipient(s) of an e-mail. If only e-mail is given, then just list the e-mail address. An e-mail address should always be provided for every document.
CC	Joe Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail of the copyee(s) of an e-mail. If only e-mail is given, then just list the e-mail address. An e-mail address should always be provided for every document.

BCC	Joe Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail of the blind copyee(s) of an e-mail. If only email is given, then just list the e-mail address. An e-mail address should always be provided for every document.
SUBJECT		The subject line of the e-mail.
DOCTITLE		The extracted document title of a document.
CUSTODIAN		The custodian/source of a document. **Note**: If the documents are de-duped on a global level, this field should contain the name of each custodian from which the document originated.
ATTACH COUNT	Numeric	Number of attachments to a document.
FILEEXT	XLS	The file extension of a document.
FILENAME	Document Name.xls	The file name of a document.
FILESIZE	Numeric	The file size of a document (including embedded attachments).
MD5HASH		The MDS Hash value or "de-duplication key" assigned to a document.
CONVERSATION INDEX		ID used to file together e-mail threads.
NATIVELINK	D:\NATIVES\ABC000001.xls	The full path to a native copy of a document.
FULLTEXT	D:\TEXT\ABC000001.txt	The path to the full extracted text of the document. There should be a folder on the deliverable, containing a separate text file per document. These text files should be named with their corresponding bates numbers. **Note**: E-mails should include header information: author, recipient, cc, bcc, date, subject, etc. If the attachment or e-file does not extract any text, then OCR for the document should be provided.

EXHIBIT 4

EXHIBIT 4

Aaron Arnzen

From: Frank Bottini
Sent: Tuesday, January 16, 2024 9:17 AM
To: Wetherell, Jasmine (Perkins Coie)
Cc: Anne Beste; Rooney, Arthur (Perkins Coie); Aaron Arnzen
Subject: RE: In re Bank of America California Unemployment Benefits Litigation; Case No. 3:21-md-2992-LAB-MSB

Hi Jasmine and Arthur. Is there any update and/or timeline as to when we can expect a production of documents from your client? If we don't hear from you by tomorrow we will assume we need to take this up with our magistrate judge. Thanks.

Frank A. Bottini, Esq.
fbottini@bottinilaw.com

BOTTINI & BOTTINI, INC.

7817 Ivanhoe Avenue, Suite 102
La Jolla, CA 92037
Tel: 858.914.2001
Fax: 858.914-2002
www.bottinilaw.com

From: Frank Bottini
Sent: Monday, January 8, 2024 1:02 PM
To: Wetherell, Jasmine (Perkins Coie) <JWetherell@perkinscoie.com>
Cc: Anne Beste <abeste@bottinilaw.com>; Rooney, Arthur (Perkins Coie) <ARooney@perkinscoie.com>
Subject: RE: In re Bank of America California Unemployment Benefits Litigation; Case No. 3:21-md-2992-LAB-MSB

Hello Jamine and Arthur. I am following up on our call about the subpoena. Are you available on Wednesday to discuss the status of the subpoena?

Frank A. Bottini, Esq.
fbottini@bottinilaw.com

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From: Frank Bottini
Sent: Wednesday, November 29, 2023 11:59 AM
To: 'Wetherell, Jasmine (Perkins Coie)' <JWetherell@perkinscoie.com>
Cc: Anne Beste <abeste@bottinilaw.com>; Rooney, Arthur (Perkins Coie) <ARooney@perkinscoie.com>
Subject: RE: In re Bank of America California Unemployment Benefits Litigation; Case No. 3:21-md-2992-LAB-MSB

Hello Jasmine and Arthur. Thank you again for taking the time to speak with me today about the subpoena to TTEC. Attached are the documents I promised to send.

Frank A. Bottini, Esq.
fbottini@bottinilaw.com

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From: Wetherell, Jasmine (Perkins Coie) <JWetherell@perkinscoie.com>
Sent: Wednesday, November 22, 2023 4:00 PM
To: Frank Bottini <fbottini@bottinilaw.com>
Cc: Anne Beste <abeste@bottinilaw.com>; Rooney, Arthur (Perkins Coie) <ARooney@perkinscoie.com>
Subject: RE: In re Bank of America California Unemployment Benefits Litigation; Case No. 3:21-md-2992-LAB-MSB

Counsel:

Please see the attached correspondence regarding the subpoena to TTEC Government Solutions, LLC.

Thank you,
Jasmine

Jasmine W. Wetherell | Perkins Coie LLP
COUNSEL
1888 Century Park East Suite 1700
Los Angeles, CA 90067-1721
D. +1.310.788.3294
F. +1.310.843.1269
E. JWetherell@perkinscoie.com

From: Wetherell, Jasmine (LOS)
Sent: Wednesday, November 22, 2023 9:58 AM
To: Frank Bottini <fbottini@bottinilaw.com>; Rooney, Arthur (CHI) <ARooney@perkinscoie.com>
Cc: Anne Beste <abeste@bottinilaw.com>
Subject: RE: In re Bank of America California Unemployment Benefits Litigation; Case No. 3:21-md-2992-LAB-MSB

Hi Frank,

Let's aim for 11 am PST on 11/29. I can circulate a meeting invite for us.

