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17 Attorneys for Defendant
18 BANK OF AMERICA, N.A.

19 **UNITED STATES DISTRICT COURT**
20 **SOUTHERN DISTRICT OF CALIFORNIA**
21 **SAN DIEGO DIVISION**

22 IN RE: BANK OF AMERICA
23 CALIFORNIA UNEMPLOYMENT
24 BENEFITS LITIGATION

Case No. 3:21-md-02992-GPC-MSB

DECLARATION OF LAURA BRYN
IN SUPPORT OF DEFENDANT'S
OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION

Date: January 17, 2025
Time: 1:30 p.m.
Ct rm: 2D – 2nd Floor
Judge: Hon. Gonzalo P. Curiel

FILED PROVISIONALLY UNDER
SEAL PURSUANT TO
STIPULATED PROTECTIVE
ORDER

1 I, Laura Brys, state and declare as follows:

2 1. I am an attorney licensed to practice before this Court.

3 2. I am a senior attorney at Goodwin Procter LLP, attorneys of record for
4 Defendant BANK OF AMERICA, N.A. (“BANA”) in this action.

5 3. I make this declaration in support of Defendant’s Opposition to
6 Plaintiff’s Motion for Class Certification. I have personal knowledge of the matters
7 set forth in this Declaration and/or upon a review of non-privileged records kept by
8 Goodwin Procter LLP in the regular course of its business, and if called upon to do
9 so, I could and would testify competently to same.

10 **Expert Reports and Declarations**

11 4. Attached hereto as **Exhibit 1** is a true and correct copy of the Expert
12 Report of Professor Victor Stango in support of Defendant’s Opposition to Plaintiffs’
13 Motion for Class Certification, and appendices thereto, and dated October 24, 2024.

14 5. Attached hereto as **Exhibit 2** is a true and correct copy of the Expert
15 Declaration of Teresa A. Pesce in support of Defendant’s Opposition to Plaintiffs’
16 Motion for Class Certification, and appendices thereto, and dated October 24, 2024.

17 6. Attached hereto as **Exhibit 3** is a true and correct copy of the Expert
18 Declaration of Russell Cronan in support of Defendant’s Opposition to Plaintiffs’
19 Motion for Class Certification, and appendices thereto, and dated October 24, 2024.

20 7. Attached hereto as **Exhibit 4** is a true and correct copy of the Expert
21 Declaration of Pamela Joseph in support of Defendant’s Opposition to Plaintiffs’
22 Motion for Class Certification, and appendices thereto, and dated October 24, 2024.

23 8. Attached hereto as **Exhibit 5** is a true and correct copy of the Expert
24 Declaration of Stephen Hindle in support of Defendant’s Opposition to Plaintiffs’
25 Motion for Class Certification, and appendices thereto, and dated October 24, 2024.

26 **Fact Declarations**

27 9. Attached hereto as **Exhibit 6** is a true and correct copy of the
28 Declaration of Michael J. Letson in support of Defendant’s Opposition to Plaintiffs’

1 Motion for Class Certification and dated October 23, 2024.

2 10. Attached hereto as **Exhibit 7** is a true and correct copy of the
3 Declaration of William M. Martin in support of Defendant's Opposition to Plaintiffs'
4 Motion for Class Certification and dated October 23, 2024.

5 11. Attached hereto as **Exhibit 8** is a true and correct copy of the
6 Declaration of Jennifer Lennon in support of Defendant's Opposition to Plaintiffs'
7 Motion for Class Certification and dated October 23, 2024.

8 12. Attached hereto as **Exhibit 9** is a true and correct copy of the
9 Declaration of Kelley Lorenzen in support of Defendant's Opposition to Plaintiffs'
10 Motion for Class Certification and dated October 24, 2024.

11 **Additional Documents**

12 13. Attached hereto as **Exhibit 10** is a true and correct copy of a publicly
13 available article by Patrick McGreevy titled "California unemployment fraud could
14 top \$9 billion, double previous estimate, expert warns" published online by the L.A.
15 Times and dated January 15, 2021.

16 14. Attached hereto as **Exhibit 11** is a true and correct copy of an article by
17 David Manoucheri titled "Analysis shows California EDD fraud at \$32.6 billion and
18 counting" published by KCRA3 and dated October 6, 2022.

19 15. Attached hereto as **Exhibit 12** [REDACTED]
20 [REDACTED].

