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19 *[ADDITIONAL COUNSEL LISTED IN SIGNATURE BLOCK]*

20 **UNITED STATES DISTRICT COURT**
21 **SOUTHERN DISTRICT OF CALIFORNIA**
22 **SAN DIEGO DIVISION**

23 IN RE: BANK OF AMERICA
24 CALIFORNIA UNEMPLOYMENT
25 BENEFITS LITIGATION

Case No. 21-MD-02992-GPC-MSB

26 **DECLARATION OF LAURA BRYN**
27 **IN SUPPORT OF DEFENDANT'S**
28 **OPPOSITION TO INDIVIDUAL**
PLAINTIFFS' MOTION TO STAY
PROCEEDINGS PENDING
RESOLUTION OF RELATED
CLASS ACTION CERTIFICATION

Date: September 9, 2024
Time: 2:30 P.M.
Ct rm: 2D – 2nd Floor
Judge: Hon. Gonzalo P. Curiel

Filed/Lodged Concurrently with:
1. Memorandum of Points and
Authorities in Opposition

1 I, Laura Brys, state and declare as follows:

2 1. I am an attorney licensed to practice before this Court.

3 2. I am a senior attorney at Goodwin Procter, LLP, attorneys of record for
4 Defendant BANK OF AMERICA, N.A. (“BANA”) in this action.

5 3. I make this declaration in support of Defendant’s Opposition to
6 Individual Plaintiffs’ Motion to Stay Proceedings Pending Resolution of Related
7 Class Action Certification (ECF 311). I have personal knowledge of the matters set
8 forth in this Declaration based on my involvement in this action and based upon my
9 review of documents and correspondence related to this action. If called upon to do
10 so, I could and would testify competently to same.

11 4. As set forth in the following Declaration, Individual Plaintiffs actively
12 participated in prosecuting their actions since they were filed in 2021, and never
13 raised a stay with the Court or BANA until July 25, 2024.

14 **The Court’s Case Management Order and Designation of Individual Counsel**

15 5. On July 19, 2021, the parties attended a Status Conference before Judge
16 Burns. Individual Plaintiffs were represented by, among others, Joshua Swigart of
17 the Swigart Law Group and Daniel Shay of the Law Office of Daniel G. Shay
18 (“Individual Counsel”) during which Individual Counsel argued that they wanted
19 their cases to move forward and declined to request that the cases be stayed.

20 6. At the July 19, 2021 Conference, Mr. Shay specifically told Judge Burns
21 that the Individual Plaintiffs “want to settle these cases. We don’t want to be part of
22 a class action.” ECF 55, at 44:24-25.

23 7. On July 20, 2021, Judge Burns issued a Case Management Order that
24 directed the Class and Individual Plaintiffs to file a “single master consolidated
25 complaint,” and that all further claims not included in the master consolidated
26 complaint would be stayed. ECF 48, at 2. In the same order, Judge Burns appointed
27 the Law Office of Daniel G. Shay as Interim Liaison Counsel for the Individual
28 Plaintiffs. *Id.* at 3.

1 8. On July 22, 2021, Individual Counsel moved ex parte to appoint the
2 Swigart Law Group as Co-Liaison Counsel for Individual Plaintiffs. ECF 53. The
3 Court granted this motion on July 28, 2021. ECF 56.

4 **Individual Plaintiffs Filed Their Own Actions, Post-Class Action Filing.**

5 9. The first class action complaint to be consolidated into this MDL was
6 *Yick v. Bank of America, N.A.*, Case No. 3:21-cv-00376-GPC-MSB, filed in the
7 Northern District of California on January 14, 2021.

8 10. Following the filing of the *Yick* and other class action complaints,
9 Individual Counsel filed the following actions:

10 a. *Meza v. Bank of America, N.A.*, Case No. 3:21-cv-00484-
11 GPC-MSB, on behalf of Jennifer Meza, who remains an Individual Plaintiff in this
12 MDL;

13 b. *Brotman v. Bank of America, N.A.*, Case No. 3:21-cv-
14 00520-GPC-MSB, on behalf of Adam Brotman, who remains an Individual Plaintiff
15 in this MDL;

16 c. *Morrell v. Bank of America, N.A.*, Case No. 3:21-cv-
17 00542-GPC-MSB, on behalf of Tiffiany Morrell, who remains an Individual Plaintiff
18 in this MDL;

19 d. *Payton v. Bank of America, N.A.*, Case No. 3:21-cv-00644-
20 GPC-MSB, on behalf of Laura Payton, who remains an Individual Plaintiff in this
21 MDL;

22 e. *Talia v. Bank of America, N.A.*, Case No. 3:21-cv-00676-
23 GPC-MSB, on behalf of Danny Talia, who remains an Individual Plaintiff in this
24 MDL; and

25 f. *Abarr v. Bank of America, N.A.*, Case No. 3:21-cv-01203-
26 GPC-MSB, on behalf of 230 plaintiffs, of which 122 remain as Individual Plaintiffs
27 in this MDL.

