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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 In re BANK OF AMERICA CALIFORNIA
11 UNEMPLOYMENT BENEFITS
12 LITIGATION

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

The Honorable Michael S. Berg

13 **Response to Plaintiffs' *Ex Parte* Motion to**
14 **Compel Compliance with Subpoena for**
15 **the Production of Documents by TTEC**
16 **Government Solutions, LLC**

17 This Document Relates to All Actions
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Response to Plaintiffs' *Ex Parte* Motion to Compel Compliance with
Subpoena for the Production of Documents by TTEC

Case No. 21MD2992 LAB (MSB)

INTRODUCTION

The present motion asks the Court to compel a non-party to comply with a 15-page, 23-request subpoena despite the moving party wholly ignoring the non-party's objections. Among its many deficiencies, the subpoena is grossly overbroad, seeks substantial amounts of information that non-party TTEC Government Solutions, LLC ("TTEC") cannot access, and seeks substantial amounts of information that Class Representative Lindsay McClure ("Plaintiff") can readily obtain from the Defendant, Bank of America, N.A. ("BANA"). For these reasons and the additional reasons detailed in TTEC's written objections, the motion to compel should be denied.

FACTUAL BACKGROUND

TTEC provides limited customer support services for BANA, including regarding BANA customers' receipt of benefits from the California Economic Development Department. TTEC received Plaintiff's third-party subpoena on November 9, 2023. The subpoena's 23 requests included many grossly overbroad and irrelevant requests, such as:

- **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. 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. 15:** All DOCUMENTS RELATING TO COMMUNICATIONS between YOUR CALL CENTERS and EDD DEBIT CARDHOLDERS RELATING TO: a) suicide

1 and depression, b) threats of other self-harm or violence, and c) the inability to pay for food,
2 shelter, clothing, medication, or other necessities; including YOUR decisions, policies,
procedures, and instructions RELATING TO those COMMUNICATIONS.

3 See Subpoena, Ex. 1. Despite not being a party to this litigation, TTEC hired legal counsel, at
4 significant cost, to respond to the subpoena. On November 22, 2023, TTEC served Plaintiff with a
5 19-page written response and objections to the subpoena. TTEC Objections, Ex. 2. Plaintiff
6 confirmed receipt of TTEC's objections, yet never provided a substantive written response to the
7 objections. Plaintiff and TTEC held a telephonic meet and confer regarding the subpoena on
8 November 29, 2023, during which Plaintiff refused to meaningfully respond to any of TTEC's
9 objections and refused to attempt to narrow any of the subpoena requests. The subpoena and motion
10 to compel amount to harassment of TTEC.

11 ARGUMENT

12 Despite receiving TTEC's written objections to the subpoena and participating in a
13 telephonic conference during which TTEC reiterated its objections to the subpoena, Plaintiff
14 completely ignores all of TTEC's objections in its MTC, which it filed without any good faith
15 engagement on the substance of the subpoena. A party responsible for issuing a subpoena must take
16 reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena.
17 Fed. R. Civ. P. 45(d)(1). "The court is required to enforce this duty, particularly when a subpoena has
18 been served upon a nonparty to the litigation." *Hukman v. Sw. Airlines Co.*, No. 18CV1204-GPC
19 (RBB), 2019 WL 2289390, at *2 (S.D. Cal. May 28, 2019) (internal citations omitted); see also *Dart*
20 *Indus. Co., Inc. v. Westwood Chem. Co., Inc.*, 649 F.2d 646, 649 (9th Cir. 1980) ("While discovery is a
21 valuable right and should not be unnecessarily restricted, the 'necessary' restriction may be broader
22 when a nonparty is the target of discovery.").

23 The Federal Rules "specifically require parties to avoid creating undue burdens on third
24 parties via subpoenas." *Akkawi v. Sadr*, No. 2:20-cv-1034 MCE AC, 2022 U.S. Dist. LEXIS 226261,
25 at *4 (E.D. Cal. Dec. 15, 2022). Federal Rule of Civil Procedure 45(c)(1) says "[a] party or attorney
26 responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue
27 burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and

1 impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—
2 on a party or attorney who fails to comply.” “This rule imposes obligations on both attorneys and
3 courts; attorneys must obey their duty under the rule, and courts must enforce it.” *Mount Hope Church*
4 *v. Bash Back!*, 705 F.3d 418, 425 (9th Cir. 2012). “In determining whether a subpoena poses an undue
5 burden, courts weigh the burden to the subpoenaed party against the value of the information to the
6 serving party. Generally, this requires consideration of relevance, the need of the party for the
7 documents, the breadth of the document request, the time period covered by it, the particularity with
8 which the documents are described and the burden imposed.” *In re Subpoena of DJO, LLC*, 295 F.R.D.
9 494, 497 (S.D. Cal. 2014) (internal citations and quotations omitted).