Thanks,
Jasmine

Jasmine W. Wetherell | **Perkins Coie LLP**
COUNSEL
1888 Century Park East Suite 1700
Los Angeles, CA 90067-1721
D. +1.310.788.3294
F. +1.310.843.1269
E. JWetherell@perkinscoie.com

From: Frank Bottini <fbottini@bottinilaw.com>
Sent: Wednesday, November 22, 2023 9:42 AM
To: Rooney, Arthur (CHI) <ARooney@perkinscoie.com>
Cc: Anne Beste <abeste@bottinilaw.com>; Wetherell, Jasmine (LOS) <JWetherell@perkinscoie.com>
Subject: RE: In re Bank of America California Unemployment Benefits Litigation; Case No. 3:21-md-2992-LAB-MSB

Yes. How about 11:00 a.m. PST or 2:00 p.m. PST next Wed?

From: Rooney, Arthur (Perkins Coie) <ARooney@perkinscoie.com>
Sent: Wednesday, November 22, 2023 7:03 AM
To: Frank Bottini <fbottini@bottinilaw.com>
Cc: Anne Beste <abeste@bottinilaw.com>; Wetherell, Jasmine (Perkins Coie) <JWetherell@perkinscoie.com>
Subject: RE: In re Bank of America California Unemployment Benefits Litigation; Case No. 3:21-md-2992-LAB-MSB

Hi Mr. Bottini,

I'm copying Jasmine, who is also helping on this matter.

Do you have any availability on Wednesday? My Monday and Tuesday are really bad…

Arthur

Arthur Rooney | **Perkins Coie LLP**
PARTNER
110 North Wacker, Suite 3400
Chicago, IL 60606-1511
D. +1.312.263.5071
F. +1.312.324.9516
E. ARooney@perkinscoie.com

From: Frank Bottini <fbottini@bottinilaw.com>
Sent: Tuesday, November 21, 2023 1:55 PM
To: Rooney, Arthur (CHI) <ARooney@perkinscoie.com>
Cc: Anne Beste <abeste@bottinilaw.com>
Subject: FW: In re Bank of America California Unemployment Benefits Litigation; Case No. 3:21-md-2992-LAB-MSB

Hello Mr. Rooney. I wanted to touch base on the subpoena. Can we have a call next Monday or Tuesday to discuss? Let us know if there are some good times to speak. Many thanks.

Frank A. Bottini, Esq.
fbottini@bottinilaw.com

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Fax: 858.914-2002

www.bottinilaw.com

From: Stephanie Ammirati <sammirati@bottinilaw.com>
Sent: Thursday, November 9, 2023 10:21 AM
To: ARooney@perkinscoie.com
Cc: Frank Bottini <fbottini@bottinilaw.com>
Subject: In re Bank of America California Unemployment Benefits Litigation; Case No. 3:21-md-2992-LAB-MSB

Dear Counsel: Attached please find a copy of Plaintiffs' Subpoena to TTEC Government Solutions, LLC regarding the above-entitled matter.

Best Regards,

Stephanie M. Ammirati
sammirati@bottinilaw.com

BOTTINI & BOTTINI, INC.

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Fax: 858.914-2002
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NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

EXHIBIT 5

EXHIBIT 5

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JENNIFER YICK, et al., Plaintiffs, v. BANK OF AMERICA, N.A., Defendant.	Case No. 21-cv-00376-VC **ORDER RE PRELIMINARY INJUNCTION** Re: Dkt. No. 64

Because of the time-sensitivity involved, this ruling assumes that the reader is familiar with the applicable legal standards, the parties' arguments, the evidence in the record, and the discussion that took place at the preliminary injunction hearing on May 13, 2021.

1. The plaintiffs have demonstrated a strong likelihood of success on their claims that Bank of America (BofA) has violated, and continues to violate, the Electronic Fund Transfers Act by failing to conduct an adequate, good faith investigation when cardholders report unauthorized charges, and often simply freezing cardholder accounts based on a faulty screening process. 15 U.S.C. § 1693f. This has resulted (and will likely continue to result) in the improper denial of cardholders' reimbursement claims for unauthorized charges, the unlawful deprivation of provisional credits for such charges, and the inability to access benefits to which cardholders are entitled. For similar reasons, the plaintiffs have demonstrated a strong likelihood of success on their claims that BofA is systematically breaching its contracts with cardholders and violating California's Unfair Competition Law.