28 11. The Class and Individual Plaintiffs filed their Master Consolidated

1 Complaint pursuant to Judge Burns' Case Management Order on August 17, 2021.
2 ECF 72.

3 12. Notwithstanding Judge Burns' Order indicating that claims not included
4 in the master consolidated complaint would be stayed, Individual Counsel continued
5 to file complaints related to the MDL. Specifically, on October 13, 2021, Individual
6 Counsel filed a complaint in *Abila v. Bank of America, N.A.*, Case No. 3:21-cv-
7 01766-GPC-MSB, on behalf of 244 plaintiffs whose claims are currently stayed
8 pending resolution of the MDL.

9 **BANA Has Expended Tremendous Resources on Discovery.**

10 13. To date, BANA has produced more than 3,700 documents related to the
11 Individual Plaintiffs, totaling more than 14,000 pages. Some of these documents
12 were produced in response to specific requests made by Mr. Swigart for additional
13 documents in advance of depositions, rather than in response to discovery served by
14 Class Counsel.

15 14. In this MDL, BANA has spent approximately \$7.9 million on vendor
16 costs alone in order to collect, review, and produce documents and associated
17 privilege logs, including documents related to Individual Plaintiffs' files and
18 requested specifically by Mr. Swigart.

19 15. This cost does not include the thousands of attorney hours spent on
20 discovery in this matter, including hours spent on the Individual Plaintiffs to collect,
21 review, and produce documents, prepare and serve written discovery and review
22 responses, litigate discovery disputes, and prepare for depositions—several of which
23 were cancelled at the last minute, *after* BANA had spent significant attorney time
24 preparing for them.

25 16. In its effort to comply with discovery requests from both Class Counsel
26 and Individual Counsel, BANA has reviewed over one million documents, and has
27 produced over 277,000 documents.
28

Individual Counsel Has Actively Participated in the Litigation.

17. Since their appointment as Co-Liaison Counsel, Individual Counsel have remained involved in this case, both in motions practice and in the extensive discovery conducted.

18. For example, Mr. Swigart, along with other attorneys from the Swigart Law Group, attended and participated in the September 29, 2021 Early Neutral Evaluation (“ENE”) conference. Pursuant to certain Individual Plaintiffs’ participation in the ENE conference, Mr. Swigart received a production of more than 700 pages of BANA’s records and documents pertaining to those Individual Plaintiffs, and engaged with counsel for BANA in requesting additional information about the files BANA had produced.

19. On June 13, 2023, the Class and Individual Plaintiffs filed their First Amended Master Consolidated Complaint. ECF 136. At least 82 of the Individual Plaintiffs amended their allegations in the First Amended Master Consolidated Complaint.

20. On September 17, 2023, Individual Counsel filed the Individual Plaintiffs’ Opposition to BANA’s Partial Motion to Dismiss the First Amended Master Consolidated Complaint. ECF 171. Mr. Swigart was the only attorney whose signature block was included on this filing.

Individual Counsel Has Been Actively Engaged in Discovery.

21. Individual Counsel have been active participants in the discovery process over the last fourteen months.

22. Since June 5, 2023, Individual Counsel has sent at least 18 meet and confer letters to counsel for BANA. This number does not include the dozens of informal emails counsel have exchanged regarding Individual Plaintiffs’ discovery.

23. Since June 5, 2023, Individual Counsel has met and conferred with counsel for BANA on at least 24 occasions, both by telephone and video conference, to discuss various issues related to discovery regarding the Individual Plaintiffs in

1 this case.

2 24. Since June 5, 2023, Mr. Swigart has personally attended at least 21 Case
3 Management Conferences (“CMCs”) or Informal Discovery Conferences (“IDCs”)
4 before Magistrate Judge Berg. A different attorney from the Swigart Law Group
5 attended at least one additional CMC.

