Exhibit 59

CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER

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Attorneys for Defendant
BANK OF AMERICA, N.A.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

IN RE BANK OF AMERICA CALIFORNIA UNEMPLOYMENT BENEFITS LITIGATION,

This Document Relates to All Actions

Case No. 3-21-md-02992-LAB-MSB

BANK OF AMERICA'S RESPONSES AND OBJECTIONS TO PLAINTIFF YICK'S THIRD SET OF INTERROGATORIES

EXHIBIT
PENGAD 800-631-6989
139
Lennon

RESPONDING PARTY: Defendant, Bank of America, N.A.

PROPOUNDING PARTY: Plaintiff, Jennifer Yick

SET NO.: THREE

Pursuant to Federal Rule of Civil Procedure 26(b)(1), Defendant Bank of America, N.A. ("Defendant" or "BANA") hereby submits the following responses and objections ("Responses") to Plaintiff Jennifer Yick's ("Plaintiff") Third Set of Interrogatories (the "Interrogatories" or, individually, "Interrogatory").

PRELIMINARY STATEMENT

BANA states that it is responding to the Interrogatories to the best of its present knowledge and present investigation to date. BANA has not completed its pre-trial research, investigation, or analysis of all the facts relating to this case and has not completed its preparation for trial. Accordingly, while these Responses are based upon a reasonable and appropriate investigation by BANA and its counsel, they reflect the current state of BANA's knowledge with respect to the matters about which the Interrogatories are made. Thus, the information contained herein remains subject to further review, and in making these Responses, BANA reserves the right to amend, supplement, and/or otherwise change its Responses as further investigation and discovery may make appropriate in accordance with BANA's obligations under the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the Southern District of California (the "Southern District Local Rules"). Furthermore, BANA has prepared these Responses based on its good faith interpretation and understanding of each individual Interrogatory, but BANA reserves its right to correct any errors or omissions.

BANA provides its Responses to these Interrogatories without waiving, but rather intending to preserve: (a) any applicable right, privilege or objection; (b) the right to object to Plaintiffs use of any information and/or documents provided on the ground of inadmissibility as evidence for any purpose in any aspect of this or any other court action or judicial or administrative proceeding or investigation; (c) the right to object at any time to a request for any further information and/or response to this or any other Interrogatory; and (d) the right at any time to supplement any of its Responses to these Interrogatories.

These Responses are made solely for the purpose of this action. Nothing herein shall be construed as an admission respecting the admissibility or the relevance of any facts, documents, or information, as an admission that documents or information exist, or as an admission as to the truth or accuracy of any characterization or assertion contained in any Interrogatory. Each Response is subject to all objections as to competence, relevance, materiality, propriety, and admissibility, and any and all other objections on grounds that would require the exclusion of any statement herein if any of the Interrogatories were asked of, or statements contained herein were made by, a witness present and testifying in court, all of which objections and grounds are reserved and may be interposed at the time of trial.

The following responses are provided subject to this Preliminary Statement, which BANA hereby incorporates by reference into each Response.

GENERAL OBJECTIONS

1. BANA objects to Plaintiff's "Instructions," "Definitions," and each and every Interrogatory to the extent that they seek information relating to individuals who are not putative class representatives or individual plaintiffs in this action.

2. BANA objects to Plaintiff's "Instructions," "Definitions," and each and every Interrogatory that purports to seek information or documents related to accounts other than EDD Debit Card accounts or account holders other than EDD Debit Card account holders.

3. BANA objects to each and every Interrogatory to the extent that it seeks information constituting trade secrets or proprietary or confidential business

information.

4. BANA objects to each and every Interrogatory to the extent that it seeks information protected from discovery by the attorney-client privilege, the work product doctrine, the joint defense privilege, the bank examiner privilege, or any other privileges or reasons for non-production. Plaintiffs' discovery requests will not be construed to seek such information. Inadvertent disclosure of privileged information is not intended to be, and may not be construed as, a waiver of any applicable privilege or similar basis for non-disclosure.

5. BANA objects to each and every Interrogatory to the extent that it seeks information not in the possession, custody, or control of BANA, and purports to require BANA to produce information in the possession of other entities.

OBJECTIONS TO DEFINITIONS

1. BANA objects to Plaintiff's Definition No. 2 on the grounds that the definition of "ACCOUNT BLOCK SUBCLASS MEMBERS" is overly broad and seeks information that is not relevant to any claims or defenses in this litigation because the definition includes individuals who have no claim for relief under the causes of action asserted by Plaintiffs, and insofar as it incorporates other broadly defined terms. BANA further objects to this definition on the basis that responding to any such interrogatory applying this definition is premature as no such subclass has been certified.

