Exhibit 12

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 J. MICHAEL WILLRICH IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**
This Document Relates to All Actions	Judge: Hon. Gonzalo P. Curiel

I, J. MICHAEL WILLRICH, declare as follows:

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

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

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

4. On or around October 27, 2020, I discovered that there had been 27 transactions on my EDD debit card account from October 10, 2020, to October 26, 2020, that I had not authorized. The unauthorized transactions included 21 charges for $41.40 at Fred Meyer, a store in the State of Washington that I had never heard of or shopped at. Some of the other fraudulent charges included two ATM transactions for $1,000 each and a $700 ATM withdrawal, also in the State of Washington. The unauthorized transactions totaled $5.083.75. At the time of the unauthorized transactions, I was over 1,200 miles away in San Diego, CA, where I reside.

5. Upon discovering the unauthorized transactions, I immediately went to a Bank of America (the "Bank") branch and spoke with a Bank teller. The Bank teller informed me the branch could not help me and instructed me to call the number on the back of my EDD debit card.

6. That same day, I called the number on the back of my card to report these unauthorized transactions and to attempt to get reimbursed for the money that had been taken out of my account. I spent more than three hours on hold but was disconnected before I was able to get through to the claims department.

7. Hoping to get through to a Bank representative who would help me recover my stolen funds, I woke up at 5:00 AM to call the Bank on October 29, 2020. After

being put on hold, I was connected with the Bank's claim department and spent approximately an hour on the phone going through the unauthorized transactions one-by-one and explaining why the charges were not authorized. The Bank of America representative provided me with a claim reference number.

8. On October 30, 2020, just one business day after I submitted my unauthorized transaction claim, the Bank mailed me a letter informing me that it had closed my claim and would not be reimbursing me for the $5,083.75 taken from my account. The letter stated: "Your claim has been closed because we believe the account or the claim have been the subject of fraud or suspicious activity."

9. Over the next three weeks, I made several attempts to get in touch with the Bank's customer service, at one point waiting on hold for three or four hours before being disconnected at the end of the Bank's business hours. On November 9, 2020, I once again woke up before dawn and was able to connect with the Bank's claim department to request that my claim be reconsidered. I was told by the Bank's representative that baseless denials were a known issue, that many people were having the same problems as me, and that no human had ever looked at my claim. I have since learned that my claim had been denied based on the Bank's Claim Fraud Filter.

10. Between October 27 and November 15, 2020, I called the Bank for assistance on at least six separate occasions, sometimes making multiple calls in a day, typically waiting on hold for at least an hour each time I called and being shuffled between multiple agents in one day. In total, I would estimate I spent approximately three hours on the phone with the Bank's representatives trying to resolve these issues, and at least eight hours on hold during this period. Despite these long wait times every time I called the Bank, the Bank did not offer me any option to receive a call back when the next agent became available. Calling the Bank's toll-free number was the only option the Bank provided me for reaching a customer service representative. I am not aware of any communication from the Bank advising me, or other EDD debit

cardholders, of any other options for reaching a customer service representative, such as by email or online.

11. It was not until approximately January 12, 2021, 75 days after I submitted my unauthorized transaction claim, when I attempted to withdraw money from my EDD debit card account, that I learned the Bank finally credited my EDD debit card account the $5,083.75 that had been stolen from me the previous October.

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

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

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 19, 2024, at San Diego, California.

Michael Willrich (Aug 19, 2024 07:51 PDT)

J. MICHAEL WILLRICH