21 16. Attached hereto as **Exhibit 13** is a true and correct copy of a publicly
22 available report from the California Legislative Analyst's Office titled "Legislative
23 Oversight of Ongoing Challenges at EDD," presented to the California Assembly
24 Budget Subcommittee No. 4 on State Administration and dated January 26, 2021.

25 17. Attached hereto as **Exhibit 14** is a true and correct copy of a publicly
26 available report of the U.S. House of Representatives Oversight Committee titled
27 "Examining Widespread Fraud in Pandemic Unemployment Relief Programs" and
28 dated September 10, 2024.

1 18. Attached hereto as **Exhibit 15** is a true and correct copy of a publicly
2 available article by Matt Weidinger titled “New Report Details Lessons from
3 Massive Pandemic Unemployment Fraud,” published by the American Enterprise
4 Institute and dated September 11, 2024.

5 19. Attached hereto **Exhibit 16** is a true and correct copy of a publicly
6 available report by the Employment Development Department (“EDD”) titled “2020
7 Fraud Deterrence and Detection Activities” prepared for the California Legislature
8 and dated June 2021.

9 20. Attached hereto **Exhibit 17** is a true and correct copy of a publicly
10 available letter from Elaine M. Howle, California State Auditor, to the Governor and
11 Legislative Leaders of California and dated November 19, 2020.

12 21. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts of
13 the official transcript of Plaintiffs’ deposition of BANA’s Rule 30(b)(6) designee,
14 William Golden, taken on February 22, 2024.

15 22. Attached hereto as **Exhibit 19** [REDACTED]

16 [REDACTED].
17 23. Attached hereto as **Exhibit 20** [REDACTED]

18 [REDACTED].
19 24. Attached hereto as **Exhibit 21** [REDACTED]

20 [REDACTED].
21 25. Attached hereto as **Exhibit 22** is a true and correct copy of a document
22 produced by BANA in this action Bates stamped BANA_EDD_MDL-00440225.

23 26. Attached hereto as **Exhibit 23** is a true and correct copy of excerpts of
24 BANA’s Responses to Plaintiff Jennifer Yick’s Fourth Set of Interrogatories.

25 27. Attached hereto as **Exhibit 24** is a true and correct copy of excerpts of
26 the official transcript of Plaintiffs’ deposition of BANA’s Rule 30(b)(6) designee,
27 Robert A. Chestnut, taken on February 8, 2024.

28 28. Attached hereto as **Exhibit 25** [REDACTED]

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29. Attached hereto as **Exhibit 26**

30. Attached hereto as **Exhibit 27**

31. Attached hereto as **Exhibit 28**

32. Attached hereto as **Exhibit 29** is a true and correct copy of excerpts of the official transcript of Plaintiffs' deposition of Renee Johnson, taken on May 7, 2024.

33. Attached hereto as **Exhibit 30**

34. Attached hereto as **Exhibit 31**

35. Attached hereto as **Exhibit 32**

36. Attached hereto as **Exhibit 33**

37. Attached hereto as **Exhibit 34** is a true and correct copy of an excerpt of Plaintiff Quoc Huynh's Responses to BANA's First Set of Interrogatories Directed to Plaintiffs.

38. Attached hereto as **Exhibit 35**

1 39. Attached hereto as **Exhibit 36** [REDACTED]

2 [REDACTED]
3 [REDACTED].
4 40. Attached hereto as **Exhibit 37** is a true and correct copy of an excerpt
5 from Plaintiff Ann Perez's Responses to BANA's First Set of Interrogatories
6 Directed to Plaintiffs.

7 41. Attached hereto as **Exhibit 38** [REDACTED]
8 [REDACTED]
9 [REDACTED].

10 42. Attached hereto as **Exhibit 39** is a true and correct copy of an excerpt
11 from Plaintiff Catarina Rodriguez's Responses to BANA's First Set of
12 Interrogatories Directed to Plaintiffs.

13 43. Attached hereto as **Exhibit 40** [REDACTED]
14 [REDACTED]
15 [REDACTED].

16 44. Attached hereto as **Exhibit 41** [REDACTED]
17 [REDACTED].

18 45. Attached hereto as **Exhibit 42** [REDACTED]
19 [REDACTED].

20 46. Attached hereto as **Exhibit 43** is a true and correct copy of excerpts of
21 BANA's Second Set of Responses to Plaintiff Jennifer Yick's Seventh Set of
22 Interrogatories.