2. BANA objects to Plaintiff's Definition No. 5 on the grounds that the definition of "BLOCK" is overly broad, unduly burdensome, and seeks information that is not relevant to any claims or defenses in this litigation insofar as the term "BLOCK" is not limited to blocks placed on accounts as a result of the application of the Claims Fraud Filter, and insofar as it incorporates other broadly defined terms.

3. BANA objects to Plaintiff's Definition No. 6 on the grounds that the definition of "CARDHOLDER" is overly broad insofar as it includes "debit card[s]

or credit card[s]" that are not EDD Debit Cards, and it incorporates other broadly defined terms.

4. BANA objects to Plaintiff's Definition No. 9 on the grounds that the definition of "CLAIM" is overly broad and seeks information that is not relevant to the claims and defenses in this litigation insofar as it incorporates other broadly defined terms and defines a "CLAIM" in a manner inconsistent with unauthorized electronic funds transfer ("EFT") error claims subject to 12 C.F.R. § 1005.11. For these responses, BANA construes "Claim" to mean an unauthorized EFT error claim in relation to an EDD Debit Card account (*see* 12 C.F.R. § 1005.11).

5. BANA objects to Plaintiff's Definition No. 10 on the grounds that the definition of "CLAIM DECISION" is overly broad to the extent it seeks information concerning claims or claims decisions that are not relevant to this litigation, because its use of the term "grant" is vague, ambiguous, and undefined, and to the extent it incorporates other broadly defined terms. For these Responses, BANA construes "CLAIM DECISION" to refer to its decision to either close or deny a claim because the claim or account is deemed likely fraudulent or suspicious, or its decision to deny or pay a claim based on its investigation of the claim or its determination that a claim will be paid automatically through auto-pay.

6. BANA objects to Plaintiff's Definition No. 11 on the grounds that the definition of "CLAIM FRAUD FILTER" is overly broad insofar as (1) the phrase "automated tool, analysis, algorithm, process, or combination thereof used by YOU" is vague, and (2) it incorporates other broadly defined terms. For these Responses, BANA construes "Claim Fraud Filter" to have the same meaning as it does in the Preliminary Injunction.[1]

7. BANA objects to Plaintiff's Definition Nos. 16 and 32 on the grounds

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[1] Preliminary Injunction refers to the Corrected Preliminary Injunction ordered by Judge Vince Chhabria in *Yick v. Bank of America, N.A.*, No. 3:21-cv-00376 (N.D. Cal. June 2, 2021). *See* ECF No. 103.

that "DEFENDANT" and "YOU" are overly broad to the extent it encompasses persons and/or entities not within the control of BANA.

8. BANA objects to Plaintiff's Definition No. 18 on the grounds that the definition of "EDD BENEFITS" is overly broad and seeks information not relevant to any claims or defenses in this litigation insofar as its definition includes benefits distributed by EDD that are not at issue in this case, including but not limited to paid family leave benefits.

9. BANA objects to Plaintiff's Definition No. 19 on the grounds that the definition of "EDD DEBIT CARD" is overly broad, ambiguous, and vague. For purposes of these Responses and Objections, BANA construes "EDD Debit Card" or "Card" to have the same meaning as "Card" and "Government Prepaid Debit Card" in the California Employment Development Department Prepaid Debit Card Account Agreement. *See* California Employment Development Department Prepaid Debit Card Account Agreement ("Account Agreement"), at 2.[2]

10. BANA objects to Plaintiff's Definition No. 20 on the grounds that the definition of "EDD DEBIT CARDHOLDER" is overly broad insofar as it incorporates other broadly defined terms. For purposes of these Responses and Objections, BANA construes "EDD Debit Cardholder" or "Cardholder" as an individual to whom BANA issued an EDD Debit Card or his or her legal representative. *See* Account Agreement, at 2.

11. BANA objects to Plaintiff's Definition No. 21 on the grounds that the definition of "ERROR" is overly broad to the extent it seeks information that is not relevant to any claims or defenses in this litigation insofar as it seeks information concerning types of errors included in the definition set for at 15 U.S.C. § 1693f(f) that are not at issue in this case.

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[2] The Account Agreement was attached as Exhibit A to the Declaration of Brian Danitz in Support of Plaintiffs' Opposition to Defendant's Motion to Dismiss in *Yick v. Bank of America, N.A.*, No. 3:21-cv-00376 (N.D. Cal. Nov. 15, 2021). *See* ECF No. 90-5.

