

Exhibit 9

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 STEPHANIE
MOORE IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

This Document Relates to All Actions

Judge: Hon. Gonzalo P. Curiel

1 I, STEPHANIE MOORE, declare as follows:

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

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

10 3. My Bank of America EDD debit card had a magnetic stripe, but there was
11 no EMV chip in the card.

12 4. On July 18, 2020, when I tried to use my EDD debit card to make a
13 purchase, the card was declined. I checked my EDD debit card account and saw two
14 transactions from the same day that I had not authorized and knew nothing about: an
15 ATM withdrawal in the amount of \$1,000 and a purchase from Target in the amount of
16 \$482.13.

17 5. That same day, within minutes of discovering the unauthorized
18 transactions on my EDD debit card account, I called Bank of America's (the "Bank")
19 customer service number to report these unauthorized transactions and to ask the Bank
20 to credit my EDD debit card account for the \$1,482.13 that was stolen from me.

21 6. When I finally reached the claims department, I spoke with a Bank
22 representative and made a claim concerning the two unauthorized transactions totaling
23 \$1,482.13.

24 7. On or about July 30, 2020, the Bank provisionally credited the \$1,482.13
25 to my account. On August 31, 2020, the Bank mailed me a letter informing me that the
26 \$1,482.13 provisional credit was now permanent. The letter stated: "We've completed
27 our investigation of this disputed transaction. The provisionally issued credit for
28 \$1,482.13 is now permanent."

1 8. On September 30, 2020, I attempted to use my EDD debit card to purchase
2 a tire for my vehicle. The transaction was declined. I then attempted to check the
3 balance on my EDD debit card account but was unable to log into my account. I have
4 since learned, through documents concerning my EDD debit card account that the Bank
5 produced in this litigation, that the Bank froze my account between September 28, 2020
6 and October 4, 2020.

7 9. On October 4, 2020, the Bank rescinded the \$1,482.13 permanent credit it
8 had given me, creating a negative balance in my account.

9 10. On October 5, 2020, I called the Bank's customer service to ask about the
10 rescinded \$1,482.13 credit. During this call, the Bank representative told me that the
11 funds were taken back by EDD, and because of this, the Bank would not be able to
12 assist me any further.

13 11. Between September 30, 2020, and November 15, 2020, I called the Bank
14 on at least 15 separate occasions in an attempt to resolve the issues stemming from the
15 rescinded credit and freeze of my Bank of America EDD debit account. I estimate I
16 spent over an hour on hold each time I called the Bank during that time, yet the Bank
17 did not offer me any option to receive a call back when the next agent became available.
18 Calling the Bank's toll-free number was the only option the Bank provided me for
19 reaching a customer service representative. I am not aware of any communication from
20 the Bank advising me, or other EDD debit cardholders, of any other options for
21 reaching a customer service representative, such as by email or online. During those
22 calls, the Bank gave me conflicting information but never afforded me a way to regain
23 access to my rescinded credits. One Bank representative told me that there had been a
24 glitch in the system and my funds would be returned shortly, but they were not. At a
25 later point, I was told the investigation was reopened. I asked for documentation
26 regarding the investigation, but never received any.

27 12. After I filed a class action lawsuit against the Bank in November 2020, I
28 received a letter from the Bank dated December 9, 2020, stating that the Bank had

1 performed an additional review of my claim and had credited me with the \$1,482.13
2 that had been stolen from me the previous September. I received this credit 144 days
3 after I submitted my unauthorized transaction claim to the Bank and 66 days after the
4 Bank rescinded the \$1,482.13 credit.

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

6 14. 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 intend to continue working with my attorneys, and if
10 appointed by the Court as a class representative, I intend to continue to pursue this case
11 by, among other things, reviewing important case filings, participating in the discovery
12 and trial process, staying informed and participating in discussions with my attorneys
13 regarding significant developments in the case. I am committed to working with my
14 attorneys to obtain the best possible result for the class consistent with good faith and
15 sound judgment.

16 15. 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 July Jul 31, 2024, at Los Angeles, California.

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26 
Stephanie Moore (Jul 31, 2024 11:53 PDT)

27 STEPHANIE MOORE
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