

EXHIBIT 53

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Co-Lead Counsel for Plaintiffs and the Proposed Class

**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 STEPHANIE SMITH'S
OBJECTIONS AND RESPONSES TO
BANK OF AMERICA, N.A.'S FIRST
SET OF INTERROGATORIES

This Document Relates to All Actions

Judge: Hon. Larry Alan Burns

1 Accordingly, Plaintiff will limit their response to the period from January 1,
2 2020, to present.

3 Subject to and without waiving the foregoing objections, Plaintiff responds
4 as follows: Plaintiff did not authorize a third party to access their account in
5 connection with the transactions at issue in this case.

6 **INTERROGATORY NO. 5:**

7 If you allege that any TRANSACTIONS on YOUR ACCOUNT were
8 unauthorized or made in error, state the principal facts RELATING TO each
9 distinct TRANSACTION that YOU allege was unauthorized or made in error,
10 including IDENTIFYING the TRANSACTION, the type of error (including
11 whether the error was an “error” under EFTA Regulation E (15 U.S.C. § 1693 *et*
12 *seq.*) and if so, which type of error), any fees YOU allege were improperly
13 assessed RELATING TO the TRANSACTION (including the amount of the fee(s)
14 and the date(s) of assessment), and the basis for YOUR belief that each
15 TRANSACTION was an error.

16 **RESPONSE TO INTERROGATORY NO. 5:**

17 Plaintiff incorporates by reference the Preliminary Statement and General
18 Objections.

19 Plaintiff objects to this Interrogatory as unduly burdensome to the extent that
20 it seeks information that is more readily accessible to or already in the possession,
21 custody, or control of Defendant, including because to the extent any portion of
22 these Requests are relevant, the information requested has been or may be
23 incorporated into the payment schedules required by the CFPB/OCC Remediation
24 Plan. Plaintiff further objects to this Interrogatory as compound and counting as
25 multiple distinct interrogatories. Plaintiff also objects that it calls for a legal
26 conclusion, premature disclosure of expert opinions and conclusions and it is
27 overbroad in that it requests information that is subject to the attorney-client and
28 attorney work-product privilege.

1 Subject to and without waiving the foregoing objections, Plaintiff responds as
2 follows: Plaintiff did not authorize a third party to access their account in connection
3 with the transactions at issue in this case. Plaintiff received her EDD Debit Card in
4 or about June 2020 and activated it on Bank of America's website the same day that
5 she received it.

6 Immediately after activating the Card, she locked the Card in a safe inside her
7 home, and she did not subsequently take the Card out of the safe or use it in any way.
8 Her only activity on her EDD Debit Card Account thereafter was to use Bank of
9 America's website to transfer funds from her EDD Debit Card Account to her
10 personal consumer bank account (also with Bank of America). She never used the
11 Card at an ATM, for an online purchase, at a retail store, or for any other transaction.
12 She also never disclosed her Card number or PIN to anyone and never authorized
13 anyone to use her Card. Despite all this, an unknown person or persons used the
14 Cardholder Information associated with her EDD Debit Card and/or Account to
15 make three unauthorized transactions with DoorDash in San Francisco, California.
16 The first unauthorized transaction occurred on or about November 23, 2020, with a
17 charge of 90.89. The second unauthorized transaction occurred on or about
18 November 27, 2020, with a charge of 44.31. The third unauthorized transaction
19 occurred on or about November 30, 2020, with a charge of \$90.64. These
20 unauthorized transactions totaled \$225.84.

21
22 **INTERROGATORY NO. 6:**

23 State the principal facts RELATING TO why YOU believe that BANA
24 should have identified the allegedly unauthorized TRANSACTIONS as suspicious,
25 including IDENTIFYING the allegedly unauthorized TRANSACTIONS YOU
26 claim BANA should have identified as suspicions, the facts that form the basis for
27 YOUR belief, such as the location of the merchant and YOUR location on that
28 date, and whether BANA did in fact identify the TRANSACTION as suspicious.

1 Dated: October 19, 2023

ALTSHULER BERZON LLP

2 By: /s/ Michael Rubin
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4 STACEY M. LEYTON
5 MATTHEW MURRAY
6 CONNIE K. CHAN

7 Co-Lead Counsel for Plaintiffs and the
8 Proposed Class
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1 *In re Bank of America California Unemployment Benefits Litigation*
2 *Case No. 3:21-md-02992-LAB-MSB (N.D. California)*

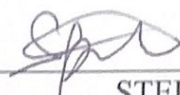
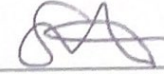
3 VERIFICATION

4 I, Stephanie Smith, declare:

5 I am one of the plaintiffs in the above-entitled action. I have reviewed my
6 Objections and Responses to Bank of America, N.A.'s First Set of Interrogatories.
7 The responses contained therein are true and correct to the best of my knowledge.

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

10 Executed on October 20, 2023, at San Diego, CA.
11 (City, State)

12 
13 
14 STEPHANIE SMITH