12. BANA objects to Plaintiff's Definition No. 22 on the grounds that the definition of "FREEZE" is overly broad, unduly burdensome, and seeks information concerning EDD Debit Card Account freezes that are not relevant to any claims or defenses in this litigation.

13. BANA objects to Plaintiff's Definition No. 30 on the grounds that the definition of "RELEVANT PERIOD" is overly broad, unduly burdensome, and seeks information that is not relevant to this litigation.

OBJECTION TO INSTRUCTIONS

1. BANA objects to Instruction Nos. 2, 4, and 5 to the extent that they are inconsistent with, or impose obligations or burdens upon BANA beyond those required and/or permitted by, the Federal Rules, the Local Rules, and/or the rulings and individual rules of the Court. BANA will respond to the Interrogatories, and to each individual Interrogatory, pursuant to its obligations under the Federal Rules, the Local Rules, and/or the rulings and individual rules of the Court.

RESPONSES AND OBJECTIONS

INTERROGATORY NO. 21:

IDENTIFY by Card Alias ID all EDD DEBIT CARDHOLDERS (1) whose CLAIM YOU DENIED based solely on application of YOUR CLAIM FRAUD FILTER, (2) whose previously granted PERMANENT CREDIT YOU reversed based solely on application of YOUR CLAIM FRAUD FILTER, (3) whose ACCOUNT YOU FROZE based solely on application of YOUR CLAIM FRAUD FILTER, or (4) whose ACCOUNT YOU BLOCKED based solely on application of YOUR CLAIM FRAUD FILTER. With respect to each such CARDHOLDER, state which of the four aforementioned actions YOU took, identify the CLAIM FRAUD FILTER criteria that were the basis for YOU taking those actions (i.e., state whether "Indicator 1," "Indicator 2," and/or "Indicator 3" as described in BANA_EDD_MDL-00005524 applied; which Indicator 3 "Features" described in

BANA_EDD_MDL-00005524 applied, if applicable; and/or whether some other criterion applied).

RESPONSE TO INTERROGATORY NO. 21:

BANA incorporates its General Objections, Objections to Definitions, and Objections to Instructions as if fully set forth herein. BANA further objects to this Interrogatory on the grounds that it includes multiple subparts, rendering it at least four separate interrogatories, and therefore in violation of Local Rule 33.1, because Plaintiffs have exceeded the 25 interrogatories permitted under the Local Rules. BANA reserves its right to contest this and any future Interrogatories that may be propounded on this ground. BANA also objects to this Interrogatory as unduly burdensome, overly broad, and because it seeks information that is irrelevant to the claims and defenses in this litigation to the extent it seeks information concerning EDD cardholders with prepaid debit card accounts that were blocked without an accompanying Claim denial on or after the entry of the June 2, 2021 preliminary injunction, and therefore have no claim for relief under the causes of action asserted by Plaintiffs. BANA further objects to this Interrogatory on the grounds that it seeks personal identifying information for individuals who are not putative class representatives or individual plaintiffs in this case and who are not part of any class that has been certified. BANA also objects to this Interrogatory to the extent that it seeks information protected from discovery by attorney-client privilege, the work product doctrine, the joint defense privilege, and the bank examiner, supervisory, investigative, or other regulatory privileges. BANA further objects to this Interrogatory as unduly burdensome to the extent it seeks data or information that is not readily available in BANA's systems of records and/or information that cannot be determined without a manual individual review of each EDD cardholder's file.

Subject to and without waiving the foregoing objections, BANA states that it will not respond to the fourth subpart of this Interrogatory insofar as it requests information for EDD Debit Cardholders whose EDD Debit Card Accounts were solely blocked based on application of the Claim Fraud Filter without an accompanying claim denial. BANA further states that Exhibit 6 to BANA's interrogatory responses provides its response to Plaintiffs' Interrogatory No. 21. The source of this data is BANA's claims system of record, Wadworth, The W, which is BANA's primary system of record for transactional data received from Visa, and data from GIS.

Specifically, the tab labelled "Part 1" of Exhibit 6 contains responsive data anonymized for all EDD Cardholders whose claim triggered the Claim Fraud Filter. Column A (CardAliasID) contains the Card Alias ID, which is a unique identifier assigned by Visa to each EDD Cardholder's prepaid debit card account. Column B (Ind1) indicates whether the cardholder's claim triggered Claim Fraud Filter Indicator 1. Column C (Ind2) indicates whether the cardholder's claim triggered Claim Fraud Filter Indicator 2. Column D (Ind3) indicates whether the cardholder's claim triggered Claim Fraud Filter Indicator 3.

