

EXHIBIT 37

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION

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

PLAINTIFF ANN PEREZ'S
OBJECTIONS AND RESPONSES TO
BANK OF AMERICA, N.A.'S FIRST
SET OF INTERROGATORIES,
REQUEST FOR ADMISSIONS AND
REQUEST FOR DOCUMENTS

This Document Relates to All Actions

Judge: Hon. Larry Alan Burns

RESPONSE TO INTERROGATORY NO. 6:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff objects to this Interrogatory as unduly burdensome to the extent that it seeks information that is more readily accessible to or already in the possession, custody, or control of Defendant, including because to the extent any portion of these Requests are relevant, the information requested has been or may be incorporated into the payment schedules required by the CFPB/OCC Remediation Plan. Plaintiff further objects to this Interrogatory because Defendant and Plaintiff's experts have superior knowledge as to best practices for identifying unauthorized transactions as suspicious.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff notified the Defendant that the transaction at issue in this matter was unauthorized. Plaintiff also refers Defendant to the documents in Defendant's possession and control, Plaintiffs' First Amended Master Consolidated Complaint, the Preliminary Injunction in this case and the facts and evidence supporting the Preliminary Injunction, the Consumer Financial Protection Bureau Consent Order of July 14, 2022, and Plaintiffs' document production.

INTERROGATORY NO. 7:

State the principal facts RELATING TO whether YOUR PERSONAL INFORMATION was compromised, including whether YOUR PERSONAL INFORMATION, wallet, CARD, or cellphone were ever stolen, and whether YOU were notified by a THIRD PARTY (e.g. government agency, employer, merchant, website) that YOUR PERSONAL INFORMATION may have been compromised.

RESPONSE TO INTERROGATORY NO. 7:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

1 Plaintiff objects to this Interrogatory as vague and ambiguous to the extent it
2 asks “whether YOUR PERSONAL INFORMATION was compromised” and on
3 the ground that it is overbroad, not proportional to the needs of this case, and
4 ambiguous as to the included time period. Plaintiff further objects to this
5 Interrogatory on the ground that it requests information regarding cell phones,
6 wallets and notifications by a THIRD PARTY about potential compromises of
7 Plaintiff’s PERSONAL INFORMATION that is unrelated to the claims made by
8 Plaintiff and it is therefore overbroad and not proportional to the needs of this case.
9 Plaintiff further objects to this Interrogatory as compound and counting as multiple
10 distinct interrogatories.

11 Subject to and without waiving the foregoing objections, Plaintiff responds
12 as follows:

13 Plaintiff’s personal information was obtained without authorization with
14 respect to the transaction at issue. Plaintiff received an EDD Debit Card with a
15 magnetic stripe (but no EMV chip) to access benefits. Through the course of his
16 relationship with Bank of America Plaintiff suffered at least one unauthorized
17 transaction on Plaintiff’s account. Each unauthorized transaction was timely
18 reported to Bank of America.

19 In March 2020, Plaintiff applied for and started receiving CA EDD
20 unemployment benefits at \$174.00 (one hundred seventy-four dollars) weekly.
21 Between March and September of 2020, all transactions on her Bank of America
22 EDD account were fraudulent. The total amount of these transactions was
23 \$14,000.00 (fourteen thousand dollars). September 20 and 21, 2020, Plaintiff
24 called Bank of America to inform them that she never received her Bank of
25 America EDD. Bank of America told her that they sent it to her in May 2020. In
26 December 2020, Bank of America sent her a denial letter. The letter stated that the
27 Bank was freezing her account due to fraud and that her claim had been denied. At
28

1 this time, her account had \$4,700.00 (four thousand seven hundred dollars) locked
2 in it. Finally, in April of 2021 her account was unfrozen.

3 **INTERROGATORY NO. 8:**

4 State the principal facts RELATED TO all YOUR CLAIMS, including the
5 date of the CLAIM, the manner in which the CLAIM was submitted or
6 communicated to BANA, IDENTIFYING all TRANSACTIONS included in the
7 CLAIM, the interest YOU believe YOU are entitled to and the basis for that belief,
8 IDENTIFYING the PERSON YOU believe made the transaction, whether YOU
9 knew a TRANSACTION subject to a CLAIM was authorized by YOU or by
10 someone with authority to use YOUR CARD or ACCOUNT, and the information
11 provided to BANA about the disputed TRANSACTION (including but not limited
12 to any DOCUMENTS or COMMUNICATIONS provided to BANA).

13 **RESPONSE TO INTERROGATORY NO. 8:**

14 Plaintiff incorporates by reference the Preliminary Statement and General
15 Objections.

16 Plaintiff objects to this Interrogatory as vague and ambiguous to the extent it
17 asks “whether YOUR PERSONAL INFORMATION was compromised” and on
18 the ground that it is overbroad, not proportional to the needs of this case, and
19 ambiguous as to the included time period. Plaintiff further objects to this
20 Interrogatory on the ground that it requests information regarding cell phones,
21 wallets and notifications by a THIRD PARTY about potential compromises of
22 Plaintiff’s PERSONAL INFORMATION that is unrelated to the claims made by
23 Plaintiff and it is therefore overbroad and not proportional to the needs of this case.
24 Plaintiff further objects to this Interrogatory as compound and counting as multiple
25 distinct interrogatories.

26 Subject to and without waiving the foregoing objections, Plaintiff responds
27 as follows:

RESPONSE TO REQUEST NO. 56:

Plaintiff incorporates by reference the Preliminary Statement and General Objections as if expressly set forth herein.

Plaintiff objects to this Request as overbroad and unduly burdensome to the extent “all DOCUMENTS” seeks documents that are neither relevant to any claim or defense in this action, nor proportional to the needs of this case. Plaintiff also objects to this request as unduly burdensome to the extent that it seeks information that is not in Plaintiff’s possession, custody or control, is public, in the possession of third parties, or is more readily accessible to or already in the possession of Defendant.

Subject to and without waiving the foregoing objections, Plaintiff will produce non-privileged, responsive documents in Plaintiff’s possession, custody, or control that are located after a reasonable search, to the extent such documents exist. Discovery and investigation are ongoing and Plaintiff reserves the right to supplement Plaintiff’s production.

Dated: January 18, 2024

SWIGART LAW GROUP, APC

By: /s/ Joshua B. Swigart
JOSHUA B. SWIGART

Liasson Counsel for Individual Plaintiffs

In re Bank of America California Unemployment Benefits Litigation

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

VERIFICATION

I, _____, declare:

I am one of the individual Plaintiffs in the above-entitled action, and I have been authorized to make this verification.

I have read the foregoing responses to:

- 1. RESPONSE TO BANK OF AMERICA, N.A.'S FIRST SET OF REQUESTS FOR ADMISSIONS**
- 2. RESPONSE TO BANK OF AMERICA, N.A.'S FIRST SET OF INTERROGATORIES**

I know the contents thereof; the same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and, as to those matters, I believe them to be true.

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

Executed in the State of California on _____.


