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13 [ADDITIONAL COUNSEL LISTED IN SIGNATURE BLOCK]

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

17 IN RE: BANK OF AMERICA
18 CALIFORNIA UNEMPLOYMENT
19 BENEFITS LITIGATION

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

**DECLARATION OF JENNIFER
LENNON 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, Jennifer Lennon, declare as follows:

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

8 2. In my capacity as a Product Management and State Liaison for BANA,
9 my responsibilities include strategy, client care related to operations support, and
10 major project implementation, including BANA’s implementation of certain
11 requirements under the preliminary injunction order in this case, and BANA’s
12 response to and implementation of the regulators’ consent orders and the
13 Remediation Plans and Addenda in connection with BANA’s prepaid unemployment
14 insurance EDD program.

15 **BANA’s Remediation Plans with Regulators**

16 3. BANA entered into consent orders with the OCC and the CFPB in 2021.
17 In connection with those consent orders, BANA also entered into Remediation Plans
18 and Addenda (the “Plans”) with those regulators. The details within the Plans and
19 how BANA continues to implement the Plans today are highly sensitive because
20 BANA’s remediation efforts and implementation of the Plans remain ongoing,
21 because the Plans have been deemed subject to regulatory privileges and designated
22 Highly Confidential – Attorneys’ Eyes Only by the regulators, and because
23 disclosure of the Plans could provide fraudsters with a roadmap for how to seek
24 additional payments under the Plans even though their claims are fraudulent.

25 4. I understand that BANA has provided data to Plaintiffs’ counsel
26 reflecting certain populations of cardholders subject to BANA’s remediation efforts.
27 The data that BANA compiled regarding BANA’s implementation of the
28 Remediation Plans is also highly confidential because BANA’s efforts to implement

1 the Plans is ongoing, and because disclosure of such data could be used to potentially
2 back into the confidential formulas in the Plans.

3 5. The data also contains highly personal information pertaining to
4 cardholders based on their Alias ID, which is the unique identifier that BANA uses
5 to identify each EDD prepaid debit cardholder's account—including their receipt of
6 unemployment benefits, information concerning their prior transactions and claims,
7 suspicion of fraudulent behavior, repossession of property, foreclosure, and eviction.

8 6. Additionally, in some instances, the data identifies cardholders who may
9 be eligible for compensation under the consent orders, the Plans, or individualized
10 review process. But this too is highly sensitive because not all of those cardholders
11 have received compensation, compensation decisions remain subject to change, and
12 the data reflects precise claims amounts and personal information that cardholders
13 could use to identify their own claims despite those compensation decisions not being
14 final.

15
16 I declare under the penalty of perjury that the foregoing is true and correct.

17 Executed on this 3rd day of October, 2024.
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21 By: s/ Jennifer Lennon
22 JENNIFER LENNON
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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 Jennifer Lennon, and that I have obtained Jennifer Lennon's electronic signature in the filing of this document.

Dated: 10/3/2024

/s/ James W. McGarry

James W. McGarry