10 Third party subpoenas under Federal Rule of Civil Procedure 45 are also subject to the
11 limitations of Fed. R. Civ. P. 26. Fed. R. Civ. P. 26(b)(2)(C)(i) requires the court to limit discovery
12 otherwise allowed if “the discovery sought is unreasonably cumulative or duplicative, or can be
13 obtained from some other source that is more convenient, less burdensome, or less expensive[.]”
14 Courts “routinely disallow discovery from third parties where the same discovery is easily obtained
15 from a party.” *Akkawi*, 2022 U.S. Dist. LEXIS 226261, at *5. *See also Glass Egg Digital Media v. Gameloft,*
16 *Inc.*, No. 17-cv-04165-MMC-RMI, 2019 U.S. Dist. LEXIS 149896, 2019 WL 4166780, at *5 (N.D.
17 Cal. Sept. 3, 2019); *Nidec Corp. v. Victor Co. of Japan*, 249 F.R.D. 575, 577 (N.D. Cal. 2007) (“There is
18 simply no reason to burden nonparties when the documents sought are in possession of the party
19 defendant.”).

20 An overview of some of TTEC’s objections demonstrates why the MTC should be denied.

21
22 **I. Plaintiff’s Subpoena Seeks Materials TTEC Cannot Access and that Plaintiff Can Obtain from BANA.**

23 Many of the subpoena requests seek information or documents to which TTEC does not
24 have access. *See, e.g.*, Requests No. 6 (seeking, in part, communications between BANA and any
25 named class representative), No. 11 (seeking, in part, documents to show the use of codes relating to
26 EDD debit cards and accounts), and No. 15 (seeking, in part, communications between agents and
27

1 EDD debit cardholders). These documents and information were, at all times, housed on BANA
2 systems that were only accessible through BANA-provided devices and BANA-provided virtual
3 private networks (VPNs).

4 In addition, many of the subpoena requests seek information or documents that the
5 Defendant, BANA, obviously has in its possession. *See, e.g.*, Requests No. 1 (seeking contracts and
6 agreements between TTEC and BANA), No. 6 (seeking, in part, communications between BANA
7 and any named class representative), No. 19 (seeking documents and communications from BANA
8 regarding TTEC's performance), No. 20 (seeking documents showing communications by TTEC
9 with BANA), and No. 21 (seeking documents regarding BANA's "key supervisors and decision
10 makers").
11

12 Plaintiff cannot require TTEC to produce documents TTEC cannot access, and Plaintiff is
13 required to seek documents from actual parties to Plaintiff's lawsuit where possible. As such, the
14 MTC should be denied.

15 **II. Plaintiff's Requests are Unduly Burdensome, Oppressive, and Expensive.**

16 Discovery may be refused where the burden of the proposed discovery outweighs its likely
17 benefits, taking into account such factors as the needs of the case, the parties' resources, the
18 importance of the issues at stake, and the role of the proposed discovery in resolving those issues.
19 See Fed. R. Civ. P. 26(b)(2). Moreover, an "abusively drawn" subpoena may be quashed because it
20 imposes an "undue burden." *Mattel, Inc. v. Walking Mountain Prods.*, 353 F.3d 792, 813 (9th Cir. 2003)
21 (subpoena "way too broad" and drafted without any attempt made to "try to tailor the information
22 request to the immediate needs of the case").
23

24 Here, Plaintiff demands that non-party TTEC provide numerous types of information and
25 documents that would impose undue burden or expense on TTEC. Among many examples, Request
26 No. 10 seeks "all documents and communications related to unauthorized or improper use of
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1 cardholder's personal confidential information by" TTEC's employees or "third parties." Plaintiff
2 neither defines "third parties" nor place any temporal limit on this broad request. Compelling TTEC
3 to comply would result in a costly wild goose chase.

4 Request No. 15 seeks all documents relating to communications between TTEC's call centers
5 and EDD cardholders relating to "suicide and depression, threats of other self-harm or violence, and
6 the inability to pay for food, shelter, clothing, medication, or other necessities." According to the
7 definitions in Plaintiff's subpoena, to comply TTEC must locate and produce "any paper or writing
8 of whatever description" regarding "any transmission or transfer of information of any kind ... at
9 any time or place, and under any circumstances" related to such topics (see subpoena definitions of
10 "Communications" and "Document" at pp. 5-6).