6 **Individual Counsel Has Requested the Production of Documents and BANA’s**
7 **Assistance with Identifying Produced Documents.**

8 25. On June 26, 2023, Class Counsel propounded Plaintiffs’ First Set of
9 Requests for Production (“RFPs”) to BANA.

10 26. On August 22, 2023, Mr. Swigart contacted me via email and requested
11 that BANA produce each Plaintiffs’ “complete file, consistent with the discovery
12 served through class counsel.” A true and correct copy of the email Mr. Swigart sent
13 me is attached as **Exhibit A**.

14 27. On December 22, 2023, counsel for BANA served Class Counsel and
15 Individual Counsel via email with BANA’s Notice of Deposition to Plaintiffs,
16 including two Individual Plaintiffs represented by Individual Counsel. In response,
17 on December 29, 2023, Mr. Swigart emailed counsel for BANA and noted: “we need
18 their respective entire files . . . at least 14 days before their scheduled deposition date.
19 Please confirm your team is working on this.” A true and correct copy of the email
20 Mr. Swigart sent me is attached as **Exhibit B**.

21 28. In January 2024, Mr. Swigart and I discussed over the phone the
22 significant time and expense required to produce any recordings of calls between the
23 Individual Plaintiffs and BANA employees/agents. I proposed, and Mr. Swigart
24 agreed, that BANA would collect and produce those call recordings for each
25 Individual Plaintiff prior to their deposition. To date, BANA has, consistent with this
26 agreement, produced the call recordings for each of the deposed Individual Plaintiffs
27 prior to their deposition.

28 29. On February 1, 2024, Mr. Swigart sent a letter via email to counsel for

1 BANA reporting that he and his firm had “sort[ed] through the approximately 4,000
2 documents served on us.” The letter also requested that certain categories of
3 documents be produced relating to certain Individual Plaintiffs, but also noted that
4 “it is possible that their documents are mixed in with the hundreds of thousands of
5 documents produced by Bank of America, but we cannot locate them.” A true and
6 correct copy of the letter Mr. Swigart sent me is attached as **Exhibit C**.

7 30. On February 2, 2024, BANA completed substantial production of
8 documents relating to the Individual Plaintiffs’ claims, including production of each
9 Plaintiffs’ account history, transaction history, claims documents, and call log.

10 31. On February 8, 2024, the parties met and conferred via Zoom regarding
11 various outstanding issues related to ongoing discovery in this case. Following this
12 meet and confer, Mr. Swigart provided counsel for BANA via email an Excel file
13 purporting to represent his review of BANA’s document production and
14 identification of documents related to certain Individual Plaintiffs’ claims that had
15 not been produced. Upon investigation of this spreadsheet, counsel for BANA
16 confirmed that many of the documents identified as “missing” either had in fact been
17 produced or did not exist.

18 32. Further, during the February 8, 2024 meet and confer, Mr. Swigart
19 expressed some concern about his ability to receive and review documents produced
20 by BANA to Class Counsel. Counsel for BANA reminded Mr. Swigart that the
21 Parties had agreed that BANA would produce all documents to Class Counsel, who
22 would then coordinate the distribution of produced documents among and between
23 the various plaintiffs’ law firms involved in this MDL. Nonetheless, as a matter of
24 courtesy and in the interest of cooperation, BANA began producing certain
25 Individual Plaintiff documents directly to Individual Counsel as well as to Class
26 Counsel.

27 33. Between March 6 and April 16, 2024, notwithstanding BANA’s efforts
28 to collect and produce documents (at significant expense) relevant to the claims of

1 all 241 Individual Plaintiffs included in the First Amended Master Consolidated
2 Complaint that BANA was able to identify, Mr. Swigart filed notices of voluntary
3 dismissal as to 108 of those Individual Plaintiffs. The Court subsequently ordered
4 the dismissal of all 108 Individual Plaintiffs. See ECF 240, 254, 265. Prior to the
5 filing of the First Amended Master Consolidated Complaint, Mr. Swigart had filed a
6 notice of voluntary dismissal for one other Individual Plaintiff, whose dismissal was
7 subsequently ordered by this Court. *See* ECF 125.

