

1 JAMES W. MCGARRY (pro hac vice)
2 *JMcGarry@goodwinlaw.com*
3 **GOODWIN PROCTER LLP**
4 100 Northern Avenue
Boston, MA 02210
Tel.: +1 617 570 1000
Fax: +1 617 523 1231

5 SABRINA M. ROSE-SMITH (pro hac vice)
6 *SRoseSmith@goodwinlaw.com*
7 MATTHEW L. RIFFEE (pro hac vice)
8 *MRiffee@goodwinlaw.com*
9 **GOODWIN PROCTER LLP**
10 1900 N Street, NW
Washington, DC 20036
Tel.: +1 202 346 4000
Fax: +1 202 346 4444

11 Attorneys for Defendant
12 BANK OF AMERICA, N.A.

13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA –**
SAN DIEGO DIVISION

15 IN RE: BANK OF AMERICA
16 CALIFORNIA UNEMPLOYMENT
17 BENEFITS LITIGATION

Case No. 21-MD-02992-GPC-MSB

**DECLARATION OF DON
ROBART 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

1 I, Don Robart, declare as follows:

2 1. I am employed by Bank of America, N.A. (“BANA”) as an Operations
3 Executive in Claims Processing. I make this declaration based upon personal
4 knowledge and belief, upon BANA’s records maintained in the ordinary course and
5 scope of business, and upon information gathered from other BANA employees. If
6 called to testify as to any of the matters set forth in this declaration, I could and would
7 competently testify thereto.

8 2. In my capacity as Operations Executive in Claim Processing, my
9 responsibilities include leading group operations managers and other employees
10 handling fraud and billing disputes, complaints, and correspondence with
11 cardholders, and overseeing updates to and implementation of BANA’s policies,
12 procedures, trainings and practices relating to claims review and investigation.

13 **BANA’s Claims Review Policies, Procedures, and Strategies**

14 3. It is my understanding that BANA continues to utilize some of the same
15 or similar policies, procedures, practices or strategies for claims intake, claims
16 review, and authentication that are or were applicable to the EDD program in its other
17 prepaid, consumer and commercial products and services. For example, certain
18 aspects of BANA’s prepaid Adequate Investigation Standard Operating Procedures
19 (“AISOP”) are currently utilized in connection with claims review in other prepaid
20 card programs, as well as other lines business, including BANA’s consumer and
21 commercial products. Updated versions of BANA’s claims review processes and
22 trainings that implemented the AISOP and other BANA policies and procedures are
23 also still being utilized by BANA today to review prepaid claims, and certain aspects
24 of those processes and trainings are similarly utilized to review claims in BANA’s
25 other lines of business and products.

26 4. BANA invested in the development of those policies, procedures and
27 practices, and if disclosed to the public, then other financial institutions would gain
28 access to that information at no cost and use it to their advantage and BANA’s

1 disadvantage. Additionally, if BANA's confidential processes or procedures were
2 disclosed, they would be less effective because individuals who may wish to
3 perpetrate fraud could potentially use them to get around BANA's fraud prevention,
4 claims review, and authentication procedures—placing both BANA and its
5 customers at risk.

6 5. How BANA structures its organization to detect and deter claims fraud,
7 handle claims, and authenticate cardholders is also commercially sensitive
8 information that BANA does not disclose. Disclosure of such information could
9 provide potential fraudsters with insight into BANA's organization that could be used
10 to evade detection and commit claims fraud against BANA. The information could
11 also be replicated by other financial institutions to BANA's competitive detriment.

12
13 I declare under the penalty of perjury that the foregoing is true and correct.

14 Executed on this 3rd day of October, 2024.

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17 By: s/Don Robart
18 DON ROBART
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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 Don Robart, and that I have obtained Don Robart's electronic signature in the filing of this document.

Dated: 10/3/2024

/s/ James W. McGarry

James W. McGarry