

JOSEPH W. COTCHETT (SBN 36324)

jcotchett@cpmlegal.com

BRIAN DANITZ (SBN 247403)

bdanitz@cpmlegal.com

KARIN B. SWOPE (Pro Hac Vice)

kswope@cpmlegal.com

BLAIR V. KITTLE (SBN 336367)

bkittle@cpmlegal.com

VASTI S. MONTIEL (SBN 346409)

vmontiel@cpmlegal.com

COTCHETT, PITRE & McCARTHY, LLP

840 Malcolm Road, Suite 200

Burlingame, CA 94010

Telephone: (650) 697-6000

Fax: (650) 697-0577

MICHAEL RUBIN (SBN 80618)

mrubin@altber.com

STACEY M. LEYTON

(SBN 203827)

sleyton@altber.com

CONNIE K. CHAN (SBN 284230)

cchan@altber.com

KATHERINE G. BASS

(SBN 344748)

kbass@altber.com

COLIN C. JONES (SBN 354301)

cjones@altber.com

ALTSHULER BERZON LLP

177 Post Street, Suite 300

San Francisco, CA 94108

Telephone: (415) 421-7151

Fax: (415) 362-8064

Co-Lead Counsel for Plaintiffs and the Proposed Class

Additional Counsel Listed on Signature Page

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

**IN RE BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION**

This Document Relates to All Actions

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

**PLAINTIFFS' EX PARTE REQUEST
TO EXTEND PAGE LIMITS FOR
PLAINTIFFS' REPLY IN SUPPORT
OF MOTION FOR CLASS
CERTIFICATION**

Courtroom: 2D, Second Floor
Judge: Hon. Gonzalo P. Curiel

**PLAINTIFFS' EX PARTE REQUEST TO EXTEND PAGE LIMITS FOR
PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR CLASS CERTIFICATION**

TO THE COURT, DEFENDANT, AND THEIR ATTORNEYS OF RECORD

Notice is hereby given that on November 19, 2024, Plaintiffs will and hereby do apply to this Court ex parte for an order extending the page limit for their Reply Brief in Support of Plaintiffs' Motion for Class Certification. Plaintiffs' Reply Brief is due to be filed on November 21, 2024. ECF No. 302. The currently permitted page limit is twenty (20) pages. ECF No. 306.

On November 18, 2024, at approximately 8:30 p.m., Plaintiffs' counsel contacted Matthew Riffée, counsel for Defendant, and requested a stipulation to extend the page limit for Plaintiffs' Reply Brief by ten pages to a total of thirty (30) pages, subject to court approval. Declaration of Gayle M. Blatt ("Blatt Decl.") ¶ 4. On November 19, 2024, Plaintiffs' counsel were informed by Mr. Riffée that the Defendant was not agreeable to Plaintiffs' request for an extension of the page limit for their Reply Brief, and that Defendant will oppose Plaintiffs' request. *Id.* ¶ 4. On November 19, 2024, Plaintiffs' Counsel notified Mr. Riffée of Plaintiffs' intention to file this ex parte application to extend page limitations. *Id.* ¶ 5.

Plaintiffs bring this application for good cause on the grounds that they require the additional pages to fully address the issues and arguments the Defendant raised in its opposition to plaintiffs' class certification motion. In particular, Defendant's opposition consists of the allotted forty-five (45) pages, and also includes five (5) expert reports, multiple declarations of Defendant's personnel and one hundred twenty-two (122) exhibits. *Id.* ¶ 6, ECF Nos. 349, 350. Plaintiffs were not able to bring a fully noticed motion because Plaintiffs Reply Brief was and is scheduled to be filed less than thirty (30) days after the Defendant filed its opposition brief, expert reports and exhibits, and the need for the excess pages was not known within the requisite time frame to bring a regularly noticed motion. *Id.* ¶ 7.

Defendant will not suffer any prejudice if Plaintiffs' ex parte request to extend

the page limits is granted. Plaintiffs, on the other hand, will be prejudiced by a denial of their ex parte application, as addressing the totality of Defendant's opposition to Plaintiffs' motion for class certification, including its numerous expert reports, employee declarations and over 120 exhibits, warrants the allowance of pages in excess of the currently approved twenty (20). *Id.* ¶ 8.

CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request the Court extend the page limit for Plaintiffs' Reply Brief in Support of Plaintiffs' Motion for Class Certification and allow Plaintiffs an additional ten (10) pages, for a total of thirty (30) pages.

Respectfully submitted,

Dated: November 19, 2024

**CASEY GERRY SCHENK
FRANCAVILLA BLATT
& PENFIELD LLP**

By: /s/ Gayle M. Blatt
Gayle M. Blatt
David S. Casey, Jr.

*Liaison Counsel for Plaintiffs and the
Proposed Class*

Dated: November 19, 2024

COTCHETT, PITRE & McCARTHY, LLP

By: /s/ Brian Danitz
JOSEPH W. COTCHETT
BRIAN DANITZ
KARIN B. SWOPE
ANDREW F. KIRTLEY
VASTI S. MONTIEL

*Co-Lead Counsel for Plaintiffs and the
Proposed Class*

1 Dated: November 19, 2024

ALTSHULER BERZON LLP

2
3 By: /s/ Michael Rubin
4 MICHAEL RUBIN
5 STACEY M. LEYTON
6 CONNIE K. CHAN
7 KATHERINE G. BASS
8 COLIN C. JONES

*Co-Lead Counsel for Plaintiffs and the
Proposed Class*

ATTESTATION OF E-FILED SIGNATURE

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I, Gayle M. Blatt, hereby certify that the content of this document is acceptable to all the signatories herein and that I have obtained counsel's authorization to affix their electronic signatures to this document.

/s/ Gayle M. Blatt

Gayle M. Blatt

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the clerk of the court for the United States District Court for the Southern District of California by using the CM/ECF system on November 19, 2024. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system. I certify under penalty of perjury that the foregoing is true and correct.

/s/ Cass L. Lazar

Cass L. Lazar