

EXHIBIT 9

**FILED
PROVISIONALLY
UNDER SEAL WITH
REDACTIONS
PURSUANT TO
STIPULATED
PROTECTIVE ORDER**

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

IN RE: BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION

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

**DECLARATION OF KELLEY
LORENZEN IN SUPPORT OF
DEFENDANT'S MEMORANDUM
IN OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

Date: January 17, 2025

Time: 1:30 p.m.

Ctrm: 2D – 2nd Floor

Judge: Hon. Gonzalo P. Curiel

FILED PROVISIONALLY UNDER SEAL
PURSUANT TO STIPULATED PROTECTIVE
ORDER

DECLARATION OF KELLEY LORENZEN

I, Kelley Lorenzen, state and declare as follows:

1. I am a Senior Operations Manager, Case Resolution Operations for Bank of America, N.A. ("BANA"), a party to this action. I make this declaration in support of BANA's Opposition to Plaintiffs' Motion for Class Certification. I am authorized to submit this declaration on BANA's behalf. The information set forth in my declaration is true and correct to the best of my knowledge, information, and belief. Except where otherwise indicated, the following facts are true of my own personal knowledge, from conversations I had with my co-workers at BANA and from my review of BANA's files and business records, and, if called upon to do so, I could and would competently testify to the truth thereof.

2. In my capacity as Assistant Vice-President, Senior Operations Manager, I have come to know BANA's internal processes and procedures. I am also familiar with BANA's record keeping processes and I have access to the business records maintained by BANA in connection with its business of managing prepaid debit card accounts opened by the California Employment Development Department ("EDD") ("EDD Prepaid Debit Card Accounts" or "Accounts"), through which EDD disbursed unemployment benefits. This includes the systems of record used for the purposes of resolving alleged unauthorized transaction claims; processing, storing, and retrieving recorded calls between EDD Prepaid Debit Card cardholders ("Cardholders") and BANA prepaid debit card call center representatives; generating and mailing correspondence to Cardholders; recording and applying freezes and blocks to Accounts; and other purposes generally related to BANA's administration of EDD Prepaid Debit Cards and the corresponding Accounts. The systems, interfaces, and documents described herein are all business records maintained by BANA in the above-described manner (the "BANA Business Records").

3. The BANA Business Records are made in the regular or ordinary

1 course of business, at or near the time of the act, condition, or event to which they
2 relate, by persons employed by BANA and/or its predecessors and/or agents, who
3 had a business duty to accurately and completely take, make, and maintain such
4 records and documents. On information and belief based on my conversations with
5 my co-workers who downloaded and compiled the BANA Business Records in
6 response to Plaintiffs' Requests for Production of Documents ("Plaintiffs'
7 Requests"), BANA downloaded and compiled for production the responsive BANA
8 Business Records.

9 4. My testimony in this declaration is on information and belief based on
10 my knowledge of the systems described herein, my review of certain BANA
11 Business Records produced in response to Plaintiffs' Requests and my conversation
12 with coworkers who compiled the responsive BANA Business Records and who
13 possess knowledge of the operation of the systems described herein.

14 **The Systems Accessing BANA Business Records**

15 5. During the relevant period, BANA was engaged in the business of
16 managing prepaid debit card accounts through which certain states, including
17 California, deposited unemployment benefits. As part of this operation, individuals
18 receiving unemployment benefits from EDD were able to access their benefits
19 through an EDD Prepaid Debit Card issued by BANA. BANA's relationship with
20 these Cardholders was governed by a cardholder agreement, including the processes
21 through which Cardholders could file disputes with BANA regarding alleged
22 unauthorized transactions on their Accounts.

23 **I. Call Recordings**

24 6. As a part of that business, BANA provided Cardholders with a phone
25 number by which they could call BANA prepaid debit card call center
26 representatives.