The tab labelled "Part 2" of Exhibit 6 contains responsive data anonymized for all EDD Cardholders who BANA's records indicate the claim received a permanent credit from BANA in connection with their claim that may have been rescinded based on application of the Claim Fraud Filter. Column A (CardAliasID) contains the Card Alias ID, which is a unique identifier assigned by Visa to each EDD Cardholder's prepaid debit card account. Column B (Ind1) indicates whether the cardholder's claim triggered Claim Fraud Filter Indicator 1. Column C (Ind2) indicates whether the cardholder's claim triggered Claim Fraud Filter Indicator 2. Column D (Ind3) indicates whether the cardholder's claim triggered Claim Fraud Filter Indicator 3.

The tab labelled "Part 3" of Exhibit 6 contains responsive data anonymized for all EDD Cardholders whose EDD Debit Card Accounts were frozen during the putative Class Period based on the application of the Claim Fraud Filter. Column A

(CardAliasID) contains the Card Alias ID, which is a unique identifier assigned by Visa to each EDD Cardholder's prepaid debit card account. Column B (Ind1) indicates whether the cardholder's claim triggered Claim Fraud Filter Indicator 1. Column C (Ind2) indicates whether the cardholder's claim triggered Claim Fraud Filter Indicator 2. Column D (Ind3) indicates whether the cardholder's claim triggered Claim Fraud Filter Indicator 3.

The tab labelled "Part 4" of Exhibit 6 contains responsive data anonymized for all EDD Cardholders who submitted a claim between March 18, 2021 and June 8, 2021, whose claim triggered the Claim Fraud Filter, and whose EDD Debit Card Accounts were blocked based on application of the Claim Fraud Filter. Column A (CardAliasID) contains the Card Alias ID, which is a unique identifier assigned by Visa to each EDD Cardholder's prepaid debit card account. Column B (Ind1) indicates whether the cardholder's claim triggered Claim Fraud Filter Indicator 1. Column C (Ind2) indicates whether the cardholder's claim triggered Claim Fraud Filter Indicator 2. Column D (Ind3) indicates whether the cardholder's claim triggered Claim Fraud Filter Indicator 3.

INTERROGATORY NO. 22:

For each individual identified in response to Interrogatory No. 21, state whether the individual "(i) has been disqualified by the state from Program eligibility;" whether the individual "(ii) has previously engaged in fraudulent Program conduct, such as submission of fraudulent claims or other abuse of the claims process;" and whether the individual "(iii) has had their card frozen due to legal order processes, as a result of Internal/Vendor fraud investigations, or by Global Financial Crimes Compliance," as referenced at page 3 of the REMEDIATION PLAN (BANA_EDD_MDL-00102475).

RESPONSE TO INTERROGATORY NO. 22:

BANA incorporates its General Objections, Objections to Definitions, and

Dated: December 21, 2023 Respectfully Submitted,

By: */s/ James W. McGarry*

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Attorneys for Defendant BANK OF AMERICA, N.A.

PROOF OF SERVICE

I am employed in Washington, DC. I am over the age of 18 and not a party to the within action. My business address is: 1900 N Street, NW Washington, DC.

On December 21, 2023 I caused to be served the following document on the person(s) below:

DEFENDANT BANK OF AMERICA, N.A.'S RESPONSES AND OBJECTIONS TO PLAINTIFF YICK'S THIRD SET OF INTERROGATORIES (SET THREE)

Brian Danitz Karin B. Swope Andrew F. Kirtley Peter Luc Jeanine Toomey Cotchett, Pitre & McCarthy, LLP 840 Malcolm Road, Suite 200 Burlingame, CA 940010	Interim Co-lead Counsel for Plaintiffs and Proposed Class Tel.: 650-697-6000 bdanitz@cpmlegal.com kswope@cpmlegal.com akirtley@cpmlegal.com pluc@cpmlegal.com jtoomey@cpmlegal.com
Michael Rubin Stacey M. Leyton Matthew Murray Connie K. Chan Altshuler Berzon LLP 177 Post Street, Suite 300 San Francisco, CA 94108	Interim Co-lead Counsel for Plaintiffs and Proposed Class Tel.: 415-421-7151 mrubin@altber.com sleyton@altber.com mmurray@altber.com cchan@altber.com

X (E-MAIL or ELECTRONIC TRANSMISSION) By electronic service. Based upon a court order or agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **December 21, 2023** at New York, New York.

