

BRIAN DANITZ (SBN 247403)
bdanitz@cpmlegal.com
KARIN B. SWOPE (pro hac vice)
kswope@cpmlegal.com
ANDREW F. KIRTLEY (SBN 328023)
akirtley@cpmlegal.com
COTCHETT PITRE & McCARTHY, LLP
840 Malcolm Road, Suite 200
Burlingame, CA 94010
Telephone: (650) 697-6000
Fax: (650) 697-0577

MICHAEL RUBIN (SBN 80618)
mrubin@altber.com
CONNIE K. CHAN (SBN 284230)
cchan@altber.com
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, CA 94108
Telephone: (415) 421-7151
Fax: (415) 362-8064

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

*Attorneys for Defendant
Bank of America, N.A.*

*Co-Lead Counsel for Plaintiffs and
the Proposed Class
(Additional Counsel Listed Below)*

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

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

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

**JOINT MOTION TO EXTEND
CASE SCHEDULE**

This Document Relates to All Actions

Judge: Hon. Gonzalo P. Curiel

1 Pursuant to Federal Rules of Civil Procedure 6(b) and 16(b)(4), Civil Local
2 Rule 7.2, and this Court's Civil Chambers Rules and Civil Pretrial and Trial
3 Procedures, Plaintiffs and Defendant Bank of America, N.A. (the "parties") jointly
4 request that the pretrial schedule be extended as set forth in the parties' proposed
5 modified case schedule below.

6 Plaintiffs believe that good cause exists to grant the parties' joint request for a
7 continuance because the Court has not yet issued an order on Plaintiffs' Motion for
8 Reconsideration of Dismissal with Prejudice of the UCL Claim (ECF 151) and the
9 Bank has not yet filed its Answer.¹ The pleadings in the case therefore are not yet
10 settled. Without a ruling on the pending motion for reconsideration, Plaintiffs do not
11 know whether the UCL is a live claim in this case properly addressed in their
12 forthcoming motion for class certification, and without Bank of America's Answer,
13 Plaintiffs likewise are unable to address Bank of America's affirmative defenses.

14 The parties previously jointly sought a modification of the class certification
15 deadline and all subsequent dates based in part on the same ground stated herein,
16 which the Court granted on December 28, 2023 for good cause shown. *See* ECF 197
17 at 3; ECF 198 at 2 ("Plaintiffs would like the Court to address ... [the] motion for
18 reconsideration, and then have Defendant file an Answer, before moving for class
19 certification. ... For good cause shown, the Court GRANTS the joint motion."). The
20 Court issued a second amended scheduling order on March 4, 2024. *See* ECF 229.

21 For the foregoing reasons, the parties respectfully request that the Court
22 amend the scheduling order as set forth below:

23 ///

24 ///

25
26 ¹ Also pending is the Bank's Motion to Dismiss the First Amended Master
27 Consolidated Complaint (ECF 146), but that motion is directed only at the claims of
28 certain Individual Plaintiffs and the parties' position is that it need not be resolved
before Class Plaintiffs move for class certification.

PROPOSED MODIFIED CASE SCHEDULE:

Event	Current Date	Proposed Date
Defendant's Answer to all class allegations (i.e., all FAMCC paragraphs except paragraphs 286-526) and Defendant's affirmative defenses	FRCP	30 days after issuance of the order on Plaintiffs' motion for reconsideration [ECF 151]
Defendant's Answer to all individual plaintiff allegations (i.e., FAMCC paragraphs 286-526)	FRCP	30 days after issuance of the order on Defendant's motion to dismiss [ECF 146]
Motion for Class Certification	5/14/24	14 days after Defendant files its Answer to all class allegations and its affirmative defenses
Opp. to Motion for Class Certification	6/25/24	8 weeks after Motion for Class Certification
Reply ISO Motion for Class Certification	7/23/24	4 weeks after Opp. to Motion for Class Certification
Fact Discovery Completed	8/13/24	3 weeks after Class Certification Reply
Expert Disclosures	9/17/24	5 weeks after Fact Discovery Completed
Rebuttal Expert Disclosures	10/11/24	4 weeks after Expert Disclosures
Expert Discovery Completed	11/12/24	4 weeks after Rebuttal Expert Disclosures

The parties further request that the Pretrial Motions Deadline and all subsequent deadlines be continued accordingly and be set upon issuance of the Court's order on Plaintiffs' motion for reconsideration (ECF 151).

Respectfully submitted,

Dated: May 3, 2024

COTCHETT, PITRE & McCARTHY, LLP

By: /s/ Brian Danitz
JOSEPH W. COTCHETT
BRIAN DANITZ
KARIN B. SWOPE
ANDREW F. KIRTLEY

1 Dated: May 3, 2024

ALTSHULER BERZON LLP

2 By: /s/ Connie K. Chan
3 MICHAEL RUBIN
4 STACEY M. LEYTON
5 CONNIE K. CHAN

6 *Co-Lead Counsel for Plaintiffs and the*
7 *Proposed Class*

8 Dated: May 3, 2024

9 By: /s/ Matthew Riffie

10 JAMES W. MCGARRY (pro hac vice)
11 *JMcGarry@goodwinlaw.com*
12 **GOODWIN PROCTER LLP**
13 100 Northern Avenue
14 Boston, MA 02210
15 Tel.: +1 617 570 1000
16 Fax: +1 617 523 1231

17 THOMAS M. HEFFERON (pro hac vice)
18 *THefferon@goodwinlaw.com*
19 SABRINA M. ROSE-SMITH (pro hac vice)
20 *SRoseSmith@goodwinlaw.com*
21 MATTHEW L. RIFFEE (pro hac vice)
22 *MRiffie@goodwinlaw.com*
23 **GOODWIN PROCTER LLP**
24 1900 N Street NW
25 Washington, DC 20036
26 Tel.: +1 202 346 4000
27 Fax: +1 202 346 4444

28 YVONNE W. CHAN (pro hac vice)
YChan@jonesday.com
JONES DAY
100 High Street
Boston, MA 02210
Tel.: +1 617 960 3939
Fax: +1 617 449 6999

Attorneys for Defendant Bank of America, N.A.

SIGNATURE CERTIFICATION

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

/s/ Connie K. Chan

CONNIE K. CHAN