27 7. Customer service calls during the relevant time period were recorded
28 pursuant to BANA's policies. BANA engaged a vendor-provided-software for the

1 recording, storage, retrieval and exporting of call recordings, Neptune Intelligent
2 Computer Engineering (“NICE”). BANA employees can use NICE to export call
3 recordings as .wav files. Two companies, Advanced Call Center Technologies,
4 LLC (“ACT”) and TTEC Services Corporation (“TTEC”) (together, the “Call
5 Vendors”) were engaged by BANA to assist with customer call intake and call
6 recordings. Each Call Vendor used a different software to record and store calls at
7 the time of a call as a part of their regular line of business. ACT used Humanify
8 and TTEC used Encore. The following records represent the BANA business
9 records regarding the call recordings for these Cardholders that were made on or
10 about the time the Cardholder called:

11 8. Attached to the Appendix of Exhibits to Declaration of Laura Brys in
12 Support of Defendant’s Opposition to Plaintiffs’ Motion for Class Certification
13 (“AOE”) as **Exhibit 30** [REDACTED]

14 [REDACTED]. The
15 .wav file of this call is Bates stamped by BANA at BANA_EDD_MDL-00884196.

16 9. Attached to the AOE as **Exhibit 31** [REDACTED]

17 [REDACTED]
18 [REDACTED]. The .wav file of this call is Bates stamped by BANA at
19 BANA_EDD_MDL-00884195.

20 10. Attached to the AOE as **Exhibit 33** [REDACTED]

21 [REDACTED]
22 [REDACTED]. The .wav file of this call is Bates stamped by
23 BANA at BANA_EDD_MDL-00882697.

24 11. Attached to the AOE as **Exhibit 78** [REDACTED]

25 [REDACTED]
26 [REDACTED]. The .wav file of this call is Bates stamped by BANA at
27 BANA_EDD_MDL-00741475.

28 12. Attached to the AOE as **Exhibit 82** [REDACTED]

1 [REDACTED]
2 [REDACTED]. The .wav file of this call is Bates stamped by BANA at
3 BANA_EDD_MDL-00718718.

4 13. None of the systems of record during the relevant time period that
5 store data related to these customer service calls recorded data regarding individual
6 call wait times, the speed to answer, or call handle times. This information is not
7 available on a per caller basis identifiable through Caller ID, Automatic Number
8 Identification, Alias ID, or any other individual identifier. Therefore, between
9 September 13, 2020 and November 21, 2020, Bank of America cannot determine
10 the individual wait or hold time for a caller through a simple systematic data pull of
11 its own records.

12 **II. VisaPAM**

13 14. During the relevant time period, BANA used Visa Payment Account
14 Manager (“VisaPAM,” f/k/a Visa Prepaid Administration System (“VisaPAS”)) as
15 its customer relationship management system for information related to Accounts.
16 VisaPAM would record transactions, activations (including freezes), and blocks on
17 the Accounts, on or about the time they occurred, in the system’s regular course of
18 business.

19 15. Additionally, BANA prepaid debit card call center representatives
20 would record a summary of their calls with Cardholders in VisaPAM on or about
21 the time of the call in their regular course of business (“Call Notes”).

22 16. Upon information and belief, in response to Plaintiffs’ Requests as to
23 documents relating to Plaintiffs’ Accounts, BANA employees prepared exports of
24 freeze, block, transaction history, and note history based on data from Visa stored at
25 BANA for each Cardholder as Excel workbooks (the “Consolidated Account
26 History”). This export included any Call Notes in the Note History tab. The
27 following records represent the BANA business records regarding the Consolidated
28 Account History for these Cardholders:

1 17. Attached to the AOE as **Exhibit 32** [REDACTED]
2 [REDACTED]. This document is Bates stamped
3 by BANA at BANA_EDD_MDL-00044103.

4 18. Attached to the AOE as **Exhibit 35** [REDACTED]
5 [REDACTED]. This document is Bates stamped by
6 BANA at BANA_EDD_MDL-00044190.

