# Exhibit 13

**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

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| **IN RE BANK OF AMERICA CALIFORNIA UNEMPLOYMENT BENEFITS LITIGATION** | Case No. 3:21-md-02992-GPC-MSB<br><br>**DECLARATION OF ALEX YUAN IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION** |
| This Document Relates to All Actions | Judge: Hon. Gonzalo P. Curiel |

I, ALEX YUAN, declare as follows:

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

2. In May 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. There was no EMV chip in the card.

4. In September 2020, I discovered that two separate unauthorized ATM withdrawals of $900 each, totaling $1,800, were made from my EDD debit card account, one on August 24, 2020, in Los Angeles, CA, and another on September 7, 2020, in Pasadena, CA. At the time of the unauthorized ATM withdrawals, I was more than 300 miles away from Los Angeles and Pasadena in San Jose, CA.

5. On September 10, 2020, I called Bank of America's (the "Bank") customer service number to report these unauthorized ATM withdrawals and to ask the Bank to credit my EDD debit card account for the $1,800 that was stolen from me.

6. I spent more than an hour on hold before I was able to get through to anyone in the Bank's claims department. When I finally spoke with a Bank representative, I identified the two unauthorized ATM withdrawals totaling $1,800, informed the Bank representative that I had never used an ATM anywhere near the one used for the withdrawals, and confirmed that I had my card in my possession at all relevant times and had not authorized anyone else to make the withdrawals. The Bank representative confirmed that my claim had been filed and would be investigated.

7. On or about September 13, 2020, the Bank provisionally credited my account $1,800.

8. On September 28, 2020, the Bank froze my account and the freeze remained in effect until October 4, 2020.

9. The Bank subsequently mailed me a letter dated October 3, 2020, informing me that it had closed my claim and would be rescinding the $1,800 credit. The letter provided no explanation of the Bank's findings or decision, stating only: "Your claim has been closed because we believe the account or the claim have been the subject of fraud or suspicious activity" and that the credit applied to my account "has been or will be debited from [my] account."

10. Beginning on October 4, 2020, I called the Bank on multiple occasions seeking to have my $1,800 unauthorized transaction claim reconsidered. I experienced long wait times, dropped calls, and elusive responses concerning why the credit had been rescinded from my account, why my claim was denied, and when and how the matter would be resolved.

11. After I made multiple calls to the Bank seeking reconsideration of my claim, the Bank sent a letter dated November 9, 2020, stating that the Bank had "completed an additional review" of my claim and, "[a]s a result of [the Bank's] research" had credited me with the $1,800 that had been stolen from me. I received this credit approximately 60 days after I submitted my unauthorized transaction claim to the Bank and 36 days after the Bank rescinded the $1,800 credit.

12. Between September 10 and November 15, 2020, I called the Bank for assistance on at least seven separate occasions, sometimes making multiple calls and getting shuffled between multiple agents on the same day. I waited on hold for at least an hour each time I called trying to resolve these issues. Despite these consistently 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 as I was told that there were no options for reaching a customer service representative other than using this toll free number.

13. On or about October 26, 2020, I experienced yet another $900 unauthorized ATM withdrawal from my EDD debit card account. This unauthorized withdrawal occurred in North Hills, CA bringing the total amount of unauthorized withdrawals from my account to $2,700.

14. On or about November 11, 2020, I called the Bank's customer service to inquire about my $1,800 unauthorized transaction claim and also whether I could amend that claim to add a claim regarding the $900 unauthorized ATM withdrawal or whether I had to make a new claim for the October 26, 2020, $900 unauthorized transaction.

15. While on the call, the Bank's customer service representative informed me that the Bank had very recently reimbursed the $1,800 claim. After addressing the $1,800 reimbursement, I was given a new claim number for the October 26, 2020, $900 unauthorized transaction. The Bank's customer service representative informed me that once the investigation into my claim was complete, I would receive a letter in the mail with my results.

16. On November 18, 2020, I again called the Bank's customer service to follow up on my $900 unauthorized transaction claim and to ask the Bank to credit my EDD debit card account for the $900 that was stolen from me.

17. After waiting on hold, I finally spoke with a Bank representative and identified the unauthorized ATM withdrawal totaling $900 and confirmed that I had the card in my possession at all relevant times and did not authorize anyone to make the withdrawals.

18. A short time thereafter, I received a letter from the Bank dated November 19, 2020—just one business day after I followed up on my claim disputing the unauthorized withdrawal—stating that the Bank had closed my claim and would not be reimbursing me for the $900 taken from my account. The letter provided no explanation of the Bank's investigation or findings, stating only: "Your claim has been closed

because we believe the account or the claim have been the subject of fraud or suspicious activity."

19. In December 2020, I received a letter from the Bank notifying me that it had again frozen my account due to fraud. I have since learned, through documents concerning my EDD debit card account that the Bank produced in this litigation, that the Bank froze my account on December 17, 2020. The freeze remained in effect for 28 days until January 15, 2021. During that period, I could not receive or access any new periodic EDD benefits payments that I would have received and would have been able to use if the Bank had not frozen my account.

20. After I made multiple calls to the Bank seeking reconsideration of my October 26, 2020, $900 unauthorized transaction claim, I received a letter from the Bank dated January 13, 2021, stating that the Bank had once again "completed an additional review" of my claim and, based on that research, had credited me with the $900 that had been stolen from me the previous October. I received this credit 56 days after I submitted my unauthorized transaction claim to the Bank.

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

22. Since becoming involved in this case, I have had many communications with my attorneys regarding discovery, case updates, case filings, and other matters. I have also searched for and produced documents and have responded to written discovery requests and verified my responses. I intend to continue working with my attorneys. 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, and 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.

23. 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 20, 2024, at San Jose, California.

Alex Yuan
Alex Yuan (Aug 20, 2024 22:23 PDT)

ALEX YUAN