

1 JOSEPH W. COTCHETT (SBN 36324)

2 jcotchett@cpmlegal.com

3 BRIAN DANITZ (SBN 247403)

4 bdanitz@cpmlegal.com

5 KARIN B. SWOPE (Pro Hac Vice)

6 kswope@cpmlegal.com

7 BLAIR V. KITTLE (SBN 336367)

8 bkittle@cpmlegal.com

9 VASTI S. MONTIEL (SBN 346409)

10 vmontiel@cpmlegal.com

11 **COTCHETT, PITRE & McCARTHY, LLP**

12 840 Malcolm Road, Suite 200

13 Burlingame, CA 94010

14 Telephone: (650) 697-6000

15 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

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

17
18 **UNITED STATES DISTRICT COURT**
19 **SOUTHERN DISTRICT OF CALIFORNIA**
20 **SAN DIEGO DIVISION**

21 **IN RE BANK OF AMERICA**
22 **CALIFORNIA UNEMPLOYMENT**
23 **BENEFITS LITIGATION**

24 This Document Relates to All Actions

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

**DECLARATION OF GAYLE M.
BLATT IN SUPPORT OF
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

25
26
27
28 **DECLARATION OF GAYLE M. BLATT IN SUPPORT OF PLAINTIFFS' EX
PARTE REQUEST TO EXTEND PAGE LIMITS FOR PLAINTIFFS' REPLY IN
SUPPORT OF MOTION FOR CLASS CERTIFICATION**

1 I, Gayle M. Blatt, hereby declare as follows.

2 1. I am an attorney licensed to practice law in the State of California and am
3 admitted to this Court. I am a partner in the law firm of Casey Gerry Schenk
4 Francavilla Blatt & Penfield LLP and am one of the counsel of record for Plaintiffs in
5 this matter.

6 2. I submit this Declaration in support of Plaintiffs' Ex Parte Request to
7 Extend Page Limits for Plaintiffs' Reply in Support of Motion for Class Certification.

8 3. Plaintiffs' Reply Brief in Support of Plaintiffs' Motion for Class
9 Certification is due to be filed on November 21, 2024, in accordance with ECF No. 302.
10 The currently ordered page limit is twenty (20) pages. ECF No. 306.

11 4. On November 18, 2024, at approximately 8:30 p.m. Co- Lead Counsel for
12 Plaintiffs contacted Matthew Riffie, counsel for Defendant, and requested a stipulation
13 to extend the page limit for Plaintiffs' Reply Brief by ten pages to a total of thirty (30)
14 pages. On November 19, 2024, Plaintiffs' Counsel were informed by Mr. Riffie that
15 the Defendant was not agreeable to Plaintiffs' request for an extension of the page limit
16 for their Reply Brief, and that Defendant would oppose Plaintiffs' request.

17 5. On November 19, 2024, Plaintiffs' Counsel notified Mr. Riffie of
18 Plaintiffs' intention to file this ex parte application to extend page limitations.

19 6. Plaintiffs bring this application for good cause on the grounds that they
20 require the additional pages to fully address the issues and arguments the Defendant
21 raised in its opposition to plaintiffs' class certification motion. In particular,
22 Defendant's opposition consists of the allotted forty-five (45) pages, and also includes
23 five (5) expert reports, multiple declarations of Defendant's personnel and one hundred
24 twenty-two (122) exhibits, ECF Nos. 349, 350.

25 7. Plaintiffs were not able to bring a fully noticed motion because Plaintiffs
26 Reply Brief was and is scheduled to be filed less than thirty (30) days after the
27

1 Defendant filed its opposition brief, expert reports and exhibits, and the need for the
2 excess pages was not known within the requisite time frame to bring a regularly noticed
3 motion. Upon recognition of the need for the additional pages, Plaintiffs' Counsel
4 promptly contacted counsel for Defendant to request a stipulation.

5 8. Defendant will not suffer any prejudice if Plaintiffs' ex parte request to
6 extend the page limits is granted. Plaintiffs, on the other hand, will be prejudiced by a
7 denial of their ex parte application, as addressing the totality of Defendant's opposition
8 to Plaintiffs' motion for class certification, described in paragraph six above, warrants
9 the allowance of pages in excess of the currently approved twenty (20).

10 9. Plaintiffs respectfully request the Court extend the page limit for Plaintiffs'
11 Reply Brief in support of Plaintiffs' Motion for Class Certification and allow Plaintiffs
12 an additional ten (10) pages, for a total of thirty (30) pages.

13
14 I declare under penalty of perjury under the laws of the United States that the
15 foregoing is true and correct. Executed on this 19th day of November 2024, at San
16 Diego, California.

17
18 /s/ Gayle M. Blatt

19 GAYLE M. BLATT
20
21
22
23
24
25
26
27

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