Matthew L. Riffee	*/s/ Matthew L. Riffee*
(Type or print name)	(Signature)

CONFIDENTIAL - ATTORNEYS' EYES ONLY
REVISED EXHIBIT 6 TO BANA's RESPONSE TO PLAINITFFS' INTERROGATORIES (INTERROGATORY 21 - Part 4) (February 15, 2024)

CardAliasID	Ind1	Ind2	Ind3	Feature1	Feature2	Feature3	Feature4	Feature5	FeatureAmt
0000000000079895732	1	0	0	0	0	0	0	1	0
0000000000079896209	1	0	0	0	0	0	0	1	1
0000000000079896938	1	0	0	0	0	0	0	1	1
0000000000079897124	1	0	0	0	0	0	0	0	1
0000000000079897597	1	0	0	0	0	0	0	1	1
0000000000079897632	1	0	0	0	0	0	0	0	1
0000000000079897777	1	0	0	0	0	0	0	0	1
0000000000079897781	1	0	0	0	0	0	0	0	1
0000000000079898409	1	0	0	0	0	0	0	0	1
0000000000079899110	1	0	0	0	0	0	0	0	1
0000000000079900482	1	0	0	0	1	0	0	1	1
0000000000080072874	1	0	0	0	0	0	0	1	0
0000000000080072891	1	0	1	0	1	0	0	1	1
0000000000080072955	1	0	0	0	1	0	0	0	1
0000000000080073689	1	0	1	0	1	0	0	1	1
0000000000080073842	1	0	0	0	0	0	0	1	1
0000000000080074685	1	0	0	0	0	0	0	0	1
0000000000080075017	1	0	1	0	1	0	0	1	1
0000000000080075083	1	0	1	0	1	1	0	1	1
0000000000080075387	1	0	0	0	0	0	0	0	1
0000000000080075420	1	0	0	0	0	0	0	1	1
0000000000080075631	1	0	0	0	0	0	0	0	1
0000000000080075800	1	0	1	0	1	1	0	1	1
0000000000080075803	1	0	0	0	0	0	0	0	1
0000000000080075925	1	0	0	0	0	0	0	0	1
0000000000080075984	1	0	0	0	0	0	0	0	0
0000000000080076053	1	0	0	0	1	0	0	0	1
0000000000080076421	1	0	1	0	1	0	0	1	1
0000000000080076554	1	0	1	0	0	0	1	1	1
0000000000080076656	1	0	0	0	1	0	0	0	1
0000000000080077087	1	0	0	0	0	0	0	0	1
0000000000080225965	1	0	0	0	0	0	0	0	1
0000000000080227216	1	0	0	0	0	0	0	0	1
0000000000080227228	1	0	0	0	0	0	0	0	1
0000000000080227427	1	0	0	0	0	0	0	1	1
0000000000080227527	1	0	0	0	0	0	0	1	1
0000000000080227942	1	0	0	0	0	0	0	0	1
0000000000080228021	1	0	0	0	0	0	0	0	1
0000000000080228067	1	0	0	0	0	0	0	0	0
0000000000080228236	1	0	0	0	1	0	0	0	1
0000000000080228451	1	0	0	0	0	0	0	1	1
0000000000080228678	1	0	0	0	0	0	0	1	0
0000000000080392931	1	0	0	0	0	0	0	1	1
0000000000080393330	1	0	0	0	0	0	0	1	1
0000000000080394097	1	0	0	0	0	0	0	1	1
0000000000080394235	1	0	0	0	0	0	0	1	0
0000000000080394322	1	0	0	0	0	0	0	1	0
0000000000080394792	1	0	0	0	1	0	0	0	1
0000000000080395064	1	0	0	0	0	0	0	0	1
0000000000080395227	1	0	0	0	0	0	0	0	1
0000000000080396018	1	0	0	0	0	0	0	1	1
0000000000080396057	1	0	0	0	0	0	0	0	1
0000000000080396710	1	0	0	0	0	0	0	1	1

EXHIBIT
140-6
Lennon
PENGAD 800-631-6989

VERIFICATION OF INTERROGATORY RESPONSES

I, Jennifer Lennon, am the Product Management and State Liaison for Bank of America, N.A. ("BANA") and am authorized to make this verification for and on behalf of BANA. I have reviewed BANA's Responses and Objections to Plaintiff's Third Set of Interrogatories ("Responses"), and I am informed and believe, based on reasonable investigation, that the matters stated in the Responses are true and correct. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on 21 day, December 2023, in Los Angeles, California.

JENNIFER LENNON