

Exhibit 8

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

**DECLARATION OF AZURI MOON IN
SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

This Document Relates to All Actions

Judge: Hon. Gonzalo P. Curiel

1 I, AZURI MOON, declare as follows:

2 1. I am one of the named Plaintiffs in this case. I submit this declaration in
3 support of Plaintiffs' Motion for Class Certification. I have personal knowledge of the
4 facts in this declaration, to which I could and would testify if called upon to do so.

5 2. In June 2020, I began receiving EDD unemployment insurance benefits
6 that were paid through a Bank of America EDD debit card ("EDD debit card") that was
7 directly linked to a Bank of America EDD debit card account ("EDD debit card
8 account") in my name.

9 3. My Bank of America EDD debit card had a magnetic stripe. There was no
10 EMV chip in the card.

11 4. On or around October 20, 2020, I tried to buy lunch at a restaurant with my
12 EDD debit card, but the transaction was declined for insufficient funds. I checked my
13 EDD debit card account and saw two recent ATM withdrawals totaling \$1,800 that I had
14 not authorized.

15 5. On October 23, 2020, after several previous attempts to reach someone at
16 the Bank of America (the "Bank") by calling the number listed on the back of my card,
17 I was finally able to get through to the Bank's customer service department to report
18 these unauthorized transactions and to ask the Bank to credit my EDD debit card
19 account for the \$1,800 that was stolen from me. Across many calls between October 20
20 and October 23, 2020, I spent approximately eleven hours on the phone before I was
21 able to get through to anyone in the Bank's claims department.

22 6. When I finally reached the claims department, I spoke with a Bank
23 representative and made a claim concerning the two unauthorized ATM withdrawals
24 totaling \$1,800. I explained to the Bank representative that I had never given or
25 disclosed the PIN for my EDD debit card to anyone, had never authorized anyone to use
26 my EDD debit card, and did not authorize the two ATM withdrawals. The Bank's
27 representative told me that the Bank had opened my claim and would investigate and
28 make a decision on my claim within 30-45 days.

1 7. In mid-November 2020, nearly a month after making my claim, I had not
2 received any communication from the Bank, so I contacted the Bank to get an update on
3 his claim. During the call, the Bank representative told me that I was liable for the
4 disputed transactions and that the Bank would not be returning the money. During that
5 same phone call, the Bank representative told me I should file a police report, write a
6 detailed description of what happened, and fax it to the Bank with my name, case number,
7 and card number. Having received no written communications from the Bank, and thus
8 forced to rely only on my notes, it was difficult for me to file a police report. Regardless, I
9 complied with everything the Bank requested and faxed my police report.

10 8. I eventually learned through discovery in this case that the Bank mailed me a
11 letter dated October 28, 2020, which I did not receive, informing me that it had closed my
12 claim and would not be reimbursing me for the \$1,800 taken from my account. The letter
13 did not provide an explanation for the denial, stating only: "Your claim has been closed
14 because we believe the account or the claim have been the subject of fraud or suspicious
15 activity."

16 9. Between October 20, 2020, and November 15, 2020, I repeatedly called the
17 Bank's customer service to obtain assistance with issues related to my unauthorized
18 transaction claim. During this period, I would estimate I spent over an hour on hold each
19 time I called and several more hours on the phone with the Bank's representatives trying
20 to resolve these issues. Despite these consistently long wait times every time I called the
21 Bank, the Bank did not offer me any option to receive a call back when the next agent
22 became available. Calling the Bank's toll-free number was the only option the Bank
23 provided me for reaching a customer service representative. I am not aware of any
24 communication from the Bank advising me, or other EDD debit cardholders, of any other
25 options for reaching a customer service representative, such as by email or online.

26 10. In mid-December 2020, nearly a month after faxing to the Bank the police
27 report and other documents the Bank had requested, and having received no
28 communication from the Bank, I called the Bank again to get an update. A representative

1 told me that the Bank never received my fax. It turned out that a Bank representative had
2 provided me with my *claim* number but mistakenly told me it was my *case* number, and
3 the information in my fax reflected this mistake, derailing my fraud claim. I was told the
4 Bank would not be able to process my claim until this was corrected. I then re-faxed
5 everything with the information the Bank requested.