8 34. On March 11, 2024, in response to Mr. Swigart's expressed concerns
9 about being unable to locate his clients' documents in BANA's productions, counsel
10 for BANA provided Mr. Swigart with a document identifying all of the 2,102
11 documents produced thus far by BANA pertaining specifically to the remaining, non-
12 dismissed, Individual Plaintiffs. For each document, this spreadsheet identified the
13 Individual Plaintiff to whom the document related, the document's Bates range, and
14 the date on which the document was produced by BANA. A true and correct copy
15 of the spreadsheet that BANA provided to Mr. Swigart is attached as **Exhibit D**.

16 **Individual Plaintiffs Have Produced Documents and Served Responses to**
17 **Written Discovery Requests from BANA.**

18 35. On September 19, 2023, BANA propounded to the Class Representative
19 and Individual Plaintiffs its First Set of Requests for Production to Plaintiffs
20 ("RFPs"), its First Set of Interrogatories Directed at Plaintiffs ("ROGs"), and its First
21 Set of Requests for Admission Directed at Plaintiffs ("RFAs").

22 36. On October 18, 2023, Class Counsel, on behalf of the Individual
23 Plaintiffs, asked counsel for BANA for an extension of the deadline for Individual
24 Plaintiffs to respond to BANA's discovery requests because Class Counsel had
25 inadvertently failed to distribute the discovery BANA propounded to Individual
26 Counsel. BANA offered an extension through November 19, 2023.

27 37. On November 16, 2023, Mr. Swigart requested via email a further
28 extension of the deadline for Individual Plaintiffs to respond to BANA's discovery

1 requests. BANA agreed to extend the deadline to December 18, 2023. On January
2 11, 2024, counsel for BANA granted the Individual Plaintiffs via letter yet another
3 extension on their deadline to respond to BANA's discovery requests, to January 19,
4 2024.

5 38. Individual Plaintiffs represented by Individual Counsel began serving
6 responses to BANA's RFPs, ROGs and RFAs on November 21, 2023. Between that
7 date and February 26, 2024, at least 135 Individual Plaintiffs served initial responses
8 to BANA's discovery requests. Many Individual Plaintiffs subsequently amended
9 their answers in response to deficiencies identified by BANA.

10 **Individual Counsel Has Prepared Deponents for Testimony and Has Attended**
11 **and Participated in Depositions.**

12 39. On February 12, 2024, Mr. Swigart and I both attended an IDC before
13 Magistrate Judge Berg. At that IDC, Judge Berg ruled that BANA would be entitled
14 to take ten Plaintiff depositions prior to the filing of Plaintiffs' class certification
15 motion, which was presently due on March 15, 2024. Judge Berg issued this ruling
16 in response to concerns expressed by Class Counsel that having to prepare for and
17 attend Individual Plaintiff depositions would divert time and resources away from
18 Class Counsel's preparation of the class certification motion. Judge Berg further
19 ordered that subsequent depositions would not commence until at least two weeks
20 after the then-present class certification motion deadline.

21 40. On March 7, 2024, Mr. Swigart, Mr. Shay, and Ilana Platkiewicz of the
22 Swigart Law Group attended the deposition of Individual Plaintiff Elizabeth Giddens
23 in San Bernadino, California. Mr. Swigart noted objections on the record to questions
24 asked by the deposing attorney and testimony indicated that he had met with Ms.
25 Giddens prior to that date to prepare her for the deposition. Karin Swope and Vasti
26 Montiel attended the deposition remotely on behalf of Class Plaintiffs but did not
27 lodge any objections on the record, ask Ms. Giddens any questions, or otherwise
28 participate in the deposition.

1 41. On April 1, 2024, Mr. Swigart and I both attended an IDC before
2 Magistrate Judge Berg. At that IDC, Judge Berg again ruled that BANA would be
3 entitled to take ten Plaintiff depositions prior to the filing of Plaintiffs' class
4 certification motion, and that BANA would be entitled to take additional Plaintiff
5 depositions after the motion was filed.

6 42. On April 30, 2024, Mr. Swigart, Mr. Shay, and Ms. Platkiewicz attended
7 the deposition of Individual Plaintiff Jennifer Meza in El Centro, California. Mr.
8 Swigart noted objections on the record to questions asked by the deposing attorney
9 and testimony indicated that he had met with Ms. Meza prior to that date to prepare
10 her for the deposition. The deposition was conducted in El Centro as a courtesy to
11 Ms. Meza, after Mr. Swigart advised that Ms. Meza was unable to travel.

