

EXHIBIT 65

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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 SARA MORALES'
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

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.

1 In July of 2020, Plaintiff began collecting benefits of approximately \$934.00
2 every two weeks.

3 In September of 2020, Plaintiff's account had approximately \$1,892.00 in
4 unauthorized transactions. Plaintiff discovered the unauthorized transactions when
5 Bank of America sent her a monthly paper copy of her bank statement as per her
6 request. As soon as Plaintiff saw the statement, she called Bank of America.
7 Plaintiff reported to Bank of America that there were a series of transaction she did
8 not authorize, including hotel room purchases and other goods and services. Bank
9 of America informed Plaintiff that she would be given provisional credit and a new
10 card. The new card arrived shortly after.

11 On November 19, 2020, Bank of America reimbursed Plaintiff's account
12 with \$611.00. On November 24, 2020, Bank of America reimbursed Plaintiff's
13 account with \$323.58.

14 On December 10, 2020, Plaintiff noticed another unauthorized transaction of
15 \$80.00 on her account and called Bank of America to report it as fraud.

16 On December 11, 2020, Bank of America sent Plaintiff a letter stating that a
17 claim for \$1,181.00 was closed because they believed there was suspicious activity
18 on the account.

19 **INTERROGATORY NO. 8:**

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

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 9, 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 _____.