23 47. Attached hereto as **Exhibit 44** is a true and correct copy of a letter dated
24 January 29, 2024 from Plaintiffs' counsel Karin B. Swope to Defendant's counsel
25 Matthew L. Riffée.

26 48. Attached hereto as **Exhibit 45** [REDACTED]
27 [REDACTED].

28 49. Attached hereto as **Exhibit 46** [REDACTED]

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[REDACTED]

[REDACTED].

50. Attached hereto as **Exhibit 47**

[REDACTED]

[REDACTED].

51. Attached hereto as **Exhibit 48** is a true and correct copy of a document produced by Plaintiff Rosemary Mathews in this action Bates stamped Mathews_R_0000100-01.

52. Attached hereto as **Exhibit 49** is a true and correct copy of a document produced by Plaintiff Brian Wiggins in this action Bates stamped Wiggins_B_0000196-204.

53. Attached hereto as **Exhibit 50** is a true and correct copy of a document produced by Plaintiff Clara Cajas in this action Bates stamped Cajas_C_0000383.

54. Attached hereto as **Exhibit 51**

[REDACTED]

[REDACTED].

55. Attached hereto as **Exhibit 52** is a true and correct copy of a document produced by Plaintiff Cindy Baker in this action Bates stamped Baker_C_0000360-61.

56. Attached hereto as **Exhibit 53** is a true and correct copy of an excerpt from Plaintiff Stephanie Smith's Responses to BANA's First Set of Interrogatories Directed to Plaintiffs.

57. Attached hereto as **Exhibit 54** is a true and correct copy of a publicly available webpage from the United States Department of Labor, Office of the Inspector General titled "OIG Oversight of the Unemployment Insurance Program," which was last updated December 15, 2023.

58. Attached hereto as **Exhibit 55** is a true and correct copy of publicly available court documents for *State of Utah v. Aders*, Case No. 211100532 FS (Utah 1st Dist. Aug. 23, 2021).

59. Attached hereto as **Exhibit 56** is a true and correct copy of publicly

1 available court documents for *People of the State of Cal. v. Gage*, Case No.
2 SC120916 A (Cal. Sup. Ct.).

3 60. Attached hereto as **Exhibit 57** is a true and correct copy of publicly
4 available court documents for *People of the State of Cal. v. Corella*, Case No. 16CR-
5 059780 (Cal. Sup. Ct. Dec. 12, 2001).

6 61. Attached hereto as **Exhibit 58** [REDACTED]
7 [REDACTED].

8 62. Attached hereto as **Exhibit 59** [REDACTED]
9 [REDACTED].

10 63. Attached hereto as **Exhibit 60** [REDACTED]
11 [REDACTED].

12 64. Attached hereto as **Exhibit 61** [REDACTED]
13 [REDACTED].

14 65. Attached hereto as **Exhibit 62** [REDACTED]
15 [REDACTED].

16 66. Attached hereto as **Exhibit 63** is a true and correct copy of excerpts of
17 the official transcript of BANA's deposition of Plaintiff Jennifer Meza, taken on
18 April 30, 2024.

19 67. Attached hereto as **Exhibit 64** [REDACTED]
20 [REDACTED].

21 68. Attached hereto as **Exhibit 65** is a true and correct copy of an excerpt
22 from Plaintiff Sara Morales' Responses to BANA's First Set of Interrogatories
23 Directed to Plaintiffs.

24 69. Attached hereto as **Exhibit 66** [REDACTED]
25 [REDACTED].

26 70. Attached hereto as **Exhibit 67** [REDACTED]
27 [REDACTED].

28 71. Attached hereto as **Exhibit 68** [REDACTED]

1 [REDACTED].

2 72. Attached hereto as **Exhibit 69** [REDACTED]

3 [REDACTED].

4 73. Attached hereto as **Exhibit 70** [REDACTED]

5 [REDACTED].

6 74. Attached hereto as **Exhibit 71** [REDACTED]

7 [REDACTED].

8 75. Attached hereto as **Exhibit 72** [REDACTED]

9 [REDACTED].

10 76. Attached hereto as **Exhibit 73** [REDACTED]

11 [REDACTED]

12 [REDACTED].

