JAMES W. MCGARRY (pro hac vice)
JMcGarry@goodwinlaw.com
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
Tel.: +1 617 570 1000
Fax: +1 617 523 1231

SABRINA M. ROSE-SMITH (pro hac vice)
SRoseSmith@goodwinlaw.com
MATTHEW L. RIFFEE (pro hac vice)
MRiffee@goodwinlaw.com
GOODWIN PROCTER LLP
1900 N Street, NW
Washington, DC 20036
Tel.: +1 202 346 4000
Fax: +1 202 346 4444

Attorneys for Defendant
BANK OF AMERICA, N.A.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA –
SAN DIEGO DIVISION

IN RE: BANK OF AMERICA CALIFORNIA UNEMPLOYMENT BENEFITS LITIGATION	Case No. 21-MD-02992-GPC-MSB **DECLARATION OF WILLIAM MARTIN IN SUPPORT OF DEFENDANT BANK OF AMERICA, N.A.'S MOTIONS TO SEAL DOCUMENTS FILED IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION** Ctrm: 2D – 2nd Floor Judge: Hon. Gonzalo P. Curiel

I, William Martin, declare as follows:

1. I am employed by Bank of America, N.A. ("BANA") as Senior Vice President of Fraud Operations and a TFSO Global Fraud Operations Executive. I make this declaration based upon personal knowledge and belief, upon BANA's records maintained in the ordinary course and scope of business, and upon information gathered from other BANA employees. If called to testify as to any of the matters set forth in this declaration, I could and would competently testify thereto.

2. In my capacity as Program Management Executive in Prepaid Unemployment, and in my prior role as Senior Fraud Policy Manager in Prepaid Unemployment, my responsibilities include leading the prepaid fraud operations team, analyzing fraud associated with unauthorized transaction claims, and identifying characteristics of those claims in order to detect and prevent future fraud. In the past, I was also responsible for commercial, prepaid, and treasury fraud operations, which included similar responsibilities but for commercial and treasury products in addition to prepaid.

BANA's Fraud Prevention Policies, Procedures and Strategies

3. BANA is committed to identifying and attempting to prevent fraud and other criminal activity involving the use of its products or business. BANA works hard to help protect its customers and their funds from fraud, and to ensure that criminals cannot use BANA to hide or launder the proceeds of their criminal activity.

4. Based on various fraud analytics, BANA designs and implements a number of different strategies aimed at detecting, preventing, and deterring fraud. These antifraud strategies include blocking suspicious transactions, or blocking or freezing accounts that appear to be fraudulent. BANA regularly uses account freezes and blocks across all of its programs (including prepaid debit card, retail credit cards, or checking or savings accounts). Account freezes and blocks prevent access to accounts that BANA suspects are being used for fraud or other criminal purposes.

5. BANA takes great care to keep these fraud strategies confidential because they would lose their effectiveness if they were disclosed. BANA is thus careful not to publicize or circulate its fraud mitigation strategies, techniques, analytical approaches, or findings, because if it did so that would provide a roadmap for criminals to use in circumventing BANA's fraud protections in the future. If criminals knew, for example, the type or combination of activity that would trigger BANA to identify a transaction or account as fraudulent, they would devise ways to circumvent those protections. This is a very real concern; we have often seen that as soon as BANA takes action to identify and mitigate fraud, there is discussion of those actions, or underlying techniques, on social media and the dark web (often in real time) by those who are trying to evade BANA's defenses.

6. It is not only common in the industry to maintain confidentiality surrounding potential indicators of illicit activity, it is also encouraged (and in some instances, required) by regulators and law enforcement.

7. Even fraud strategies that have been discontinued by BANA, such as the Claim Fraud Filter, are still confidential and should not be disclosed to the public because certain elements of those strategies may still be used today or in the future as one of BANA's many fraud strategies and algorithms utilized to monitor or prevent fraud across its many products and services. Additionally, disclosure of discontinued fraud strategies or elements of fraud strategies can provide insight to a potential fraudster regarding BANA's fraud prevention measures that could be used to decipher current or future fraud strategies, or to assist them in avoiding detection or in concocting future frauds. Moreover, BANA has invested substantial resources into its fraud strategies, and public disclosure of those strategies could result in competitor financial institutions gaining access to and using those strategies to BANA's competitive disadvantage.

8. Similarly, fraud technologies that are no longer being used with respect to one program may still be used with respect to other BANA programs and lines of

business. For example, even though BANA no longer issues EMV chip-enabled cards to EDD cardholders (as it exited the EDD program), BANA does still utilize EMV chip technology with respect to other products and lines of business. Thus, BANA's internal analyses regarding the types of fraud that EMV chips prevent and the types of fraud that they do not prevent, as well as the effectiveness of EMV chips in preventing certain types of fraud, are still useful and relevant. This analysis is kept confidential and not shared with the public because it could be used by a potential fraudster to circumvent the technology and commit future fraud. It could also be used by a competitor financial institution to BANA's competitive disadvantage.

9. How BANA structures its organization to detect and deter fraud is also commercially sensitive information that BANA does not disclose. Disclosure of such information could provide potential fraudsters with insight into BANA's organization that could be used to evade detection and commit fraud against BANA and its customers. The information could also be replicated by other financial institutions to BANA's competitive detriment.

10. BANA also continues to operate call centers to answer cardholders' calls and to authenticate callers, both within prepaid and other lines of business, and the details regarding BANA's call center operations, including the different types of call centers utilized by BANA, the roles and responsibilities of each call center, and BANA's negotiated contractual terms with vendors that it engages to operate certain call centers, are all commercially sensitive information that, if disclosed, could be used by another financial institution to compete against BANA or could be used by third parties to try to circumvent BANA's fraud prevention measures.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 3rd day of October, 2024.

By: s/William Martin

WILLIAM MARTIN

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 William Martin, and that I have obtained William Martin's electronic signature in the filing of this document.

Dated: 10/3/2024 /s/ James W. McGarry

James W. McGarry