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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-GPC-MSB

**SUPPLEMENTAL DECLARATION OF
CONNIE K. CHAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

Judge: Hon. Gonzalo P. Curiel
Ctrm: 2D (2nd Floor)
Date: January 17, 2025
Time: 1:30pm

This Document Relates to All Actions

SUPPLEMENTAL DECLARATION OF CONNIE K. CHAN

I, Connie K. Chan, hereby declare as follows:

1. I am a partner at the law firm of Altshuler Berzon LLP, co-lead counsel for Plaintiffs and the putative classes in this action. I submit this supplemental declaration in support of Plaintiffs' Motion for Class Certification. I have personal knowledge of the facts set forth in this declaration and if called as a witness in this action, I could and would testify competently to these facts.

2. Attached hereto as **Exhibit 158** is a true and correct copy of the Expert Rebuttal Report of William Abernathy in Support of Plaintiff's Motion for Class Certification, and appendices thereto ("Abernathy Reb").

3. Attached hereto as **Exhibit 159** is a true and correct copy of the Expert Rebuttal Report of J. Daniel Kreis in Support of Plaintiff's Motion for Class Certification, and appendices thereto ("Regan Reb").

4. Attached hereto as **Exhibit 160** is a true and correct copy of the Expert Rebuttal Report of Jane Cloninger in Support of Plaintiff's Motion for Class Certification, and appendices thereto ("Cloninger Reb").

5. Attached hereto as **Exhibit 161** is a true and correct copy of the Expert Rebuttal Report of Jay Minnucci in Support of Plaintiff's Motion for Class Certification, and appendices thereto ("Minnucci Reb").

6. Attached hereto as **Exhibit 162** is a true and correct copy of the Expert Rebuttal Report of Greg J. Regan, CPA/CFF, CFE in Support of Plaintiff's Motion for Class Certification, and appendices thereto ("Regan Reb").

7. Attached hereto as **Exhibit 163** is a true and correct copy of the Office of the Comptroller of the Currency ("OCC") Civil Money Penalty Order against Bank of America, N.A., File No. AAENF-2022-22, filed on July 14, 2022.

8. Attached hereto as **Exhibit 164** is a true and correct copy of a document produced by the Bank in this action Bates-stamped BANA_EDD_MDL-00057504-06.

1 9. Attached hereto as **Exhibit 165** is a true and correct copy of a document
2 produced by the Bank in this action Bates-stamped BANA_EDD_MDL-00431011-14.

3 10. Attached hereto as **Exhibit 166** is a true and correct copy of a document
4 produced by the Bank in this action Bates-stamped BANA_EDD_MDL-00205593-97.

5 11. Attached hereto as **Exhibit 167** is a true and correct copy of a document
6 produced by the Bank in this action Bates-stamped BANA_EDD_MDL-00001199.

7 12. Attached hereto as **Exhibit 168** is a true and correct copy of a document
8 produced by the Bank in this action Bates-stamped BANA_EDD_MDL-00166345.

9 13. Attached hereto as **Exhibit 169** is a true and correct copy of excerpts of a
10 report titled, “US Contact Center Verticals: Finance,” published by ContactBabel in
11 2024.

12 14. Attached hereto as **Exhibit 170** is a true and correct copy of the Declaration
13 of William Golden, dated October 21, 2021, filed in this case and produced by the Bank
14 in this action Bates-stamped BANA_EDD_MDL-00001361-63.

15 15. Attached hereto as **Exhibit 171** is a true and correct copy of excerpts of a
16 document titled, “Response to State of California Electronic Benefits Payment |
17 Solicitation RFP No. 65466, Vol I – EBP Service Proposal | MASTER COPY,” dated
18 July 10, 2015, which was marked Exhibit 26 to Plaintiffs’ deposition of the Bank’s
19 30(b)(6) designee, Robert Chestnut, taken on February 8, 2024.

20 16. Attached hereto as **Exhibit 172** is a true and correct copy of excerpts of a
21 report titled, “The US Contact Center Decision-Makers’ Guide 2021,” 13th Edition,
22 published by ContactBabel in 2021.

23 17. Attached hereto as **Exhibit 173** is a true and correct copy of excerpts of a
24 report titled, “US Contact Center Verticals: Outsourcing,” published by ContactBabel in
25 2024.

26 18. Attached hereto as **Exhibit 174** is a true and correct copy of a document
27 produced by the Bank in this action Bates-stamped BANA_EDD_MDL-00001044.
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1 19. Attached hereto as **Exhibit 175** is a true and correct copy of a letter from
2 Bank Counsel re “In re BANA California Unemployment Litig. - Call center data,” sent
3 on February 2, 2024.

4 20. Attached hereto as **Exhibit 176** is a true and correct copy of excerpts of a
5 report titled, “Avaya Call Management System Database Items and Calculations,”
6 published July 2016.

7 21. Attached hereto as **Exhibit 177** is a true and correct copy of a document
8 produced by the Bank in this action Bates-stamped BANA_EDD_MDL-00190443-44.

9 22. Attached hereto as **Exhibit 178** is a true and correct copy of a document
10 produced by the Bank in this action Bates-stamped BANA_EDD_MDL-00056916, which
11 has been partially redacted to protect confidential and personal identifying information.

12 23. Attached hereto as **Exhibit 179** is a true and correct copy of excerpts from
13 the transcript of Plaintiffs’ deposition of the Bank’s 30(b)(6) designee, Robert Chestnut,
14 taken on February 8, 2024 (“Chestnut Tr.”).

15 24. Attached hereto as **Exhibit 180** is a true and correct copy of excerpts from
16 the transcript of Plaintiffs’ deposition of the Bank’s 30(b)(6) designee, Jennifer Lennon,
17 taken on February 23, 2024 (“Lennon Tr.”).

18 25. Attached hereto as **Exhibit 181** is a true and correct copy of excerpts of
19 Plaintiff Candace Koole’s Objections and Supplemental Responses to Bank of America
20 N.A.’s First Set of Interrogatories (Rog No. 5).

21 26. Attached hereto as **Exhibit 182** is a true and correct copy of excerpts of
22 Plaintiff Lindsay McClure’s Supplemental Objections and Responses to Bank of America
23 N.A.’s First Set of Interrogatories (Rog No. 5).

24 27. Attached hereto as **Exhibit 183** is a true and correct copy of excerpts of
25 Plaintiff Vanessa Rivera’s Objections and Supplemental Responses to Bank of America
26 N.A.’s First Set of Interrogatories (Rog No. 3).

1 I declare under penalty of perjury that that the foregoing is true and correct.
2 Executed this 21st day of November, 2024 in Burlingame, California.

3 s/ Connie K. Chan
4 Connie K. Chan
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