13 77. Attached hereto as **Exhibit 74** is a true and correct copy of an excerpt

14 from Plaintiff Evett Johnson's Responses to BANA's First Set of Interrogatories

15 Directed to Plaintiffs.

16 78. Attached hereto as **Exhibit 75** is a true and correct copy of an excerpt

17 from Plaintiff Robert Murphy's Supplemental Responses to BANA's First Set of

18 Interrogatories Directed to Plaintiffs.

19 79. Attached hereto as **Exhibit 76** is a true and correct copy of an excerpt

20 from Plaintiff Seante Glassflowers' Supplemental Responses to BANA's First Set of

21 Interrogatories Directed to Plaintiffs.

22 80. Attached hereto as **Exhibit 77** [REDACTED]

23 [REDACTED]

24 [REDACTED].

25 81. Attached hereto as **Exhibit 78** [REDACTED]

26 [REDACTED]

27 [REDACTED].

28 82. Attached hereto as **Exhibit 79** is a true and correct copy of the publicly

1 available testimony of Larry D. Turner before the United States House of
2 Representatives Committee on Ways and Means given on February 8, 2023.

3 83. Attached hereto as **Exhibit 80** [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 84. Attached hereto as **Exhibit 81** [REDACTED]
9 [REDACTED]
10 [REDACTED].

11 85. Attached hereto as **Exhibit 82** [REDACTED]
12 [REDACTED]
13 [REDACTED].

14 86. Attached hereto as **Exhibit 83** is a true and correct copy of a publicly
15 available article by Brian Faler titled “Unemployment assistance to millionaires
16 soared during pandemic,” published by Politico and dated November 22, 2022.

17 87. Attached hereto as **Exhibit 84** [REDACTED]
18 [REDACTED]
19 [REDACTED].

20 88. Attached hereto as **Exhibit 85** is a true and correct copy of excerpts of
21 BANA’s Revised Supplemental Responses to Plaintiff Jennifer Yick’s First Set of
22 Interrogatories.

23 89. Attached hereto as **Exhibit 86** is a true and correct copy of Exhibit 4 to
24 BANA’s Revised Supplemental Responses to Plaintiff Jennifer Yick’s First Set of
25 Interrogatories.

26 90. Attached hereto as **Exhibit 87** is a true and correct copy of a publicly
27 available report by the United States Government Accountability Office dated March
28 17, 2022.

1 91. Attached hereto as **Exhibit 88** is a true and correct copy of a publicly
2 available report by the California State Auditor titled “Weaknesses in EDD’s
3 Approach” and dated January 2021.

4 92. Attached hereto as **Exhibit 89** is a true and correct copy of a publicly
5 available report by the California State Auditor titled “EDD’s Poor Planning and
6 Ineffective Management Left It Unprepared to Assist Californians Unemployed by
7 COVID-19 Shutdowns” dated January 2021.

8 93. Attached hereto as **Exhibit 90** is a true and correct copy of a publicly
9 available letter to the California State Auditor dated January 28, 2021.

10 94. Attached hereto as **Exhibit 91** is a true and correct copy of a publicly
11 available article by Milbourn published by the Orange County Register and dated
12 March 16, 2021.

13 95. Attached hereto as **Exhibit 92** is a true and correct copy of a collection
14 of publicly available press releases by the Financial Crimes Network dated between
15 March 16, 2020 and February 24, 2021.

16 96. Attached hereto as **Exhibit 93** is a true and correct copy of a publicly
17 available report by the Office of the Comptroller of Currency titled “Semi-Annual
18 Risk Perspective” dated Spring 2021.

19 97. Attached hereto as **Exhibit 94** is a true and correct copy of a press
20 release from the United States Department of Justice titled “COVID-19 Fraud
21 Enforcement Task Force 2024 Report” and dated April 9, 2024.

22 98. Attached hereto as **Exhibit 95** is a true and correct copy of a publicly
23 available press release by the DOJ’s National Unemployment Insurance Fraud Task
24 Force titled “Unemployment Insurance Fraud Consumer Protection Guide” and dated
25 September 21, 2020.

26 99. Attached hereto as **Exhibit 96** is a true and correct copy of a publicly
27 available bulletin by the United States Secret Service dated May 14, 2020.

28 100. Attached hereto as **Exhibit 97** is a true and correct copy of excerpts of

1 the official transcript of Plaintiffs' deposition of BANA's Rule 30(b)(6) designee,
2 Michael J. Letson, taken on February 16, 2024.