2. Provisional certification of a class of all cardholders who call to report unauthorized charges to their accounts is warranted for purposes of a preliminary injunction. *See, e.g., Zepeda*

Rivas v. Jennings, 445 F. Supp. 3d 36, 39 (N.D. Cal. 2020); *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1201-05 (N.D. Cal. 2017), *affirmed as Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018).

3. BofA is wrong to argue that the named plaintiffs or the class are categorically barred from obtaining interim relief. There is Article III standing because many of the named plaintiffs were being injured by the conduct described in Section 1 at the time they filed their lawsuits, and some of the named plaintiffs continue to suffer injury today. *Buckeye Tree Lodge v. Expedia, Inc.*, 2020 WL 5372246, at *2 (N.D. Cal. Sept. 9, 2020); *see Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*, 528 U.S. 167, 184 (2000). And the evidence presented by BofA in response to this preliminary injunction motion does not refute the plaintiffs' strong showing that class members are likely to suffer similar violations in the future.

4. The harm being suffered by the class members is irreparable. The class is comprised of people who depend on unemployment benefits to get through the pandemic. As the plaintiffs' evidence shows, continued denial of these benefits will seriously hinder the ability of many class members to feed their families and keep a roof over their heads. Thus, although the general rule is that financial harm is not "irreparable" (because plaintiffs can generally recoup the money if they ultimately prevail), this is precisely the type of case where the exception to the general rule applies. Just as companies can establish irreparable harm by showing that losing money will likely cause them to shut down, human beings can establish irreparable harm by showing that losing wages or benefits will likely cause them to be evicted, go hungry, or be denied necessary medical care. *Cf. Carrillo v. Schneider Logistics, Inc.*, 823 F. Supp. 2d 1040, 1045 (C.D. Cal. 2011) ("Because plaintiffs are low-wage workers, and lost wages or delays in compensation threaten or impair their ability to meet basic needs, such harms are irreparable."); *see also United Steelworkers of America, AFL-CIO v. Fort Pitt Steel Casting, Division of Conval-Penn, Division of Conval Corp.*, 598 F.2d 1273, 1280 (3d Cir. 1979).[1]

[1] In some cases involving wages or benefits, courts have intoned the general rule about financial injury without acknowledging the exception, perhaps because the exception did not apply on

5. The balance of hardships and the public interest almost certainly support some form of preliminary injunctive relief. *See, e.g.*, *Golden Gate Restaurant Association v. City & County of San Francisco*, 512 F.3d 1112, 1126 (9th Cir. 2008) ("'Faced with . . . a conflict between financial concerns and preventable human suffering, we have little difficulty concluding that the balance of hardships tips decidedly' in favor of the latter." (quoting *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983))). But it ultimately depends on the nature of the relief sought. At the hearing, the Court suggested that the parties participate in a settlement conference with a Magistrate Judge to carefully review and discuss the plaintiffs' proposed preliminary injunction to ensure that it does not interfere with BofA's operations more than is necessary to sufficiently minimize the risk of innocent cardholders being improperly deprived of their benefits, and also to carefully review and discuss the proposed injunction to ensure that it does not unduly hinder BofA from freezing the accounts of people who are likely to have obtained their cards through fraud. Both sides accepted this invitation. Accordingly, the case is referred to Judge Sallie Kim for a settlement conference to take place on May 26 and May 27, 2021. The parties are ordered to work as much as possible before the conference, including with one another, to maximize the chances of coming out of the conference with a joint proposal. A joint proposal or competing proposals should be filed with the Court no later than May 28. As stated at the hearing, BofA's participation in this conference, which is designed primarily to ensure that any relief ordered is not overbroad, does not constitute a waiver of its right to challenge the validity any preliminary injunction that is ultimately issued.

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those facts. *See, e.g.*, *Hale v. Wood*, 89 F.3d 840 (8th Cir. 1996) ("Hale failed to establish a threat of irreparable harm because the injuries he alleged as the basis for his claim for relief—wrongfully withheld wages, statutorily inadequate wages, and termination of his work assignment—were compensable through his section 1983 claim for money damages."); *Johnson v. City of San Francisco*, 2010 WL 3078635, at *3 (N.D. Cal. Aug. 5, 2010) ("Lost wages alone do not constitute a claim for irreparable harm as money damages would be sufficient to remedy the wrong should one ultimately be found to have been committed."); *see also Ahuruonye v. U.S. Department of Interior*, 312 F. Supp. 3d 1, 23-24 (D.D.C. 2018). But those cases should not be read to suggest that the loss of wages or benefits can never constitute irreparable harm. When a case involves the deprivation of wages or benefits to low-income people living hand to mouth, a preliminary injunction may well be warranted (depending, of course, upon the strength of the plaintiffs' claims on the merits and other factors).

IT IS SO ORDERED.

Dated: May 17, 2021

VINCE CHHABRIA
United States District Judge

Exhibit 5
051