11
12 Request No. 3 seeks all documents and communications relating to TTEC's "policies and
13 procedures for recruiting, hiring, onboarding, training, disciplining, and terminating [its] call center
14 employees for [BANA] in effect at any time during the relevant time period."

15 Request No. 5 seeks all documents and communications "sufficient to show all training
16 materials, scripts, directives, and other instructions provided to [TTEC's] call center employees."

17 Plaintiff has made no effort to explain the relevance of such topics to the present litigation,
18 and TTEC struggles to see any. The time, effort, and expense TTEC would undergo in sifting through
19 many thousands of records to discern interactions that relate to these topics would, by contrast, be
20 substantial. In addition, that burden is compounded by the fact that the systems housing such records
21 are maintained by BANA, were captured and/or developed using BANA-provided equipment, and
22 were transmitted through a BANA-provided VPN.
23

24 Plaintiff has made no effort to ease these substantial burdens on non-party TTEC. As a
25 result, the MTC should be denied.
26

27 **III. Plaintiff's Subpoena, Definitions, and Document Descriptions are Vague,
28 Ambiguous, and Overbroad.**

Under Federal Rule of Civil Procedure 45(a)(1)(C), a subpoena must “designate” the documents or records to be produced. However, many of the terms in the Subpoena are vague, ambiguous, overbroad, and fail to identify with sufficient particularity the information to be produced. Moreover, several of Plaintiff’s Document Requests are entirely unintelligible, as they do not actually seek “documents,” but rather, information that might be included in interrogatories, not document requests. For example, many of Plaintiff’s requests seek verbal communications between different individuals. *See, e.g.*, Requests No. 2 (seeking all communications relating to the preliminary injunction—including oral) and No. 6. (seeking all communications—including oral—by TTEC, its employees, or BANA with any named class representative). Given Plaintiff’s failure to clearly or properly “designate” the documents and records to be produced, the MTC should be denied.

CONCLUSION

For the reasons listed above and for the reasons in TTEC’s written objections—which Plaintiff has ignored—the present motion to compel this overbroad and harassing third-party subpoena should be denied.

Dated: February 23, 2024

PERKINS COIE LLP

By: /s/ Jasmine Wetherell

Jasmine Wetherell

Attorneys for Non-Party TTEC

Government Solutions, LLC

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 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

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).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

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.

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.

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."

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 2



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Suite 3400
Chicago, Illinois 60606-1511

+1.312.324.8400
+1.312.324.9400
PerkinsCoie.com

November 22, 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:

TTEC Government Solutions, LLC (“TTEC”) has received your subpoena for documents dated November 9, 2023 (the “Subpoena”) in the above-referenced matter. The Subpoena appears to generally seek documents from TTEC related to California Employment Development Department (“EDD”) public benefit funds accessible via debit cards issued by Defendant Bank of America, N.A., on behalf of your client, Lindsay McClure.

TTEC is not a party to the above-referenced matter, but is willing to consider producing documents in response to non-objectionable aspects of the Subpoena, so long as the Subpoena seeks discoverable information in TTEC’s possession, custody, or control, and is properly tailored to avoid unreasonable burden on TTEC.

At this point, however, as set forth in TTEC’s objections and responses to the Subpoena and its enumerated requests below, it is not clear (a) precisely what information the Subpoena is requesting; (b) why the information sought by the Subpoena is discoverable in the underlying litigation; and (c) why much or all of the information requested by the Subpoena cannot be obtained directly from a party to the underlying action.

Because TTEC is unable to discern the scope of the Subpoena, TTEC is unable to respond to the Subpoena as currently presented. TTEC, however, is willing to meet and confer to discuss the scope of the Subpoena. Accordingly, I invite you to contact me at 312.324.8400 to further discuss the Subpoena. In the meantime, TTEC makes the following objections and responses to the Subpoena and its enumerated requests.

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General Objections

First, First, Non-party TTEC is headquartered and has custodians of records in Colorado. TTEC therefore objects to the Subpoena because it designates a place for compliance that is more than 100 miles from its location in Colorado. *See* Fed. R. Civ. P. 45(c).

Second, TTEC objects to the Subpoena on the grounds that the specified date of production is unreasonable and unduly burdensome. To the extent TTEC agrees to produce documents in response to the subpoena, it will do so at a later, more reasonable date.

Third, TTEC objects to the Subpoena on the grounds that it is unduly burdensome to the extent its Requests are not reasonably tailored in scope.