3 101. Attached hereto as **Exhibit 98** is a true and correct copy of excerpts of
4 the official transcript of Plaintiffs' deposition of BANA's Rule 30(b)(6) designee,
5 Shane Daniels, taken on February 6, 2024.

6 102. Attached hereto as **Exhibit 99** [REDACTED]
7 [REDACTED].

8 103. Attached hereto as **Exhibit 100** [REDACTED]
9 [REDACTED].

10 104. Attached hereto as **Exhibit 101** [REDACTED]
11 [REDACTED].

12 105. Attached hereto as **Exhibit 102** [REDACTED]
13 [REDACTED].

14 106. Attached hereto as **Exhibit 103** [REDACTED]
15 [REDACTED].

16 107. Attached hereto as **Exhibit 104** is a true and correct copy of excerpts of
17 BANA's Responses to Plaintiff Jennifer Yick's Fifth Set of Interrogatories.

18 108. Attached hereto as **Exhibit 105** is Exhibit 11 to BANA's Responses to
19 Plaintiff Jennifer Yick's Fifth Set of Interrogatories.

20 109. Attached hereto as **Exhibit 106** is a true and correct copy of excerpts of
21 a publicly available handbook by the OCC titled "Corporate and Risk Governance"
22 and dated July 2019.

23 110. Attached hereto as **Exhibit 107** is a true and correct copy of a publicly
24 available handbook by the OCC titled "Internal Controls" and dated January 2001.

25 111. Attached hereto as **Exhibit 108** is a true and correct copy of a publicly
26 available OCC Bulletin 2019-37 titled "Operational Risk: Fraud Risk Management
27 Principles" and dated July 24, 2019.

28 112. Attached hereto as **Exhibit 109** is a true and correct copy of excerpts of

1 a publicly available handbook by the OCC titled “Large Bank Supervision” and dated
2 July 2018.

3 113. Attached hereto as **Exhibit 110** is a true and correct copy of the publicly
4 available 71 Fed. Reg. 1638 (Jan. 10, 2006).

5 114. Attached hereto as **Exhibit 111** is a true and correct copy of excerpts of
6 a publicly available handbook by the OCC titled “Compliance Management
7 Systems” and dated July 2019.

8 115. Attached hereto as **Exhibit 112** [REDACTED]
9 [REDACTED].

10 116. Attached hereto as **Exhibit 113** [REDACTED]
11 [REDACTED].

12 117. Attached hereto as **Exhibit 114** [REDACTED]
13 [REDACTED].

14 118. Attached hereto as **Exhibit 115** [REDACTED]
15 [REDACTED].

16 119. Attached hereto as **Exhibit 116** [REDACTED]
17 [REDACTED].

18 120. Attached hereto as **Exhibit 117** [REDACTED]
19 [REDACTED].

20 121. Attached hereto as **Exhibit 118** [REDACTED]
21 [REDACTED].

22 122. Attached hereto as **Exhibit 119** is a true and correct copy of a publicly
23 accessible guide by ContactBabel titled “The US Contact Center Decision-Makers’
24 Guide 2021” and dated 2021.

25 123. Attached hereto as **Exhibit 120** [REDACTED]
26 [REDACTED].

27 124. Attached hereto as **Exhibit 121** [REDACTED]
28 [REDACTED].

1 125. Attached hereto as **Exhibit 122** is a true and correct copy of excerpts of
2 the official transcript of Plaintiffs' deposition of BANA's Rule 30(b)(6) designee,
3 William Martin, taken on February 14, 2024.

4 **Additional Information**

5 126. During a status conference on January 16, 2024 that I attended, counsel
6 for Plaintiffs told Magistrate Judge Berg that they intended to reduce the list of class
7 representatives named in the then-operable complaint to reflect "the best" class
8 representatives.

9 127. Defendants' Exhibits to this Declaration shall be referred to as "DX" in
10 Defendant's Memorandum in Opposition to Plaintiffs' Motion for Class Certification
11 and its supporting documents. Plaintiffs' Exhibits to the Declaration of Connie K.
12 Chan in Support of Plaintiffs' Motion for Class certification shall be referred to as
13 "PX" in the Opposition and its supporting documents.

14
15 I declare under the penalty of perjury that the foregoing is true and correct.
16 Executed on this 24th day of October, 2024.

17
18
19 By:


LAURA BRYs