7 19. Attached to the AOE as **Exhibit 36** [REDACTED]
8 [REDACTED]. This document is Bates stamped
9 by BANA at BANA_EDD_MDL-00044206.

10 20. Attached to the AOE at **Exhibit 38** [REDACTED]
11 [REDACTED]. This document is Bates stamped
12 by BANA at BANA_EDD_MDL-00044237.

13 21. Attached to the AOE as **Exhibit 40** [REDACTED]
14 [REDACTED]. This document is Bates stamped by
15 BANA at BANA_EDD_MDL-00044256.

16 22. Attached to the AOE as **Exhibit 46** [REDACTED]
17 [REDACTED]. This document is Bates stamped
18 by BANA at BANA_EDD_MDL-00044243.

19 23. Attached to the AOE as **Exhibit 73** [REDACTED]
20 [REDACTED]. This document is Bates stamped by
21 BANA at BANA_EDD_MDL-00044219.

22 24. Attached to the AOE as **Exhibit 77** [REDACTED]
23 [REDACTED]. This document is Bates stamped by
24 BANA at BANA_EDD_MDL-00044172.

25 **III. Claims Materials and Correspondence from Wadworth**

26 25. At all relevant times, Wadworth was the BANA system of record for
27 alleged unauthorized transaction claim recording, processing, investigation, and
28 resolution. [REDACTED]

1 [REDACTED]. The following records represent
2 the BANA business records regarding the claims for these Cardholders that were
3 made on or about the time the claim was investigated and decisioned:

4 26. Attached to the AOE as **Exhibit 45** [REDACTED]
5 [REDACTED]. This document is
6 Bates stamped by BANA beginning at BANA_EDD_MDL-00883990.

7 27. Attached to the AOE as **Exhibit 64** [REDACTED]
8 [REDACTED]. This document is
9 Bates stamped by BANA beginning at BANA_EDD_MDL-00138908.

10 28. Attached to the AOE as **Exhibit 66** [REDACTED]
11 [REDACTED]. This document is
12 Bates stamped by BANA beginning at BANA_EDD_MDL-00134198.

13 29. Attached to the AOE as **Exhibit 67** [REDACTED]
14 [REDACTED]. This document is
15 Bates stamped by BANA beginning at BANA_EDD_MDL-00699378.

16 30. Attached to the AOE as **Exhibit 68** [REDACTED]
17 [REDACTED]. This document
18 is Bates stamped by BANA beginning at BANA_EDD_MDL-00136297.

19 31. Attached to the AOE as **Exhibit 69** [REDACTED]
20 [REDACTED]. This document is Bates stamped
21 by BANA beginning at BANA_EDD_MDL-00136304.

22 32. Attached to the AOE as **Exhibit 70** [REDACTED]
23 [REDACTED]. This document is Bates stamped
24 by BANA beginning at BANA_EDD_MDL-00136306.

25 **IV. Verint ATM Footage**

26 33. Verint Video Investigator ("Verint") is an independent system that
27 records and stores photographed footage of BANA ATM transactions on or about
28 the time an ATM transaction occurs. [REDACTED]

1 [REDACTED]
2 [REDACTED] The following records represent the BANA
3 business records regarding BANA ATM images that were made on or about the
4 time of the dated ATM transaction:

5 34. Attached to the AOE as **Exhibit 71** [REDACTED]
6 [REDACTED]. The photograph was
7 produced by BANA to Plaintiffs at Bates BANA_EDD_MDL-00000001.

8 35. Attached to the AOE as **Exhibit 72** [REDACTED]
9 [REDACTED]. The photograph was produced by
10 BANA to Plaintiffs at Bates BANA_EDD_MDL-00000002.

11
12
13 I declare under the penalty of perjury that the foregoing is true and correct.
14 Executed on this 24th day of October, 2024.

15 Bank of America, N.A.

16 By: Kelley Lorenzen
17

18 Name: Kelley Lorenzen

19 Title: AVP

20 Date: 10/24/2024
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