Fourth, TTEC objects to the Subpoena on the grounds that it seeks to impose an undue burden on TTEC, which is not a party to the underlying action. TTEC further objects to the Subpoena to the extent it seeks documents or information that is in the possession, custody, or control of a party to the underlying action (such as communications between TTEC and Defendant Bank of America) or equally available from another source (including public sources) that is more convenient, less burdensome, or less expensive than requiring TTEC to produce such documents or information. As a disinterested non-party, TTEC should not be subjected to the burden of searching for and producing such documents or information unless and until all reasonable means of obtaining that information directly from such other sources (such as parties to the litigation) have been exhausted.

Fifth, TTEC objects to the Subpoena to the extent it seeks documents or information that are not proportionate to the needs of the case or not relevant to any party's claims or defenses. Moreover, because neither a copy of the underlying complaint nor a description of the underlying claims at issue accompanied the Subpoena, TTEC is unable to discern whether the documents or information sought by the Subpoena are discoverable, and what its obligations are, if any, to respond to the Subpoena.

Sixth, TTEC objects to the Subpoena to the extent it fails to provide information sufficient to enable TTEC to conduct a reasonable search for documents and information responsive to the Subpoena, if any. Without such information, the Subpoena would subject TTEC to an unreasonable burden of conducting an overbroad inquiry and search for responsive documents or information.

Seventh, TTEC objects to the Subpoena to the extent it purports to require TTEC to perform anything more than a reasonable and diligent search for documents (including electronic documents) from reasonably accessible sources (including electronic sources).

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Eighth, TTEC objects to the Subpoena to the extent it seeks electronically stored information that is not reasonably accessible to TTEC.

Ninth, TTEC objects to the Subpoena to the extent that it is vague, ambiguous, or unlimited in time or scope.

Tenth, TTEC objects to the Subpoena to the extent it seeks information protected by any privilege, including the attorney-client privilege, work product immunity doctrine, common interest privilege, or any other applicable privilege, immunity, or restriction on discovery. Any disclosure of privileged information by TTEC in response to the Subpoena shall not be deemed a waiver of any such privilege, and TTEC expressly requests that any party that receives any such privileged information produced by TTEC immediately return and do not make use of any produced privileged information.

Eleventh, TTEC objects to the Subpoena to the extent it seeks confidential financial, proprietary or trade secret information belonging to TTEC or a third party, or any other information subject to a confidentiality agreement, protective order or legal duty of non-disclosure (“Confidential Information”). TTEC will only produce information it deems confidential pursuant to a confidentiality agreement or protective order that it believes is suitable for the protection of its Confidential Information. Even if an adequate protective order has been entered in the underlying action by the presiding court, TTEC will only provide Confidential Information to the extent TTEC can do so consistent with its legal, contractual and other confidentiality obligations. TTEC reserves the right to redact Confidential Information belonging to TTEC or third parties, as well as information concerning irrelevant matters.

Twelfth, TTEC objects to the Subpoena’s definitions and instructions to the extent they purport to impose obligations on TTEC in excess of any applicable federal or state codes of civil procedure, rules of evidence, or any other applicable law.

Thirteenth, TTEC objects to the Subpoena’s definition of “TTEC” and/or “You” and “Your” on the grounds that the definition renders the Subpoena overbroad, vague and ambiguous, and unduly burdensome. TTEC further objects to the Subpoena to the extent it seeks information not currently in the possession, custody, or control of TTEC. TTEC responds solely on behalf of itself (TTEC Government Solutions, LLC) and not any subsidiary or affiliate of TTEC, or any other person or entity. TTEC further objects to the Subpoena’s definition of “TTEC” and/or “You” and “Your” on the grounds that the definition includes TTEC’s attorneys and requires TTEC to provide a legal conclusion or to produce documents or information that is protected by any privilege, including the attorney-client privilege, work product immunity doctrine, common interest privilege, or any other applicable privilege, immunity, or restriction on discovery.

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Fourteenth, TTEC objects to the Subpoena to the extent it seeks documents or information that is not currently in the possession, custody, or control of TTEC.

Fifteenth, TTEC objects to the Subpoena's definition of "CARDHOLDER", "CLAIM," "CLAIMANT" and "DEFENDANT" on the grounds that such definitions render the Subpoena overbroad, vague and ambiguous, and unduly burdensome.

Sixteenth, TTEC objects to the Subpoena to the extent it seeks information relating to the knowledge, recollections, or mental impressions of former employees who are no longer employed by TTEC, or any other information that is no longer in the possession, custody, or control of TTEC.

TTEC reserves the right to assert additional objections, or to supplement its objections and responses as appropriate, particularly if any additional information regarding the Subpoena or the underlying claims at issue is provided.

Responses and Objections to Enumerated Document Requests

Subject to and without waiving the above-listed objections, TTEC responds to the Subpoena's enumerated requests as follows:

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.