6 11. On or about December 17, 2020, I discovered that I could no longer access
7 the unemployment insurance benefits in my EDD debit card account, which at the time
8 were in the amount of about \$600 biweekly.

9 12. Shortly after I discovered that my account had been frozen, I again called the
10 Bank's customer service department. After calling multiple times and waiting on hold for
11 more than an hour each time, I finally reached a customer service representative who said
12 that my account had been frozen. The Bank's representative also told me that, because my
13 account was frozen, the Bank could not do anything further either to address my earlier
14 unauthorized transaction claim or to enable me to access my frozen benefits funds.

15 13. The Bank froze my account without giving me any notice that my account
16 would be frozen. The Bank never explained to me why it had frozen my account.
17 However, I later learned, through documents concerning my EDD debit card account that
18 the Bank produced in this litigation, that the Bank froze my account on December 17,
19 2020, based on the Bank's application of its Claim Fraud Filter.

20 14. My EDD debit card account remained frozen for 91 days, from December 17,
21 2020, to March 18, 2021. During that period, I could not access any of the EDD benefits
22 that were in my account as of the time of the freeze, and I could not receive or access any
23 new periodic EDD benefits payments that I would have received and would have been
24 able to use if the Bank had not frozen my account. Through documents concerning my
25 EDD debit card account that the Bank produced in this litigation, I have since learned that
26 on March 18, 2021, the Bank converted my account status from frozen to blocked and I
27 was still not able to access any of the EDD benefits that were in my account. The Bank
28 finally unblocked my account on April 15, 2021, after I filed this lawsuit.

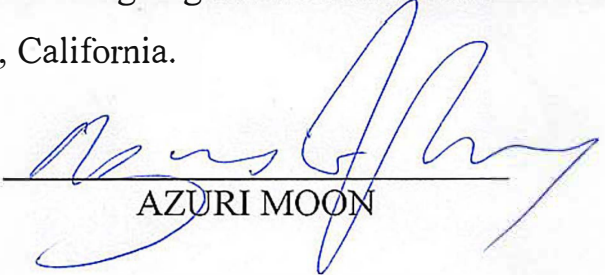
1 15. On April 5, 2021, four days after the Consolidated Class Action Complaint
2 was filed and 164 days after I submitted my unauthorized transaction claim to the Bank,
3 the Bank finally credited to my EDD debit card account the \$1,800 that had been stolen
4 from me the previous October.

5 16. In this case, I seek to be appointed as a class representative.

6 17. Since becoming involved in this case, I have had many communications with
7 my attorneys regarding discovery, case updates, case filings, and other matters. I have also
8 searched for and produced documents and have responded to written discovery requests
9 and verified my responses. I was deposed by the Bank's attorneys in February 2024. I
10 intend to continue working with my attorneys, and if appointed by the Court as a class
11 representative, I intend to continue to pursue this case by, among other things, reviewing
12 important case filings, participating in the discovery and trial process, staying informed
13 and participating in discussions with my attorneys regarding significant developments in
14 the case. I am committed to working with my attorneys to obtain the best possible result
15 for the class consistent with good faith and sound judgment.

16 18. I understand that if I am appointed as a class representative, I will be
17 responsible for overseeing the prosecution of this case by my attorneys. My interests in
18 this matter are consistent with, and not antagonistic to, the interests of the members of
19 each of the classes that I seek to represent. I understand and will fulfill the duties of a class
20 representative, including the duties to prosecute this case on behalf of each class as a
21 whole, and to consider the interests of each class as a whole just as I consider my own
22 interests.

23 I declare under penalty of perjury that the foregoing is true and correct. Executed on
24 August 26, 2024, at 2pm Los Angeles, California.

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26 
27 AZURI MOON
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