

JAMES W. MCGARRY (pro hac vice)

JMcGarry@goodwinlaw.com

GOODWIN PROCTER LLP

100 Northern Avenue

Boston, MA 02210

Tel.: +1 617 570 1000

Fax: +1 617 523 1231

SABRINA M. ROSE-SMITH (pro hac vice)

MATTHEW L. RIFFEE (pro hac vice)

SRoseSmith@goodwinlaw.com

MRiffee@goodwinlaw.com

GOODWIN PROCTER LLP

1900 N Street NW

Washington, DC 20036

Tel.: +1 202 346 4000

Fax: +1 202 346 4444

YVONNE W. CHAN (pro hac vice)

YChan@jonesday.com

JONES DAY

100 HIGH STREET

BOSTON, MA 02110

TEL.: +1 617 960 3939

FAX: +1 617 449 6999

Attorneys for Defendant

BANK OF AMERICA, N.A.

[ADDITIONAL COUNSEL LISTED IN SIGNATURE BLOCK]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

**IN RE BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION**

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

**DEFENDANT BANK OF AMERICA,
N.A.'S REPLY AND REQUEST FOR
IMMEDIATE RULING ON ITS
UNOPPOSED MOTION TO
DISSOLVE PRELIMINARY
INJUNCTION**

This Document Relates to All Actions

Ctrm: 14A - 14th Floor
Judge: Hon. Larry Alan Burns

1 Given that Plaintiffs do not oppose BANA’s requested relief, BANA submits
2 that its Proposed Order should be entered and the Preliminary Injunction should be
3 dissolved for the reasons stated in its Motion (Dkt No. 225).¹ Should the Court
4 determine a hearing is necessary, BANA agrees to have this Motion heard and ruled
5 upon by Judge Berg at the forthcoming April 1, 2024 Conference, or as soon as
6 possible, to alleviate the need for any further briefing or argument. BANA reserves
7 its right to respond to Plaintiffs’ many mischaracterizations of fact (e.g., their
8 unsupported assertion that EDD “fired” BANA) at a later time if Plaintiffs make such
9 unsupported allegations again.

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15 ¹ BANA attempted for months to obtain Plaintiffs’ agreement to the requested
16 dissolution of the preliminary injunction so as to not burden the Court or confuse EDD
17 prepaid debit cardholders. Plaintiffs repeatedly refused, without providing any basis
18 for an opposition, thus forcing BANA to file its Motion as a disputed motion with a
19 hearing date and waiting several weeks for Plaintiffs’ response (during which time
20 notices required under the Preliminary Injunction are still being sent, confusingly, to
21 cardholders whose cards have been closed). Now that Plaintiffs have filed their
22 response, they indicate that they actually do not oppose BANA’s requested relief
23 (Dkt. No. 248 at 2)—and how could they, given that the termination of BANA’s EDD
24 prepaid debit card program moots the need for expanded call center hours and creates
25 significant confusion for any cardholder whose card has been closed but who
26 continues to be subject to notices required under the Preliminary Injunction. It is
27 apparent from Plaintiffs’ response that the only reason they withheld their assent to a
28 very reasonable ask—relief from an order that requires misleading and confusing
notices to be sent to cardholders—is so that they would have an opportunity, in their
“response,” to laud their accomplishments in obtaining the preliminary injunction in
2021 so as to offer alleged and unripe justifications for a later petition for attorneys’
fees. Such self-interested maneuverings are harmful to the interests of the cardholders
whom Plaintiffs purport to represent, and call into question whether Plaintiffs and
their counsel are properly suited to representing any class in this matter.

1 Dated: April 1, 2024

Respectfully submitted,

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3 By: Matthew L. Riffie

4 JAMES W. MCGARRY (pro hac
vice)
5 *JMcGarry@goodwinlaw.com*
6 **GOODWIN PROCTER LLP**
100 Northern Avenue
Boston, MA 02210
Tel.: +1 617 570 1000
Fax: +1 617 523 1231

8 THOMAS M. HEFFERON (pro hac
vice)
9 *THefferon@goodwinlaw.com*
10 SABRINA M. ROSE-SMITH (pro
hac vice)
11 *SRoseSmith@goodwinlaw.com*
12 MATTHEW L. RIFFEE (pro hac
vice)
13 *MRiffie@goodwinlaw.com*
14 **GOODWIN PROCTER LLP**
1900 N Street NW
Washington, DC 20036
Tel.: +1 202 346 4000
Fax: +1 202 346 4444

15
16 YVONNE W. CHAN (pro hac vice)
17 *YChan@jonesday.com*
18 **JONES DAY**
100 High Street
Boston, MA 02210
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19
20 Attorneys for Defendant
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