RESPONSE TO REQUEST NO. 1:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous as to the phrase "services"; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

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Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

REQUEST NO. 2:

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

RESPONSE TO REQUEST NO. 2:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous as to the phrase “implementation of and compliance with”; (3) it seeks information that is not within TTEC’s possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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.

RESPONSE TO REQUEST NO. 3:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope;

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(2) it is vague and ambiguous as to the phrase “for Bank of America”; (3) it seeks information that is not within TTEC’s possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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.

RESPONSE TO REQUEST NO. 4:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC’s possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (7) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (8) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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REQUEST NO. 5:

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

RESPONSE TO REQUEST NO. 5:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous as to the phrase “training materials, scripts, directives, and other instructions”; (3) it seeks information that is not within TTEC’s possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (9) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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.

RESPONSE TO REQUEST NO. 6:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous as to the phrase “tracking forms”; (3) it seeks information that is not within TTEC’s possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that

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is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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.

RESPONSE TO REQUEST NO. 7:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

REQUEST NO. 8:

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

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RESPONSE TO REQUEST NO. 8:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses.

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

REQUEST NO. 9:

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

RESPONSE TO REQUEST NO. 9:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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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.

RESPONSE TO REQUEST NO. 10:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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.

RESPONSE TO REQUEST NO. 11:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous generally and specifically as to the phrase "use of codes, including the code "199,"; (3) it seeks electronically stored information that is not reasonably accessible by

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TTEC without undue burden and/or cost; and (4) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (5) it seeks information already in the possession of a party to the litigation; (6) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (7) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (8) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

REQUEST NO. 12:

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

RESPONSE TO REQUEST NO. 12:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous generally and specifically as to the phrase "average wait times,"; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (9) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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

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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.

RESPONSE TO REQUEST NO. 13:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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.

RESPONSE TO REQUEST NO. 14:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential,

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proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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.

RESPONSE TO REQUEST NO. 15:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

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Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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).

RESPONSE TO REQUEST NO. 16:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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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.

RESPONSE TO REQUEST NO. 17:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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

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- f) the closing or denying of CLAIMS submitted by EDD DEBIT CARDHOLDERS.

RESPONSE TO REQUEST NO. 18:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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.

RESPONSE TO REQUEST NO. 9:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks information already in the possession of a party to the litigation; (5) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (6) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (7) it seeks information protected by the attorney-client privilege and work product doctrine;

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Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

REQUEST NO. 20:

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

RESPONSE TO REQUEST NO. 9:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous generally and specifically as to the phrase “supervising, interacting and otherwise communicating”; (3) it seeks information that is not within TTEC’s possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party’s claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

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.

RESPONSE TO REQUEST NO. 21:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC’s possession,

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custody or control; (4) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (5) it seeks information already in the possession of a party to the litigation; (6) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (7) it seeks information protected by the right to privacy under state and/or federal laws; (8) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (9) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

REQUEST NO. 22:

All DOCUMENTS and COMMUNICATIONS RELATING TO the CLAIMS FRAUD FILTER.

RESPONSE TO REQUEST NO. 22:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

REQUEST NO. 23:

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

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RESPONSE TO REQUEST NO. 23:

In addition to the above-listed objections, which are incorporated herein by reference, TTEC specifically objects to this request on multiple grounds, including but not limited to the following: (1) it is unduly burdensome and overbroad as it is not reasonably limited or discernible in scope; (2) it is vague and ambiguous; (3) it seeks information that is not within TTEC's possession, custody or control; (4) it seeks electronically stored information that is not reasonably accessible by TTEC without undue burden and/or cost; and (5) it calls for information that TTEC is not capable of producing (or not reasonably able to produce); and (6) it seeks information already in the possession of a party to the litigation; (7) it seeks information that is highly confidential, proprietary, that contains trade secrets, and/or is subject to a confidentiality agreement or protective order; (8) it seeks information protected by the right to privacy under state and/or federal laws; (9) it seeks information that is not proportionate to the needs of the case and not relevant to any party's claims or defenses; (10) it seeks information protected by the attorney-client privilege and work product doctrine;

Accordingly, TTEC will not produce documents in response to this request as currently presented but will consider a properly tailored request after the parties have met and conferred to discuss this request.

* * * * *

As noted above, I invite you to contact me to further discuss the Subpoena. Additionally, if you plan to file papers with any court seeking some sort of judicial relief in connection with this matter, TTEC requests the opportunity to meet and confer in advance of any such filing. Thank you.

Sincerely,



Arthur J. Rooney

AJR:jww