12 43. On May 2, 2024, Mr. Shay attended the deposition of Individual
13 Plaintiff Juanita Isles in Sacramento, California. Mr. Swigart and Ms. Platkiewicz
14 attended the deposition remotely. Mr. Shay noted objections on the record to
15 questions asked by the deposing attorney and testimony indicated that Mr. Swigart,
16 Ms. Platkiewicz, and Mr. Shay had met with Ms. Isles prior to that date to prepare
17 her for the deposition. Ms. Swope attended the deposition remotely on behalf of
18 Class Plaintiffs but did not lodge any objections on the record, ask Ms. Isles any
19 questions, or otherwise participate in the deposition.

20 44. On May 3, 2024, Mr. Shay attended the deposition of Individual
21 Plaintiff Miguel Salazar in Yuba City, California. Ms. Platkiewicz attended the
22 deposition remotely. Mr. Shay noted objections on the record to questions asked by
23 the deposing attorney and testimony indicated that he had met with Mr. Salazar prior
24 to that date to prepare for his deposition. Ms. Swope attended the deposition remotely
25 on behalf of Class Plaintiffs but did not lodge any objections on the record, ask Mr.
26 Salazar any questions, or otherwise participate in the deposition.

27 45. On May 7, 2024, Mr. Swigart, Mr. Shay, and Ms. Platkiewicz attended
28 the deposition of Individual Plaintiff Tina Pomeroy in San Diego, California. Ms.

1 Platkiewicz noted objections on the record to questions asked by the deposing
2 attorney, and Ms. Pomeroy testified that she met with “her attorneys” prior to that
3 date to prepare for her deposition. Ms. Swope attended the deposition remotely on
4 behalf of Class Plaintiffs but did not lodge any objections on the record, ask Ms.
5 Pomeroy any questions, or otherwise participate in the deposition

6 **Individual Counsel Caused BANA to Prepare a 30(b)(6) Deponent for**
7 **Examination by Individual Counsel.**

8 46. On March 19, 2024, Mr. Swigart notified BANA via letter that he
9 intended to depose a Rule 30(b)(6) witness as to the files of the Individual Plaintiffs
10 to be deposed by BANA. A true and correct copy of the letter Mr. Swigart sent me
11 is attached as **Exhibit E**.

12 47. In response to this request, counsel for BANA identified a witness with
13 respect to at least two Individual Plaintiffs’ files, and spent many hours preparing the
14 witness for deposition. To date, Individual Counsel has yet to serve BANA with a
15 notice for a Rule 30(b)(6) deposition in this case.

16 **Individual Counsel Has Subpoenaed Documents from Non-Parties in**
17 **Connection with Individual Plaintiffs’ Claims.**

18 48. On February 5, 2024, Individual Counsel began serving subpoenas to
19 produce documents on behalf of Individual Plaintiffs to their respective telephone
20 service providers.

21 49. The subpoenas were all signed by Mr. Swigart and listed the Swigart
22 Law Group’s San Diego office as the place of compliance for the subpoenas. To
23 date, Individual Plaintiffs have served at least 147 of these subpoenas. A true and
24 correct copy of a representative subpoena to a telephone service provider that
25 Individual Counsel provided to BANA via email is attached here as **Exhibit F**.

26 **Individual Counsel Has Declined Opportunities to Engage in Further Discovery**
27 **On Behalf of Individual Plaintiffs.**

28 50. On February 8, 2024, BANA produced Robert Chestnut for a Rule

1 30(b)(6) deposition. Mr. Swigart, Ms. Platkiewicz, and Mr. Shay attended the
2 deposition remotely and did not ask Mr. Chestnut any questions on the record.

3 51. On February 14, 2024, BANA produced William Matthew Martin for a
4 Rule 30(b)(6) deposition. Mr. Swigart attended the deposition via Zoom and did not
5 ask Mr. Martin any questions on the record.

6 52. On February 16, 2024, BANA produced Michael Letson for a Rule
7 30(b)(6) deposition. Mr. Swigart and Ms. Platkiewicz attended the deposition
8 remotely and did not ask Mr. Letson any questions on the record.

9 53. On February 22, 2024, BANA produced Willaim Golden for a Rule
10 30(b)(6) deposition. Mr. Swigart, Ms. Platkiewicz, and Mr. Shay attended the
11 deposition remotely and did not ask Mr. Golden any questions on the record.

12 54. On February 23, 2024, BANA produced Jennifer Lennon for a Rule
13 30(b)(6) deposition. Mr. Swigart and Mr. Shay attended the deposition remotely and
14 did not ask Ms. Lennon any questions on the record.

