EXHIBIT 39

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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 CATRINA RODRIGUEZ'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

claim BANA should have identified as suspicions, the facts that form the basis for YOUR belief, such as the location of the merchant and YOUR location on that date, and whether BANA did in fact identify the TRANSACTION as suspicious.

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.

Plaintiff objects to this Interrogatory as vague and ambiguous to the extent it asks "whether YOUR PERSONAL INFORMATION was compromised" and on the ground that it is overbroad, not proportional to the needs of this case, and ambiguous as to the included time period. Plaintiff further objects to this Interrogatory on the ground that it requests information regarding cell phones, wallets and notifications by a THIRD PARTY about potential compromises of Plaintiff's PERSONAL INFORMATION that is unrelated to the claims made by Plaintiff and it is therefore overbroad and not proportional to the needs of this case. Plaintiff further objects to this Interrogatory as compound and counting as multiple distinct interrogatories.

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

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

In January 2021, Plaintiff noticed fraudulent activity. She discovered the fraud when she failed to receive a new card she requested from Bank of America. Plaintiff had logged into her account and noticed $6,000.00 (six thousand dollars) had been taken. The transactions were for various ATM withdrawals. On or around January 11, 2021, she called Bank of America to report the fraud and file a claim for $6,000.00 (six thousand dollars). At the end of January 2021, Bank of America froze her account. She noticed the freeze when she attempted to activate another

EDD card Bank of America mailed her and was unable to because it was blocked. She then called Bank of America a few days later who told her she must call EDD because they were not in charge of freezing and unfreezing her account. In April 2021, Bank of America unfroze her account. On April 13, 2021 Bank of America credited her account $800.00 (eight hundred dollars). She then withdrew the money immediately. The same day, Bank of America took back the $800.00 (six thousand dollars) claiming she was not entitled to the money leaving her account with a negative $797.13 (seven hundred ninety-seven dollars and thirteen cents) balance.

<u>INTERROGATORY NO. 8:</u>

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

<u>RESPONSE TO INTERROGATORY NO. 8:</u>

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as vague and ambiguous to the extent it asks "whether YOUR PERSONAL INFORMATION was compromised" and on the ground that it is overbroad, not proportional to the needs of this case, and ambiguous as to the included time period. Plaintiff further objects to this Interrogatory on the ground that it requests information regarding cell phones, wallets and notifications by a THIRD PARTY about potential compromises of

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: December 4, 2023

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, Catrina Rodriguez, 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 Nov 10 2023 16:32 PST.

C. Rodriguez
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