15 **Individual Counsel Initiated the Present Motion to Avoid Further Discovery**
16 **Obligations.**

17 55. As described above, Individual Counsel has participated in both
18 requesting and responding to discovery for more than a year without seeking a stay
19 from the Court, or indicating to BANA that a stay would be sought.

20 56. On July 11, 2024, BANA served a Notice of Deposition to the
21 Remaining Individual Plaintiffs (the “Notice”) via email with an accompanying
22 letter, requesting that Mr. Swigart provide, by July 26, 2024, proposed dates for the
23 Individual Plaintiffs for their depositions, commencing on September 16, 2024 and
24 ending on September 27, 2024. The Notice set the deposition location for San Diego,
25 California, which is the judicial district for the Individual Plaintiffs’ Second
26 Amended Master Consolidated Complaint, where most of the Individual Plaintiffs
27 originally filed suit, and where Individual Counsel’s offices are located. The Notice
28 further proposed a date range for the depositions, which was the practice of the parties

1 in this case for depositions. Mr. Swigart subsequently informed counsel for BANA
2 that he believed the Notice was defective.

3 57. On July 25, 2024, BANA and Mr. Swigart attended a CMC with
4 Magistrate Judge Berg. During the CMC, Mr. Swigart told Judge Berg that the
5 parties were still meeting and conferring about the Notice. Mr. Swigart also told
6 Judge Berg that Individual Counsel was considering filing this Motion.

7 58. Prior to this date, Individual Counsel had not raised the possibility of
8 staying the Individual Plaintiffs' cases since Judge Burns addressed the question of
9 whether the Class and Individual cases would proceed together at the July 19, 2021
10 Case Management Conference, more than three years earlier. *See supra* ¶¶ 5–6.

11 59. On August 8, 2024, BANA, Mr. Swigart, and Class Counsel attended a
12 CMC with Magistrate Judge Berg. During the CMC, Mr. Swigart again told Judge
13 Berg that his intention was to file this Motion. Judge Berg informally ordered that
14 the Motion was to be on file within a week, i.e., no later than August 13, 2024.

15 60. On August 9, 2024, BANA served an Amended Notice of Deposition to
16 the remaining 128 Individual Plaintiffs. In response to broad concerns expressed by
17 Mr. Swigart about the Individual Plaintiffs' ability to appear for in-person
18 depositions in San Diego, BANA compromised by noticing each deposition to take
19 place at a central location within the California federal judicial district where each
20 Individual Plaintiff lives. Counsel for BANA reviewed the most recent address it
21 had for each Individual Plaintiff and noticed their deposition in the closest of San
22 Diego, Los Angeles, San Francisco, or Bakersfield.

23 61. On August 14, 2024, Ms. Platkiewicz emailed counsel for BANA with
24 a list of seven Individual Plaintiffs who would be available for depositions in Los
25 Angeles during the week of September 16, 2024.

26 62. On August 16, 2024, BANA and Mr. Swigart submitted letter briefing
27 to Magistrate Judge Berg on the manner of Individual Plaintiff depositions to address
28 whether Individual Plaintiff depositions should proceed in-person or remotely.

63. On August 20, 2024, BANA, Mr. Swigart, and Class Counsel attended an IDC with Magistrate Judge Berg on the manner of Individual Plaintiff depositions, at which Mr. Swigart argued that—should the Motion be denied—all upcoming Individual Plaintiff depositions should be conducted remotely.

64. At the August 20, 2024 IDC, Magistrate Judge Berg tentatively ruled that the Individual Plaintiffs have not made a good faith showing of burden for any Individual Plaintiff, and that BANA would be entitled to schedule and take the depositions of ten Individual Plaintiffs in person pending the Court's ruling on this Motion.

65. On August 20, 2024, less than an hour after the IDC concluded, Mr. Swigart called me and inquired when BANA would like the depositions to commence. Mr. Swigart also offered to immediately identify three additional Individual Plaintiffs who would be available for depositions in Los Angeles during the week of September 16, 2024.

I declare under the penalty of perjury that the foregoing is true and correct.
Executed on this 23 day of August, 2024.

By: s/ Laura G. Brys
LAURA G. BRYs

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Laura Brys, and that I have obtained Ms. Brys's electronic signature in the filing of this document.

Dated: August 23, 2024

s/ Laura G. Brys
LAURA G. BRYs