

Exhibit 146

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BANK OF AMERICA, N.A.

11 **UNITED STATES DISTRICT COURT**

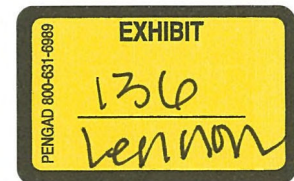
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 IN RE BANK OF AMERICA
14 CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION,

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

**BANK OF AMERICA'S REVISED
SECOND SUPPLEMENTAL
RESPONSES AND OBJECTIONS
TO PLAINTIFF YICK'S FIRST
SET OF INTERROGATORIES
(INTERROGATORIES 2-6, 14-15)**

15 _____
16 This Document Relates to All Actions
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1 RESPONDING PARTY: Defendant, Bank of America, N.A.

2 PROPOUNDING PARTY: Plaintiff, Jennifer Yick

3 SET NO.: ONE

4 Pursuant to Federal Rule of Civil Procedure 26(b)(1) and Rule 26(e),
5 Defendant Bank of America, N.A. (“Defendant” or “BANA”) hereby submits the
6 following revised supplemental responses and objections (“Responses”) to Plaintiff
7 Jennifer Yick’s (“Plaintiff”) First Set of Interrogatories (Set One) (the
8 “Interrogatories” or, individually, “Interrogatory”).

9 **PRELIMINARY STATEMENT**

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

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

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

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

GENERAL OBJECTIONS

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

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

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

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

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

OBJECTIONS TO DEFINITIONS

13
14 1. BANA objects to Plaintiff's Definition No. 8 on the grounds that the
15 definition of "RELEVANT PERIOD" is overly broad, unduly burdensome, and seeks
16 information that is not relevant to this litigation.

17 2. BANA objects to Plaintiff's Definition Nos. 17 and 19 on the grounds
18 that the definition of "EDD DEBIT CARD" and "EDD DEBIT CARD ACCOUNT"
19 are overly broad, ambiguous, and vague. For purposes of these Responses and
20 Objections, BANA construes "EDD Debit Card" or "Card" to have the same meaning
21 as "Card" and "Government Prepaid Debit Card" in the California Employment
22 Development Department Prepaid Debit Card Account Agreement, and "EDD Debit
23 Card Account" or "Account" to have the same meaning as "Account" and
24 "Government Prepaid Debit Card Account" in the same agreement. *See* California
25 Employment Development Department Prepaid Debit Card Account Agreement
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1 (“Account Agreement”), at 2.¹

2 3. BANA objects to Plaintiff’s Definition No. 20 on the grounds that the
3 definition of “CARDHOLDER” is overly broad insofar as it includes “debit card[s]
4 or credit card[s]” that are not EDD Debit Cards, and it incorporates other broadly
5 defined terms.

6 4. BANA objects to Plaintiff’s Definition No. 21 on the grounds that the
7 definition of “EDD DEBIT CARDHOLDER” is overly broad insofar as it
8 incorporates other broadly defined terms. For purposes of these Responses and
9 Objections, BANA construes “EDD Debit Cardholder” or “Cardholder” as an
10 individual to whom BANA issued an EDD Debit Card or his or her legal
11 representative. *See* Account Agreement, at 2.

12 5. BANA objects to Plaintiff’s Definition No. 22 on the grounds that the
13 definition of “CLAIM” is overly broad and seeks information that is not relevant to
14 the claims and defenses in this litigation insofar as it incorporates other broadly
15 defined terms and defines a “CLAIM” in a manner inconsistent with unauthorized
16 electronic funds transfer (“EFT”) error claims subject to 12 C.F.R. § 1005.11. For
17 these responses, BANA construes “Claim” to mean an unauthorized EFT error claim
18 in relation to an EDD Debit Card account (*see* 12 C.F.R. § 1005.11).

19 6. BANA objects to Plaintiff’s Definition No. 23 on the grounds that the
20 definition of “CLAIM INVESTIGATION” is overly broad and seeks information
21 not relevant to any claims or defenses in this litigation insofar as it incorporates other
22 broadly defined terms and defines “CLAIM INVESTIGATION” in a manner that
23 seeks information unrelated to the investigation of claims made by EDD Debit Card
24 Accountholders or the investigation of claims by means other than through the Claim
25 Fraud Filter.

26
27 ¹ The Account Agreement was attached as Exhibit A to the Declaration of Brian Danitz In
28 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.

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1 7. BANA objects to Plaintiff's Definition No. 24 on the grounds that the
2 definition of "CLAIM FRAUD FILTERS" is overly broad insofar as (1) the phrase
3 "tool or tools that DEFENDANT uses or has used to detect potentially fraudulent or
4 suspicious CLAIMS" is vague, and (2) it incorporates other broadly defined terms.
5 For these Responses, BANA construes "Claim Fraud Filter" to have the same
6 meaning as it does in the Preliminary Injunction.²

7 8. BANA objects to Plaintiff's Definitions Nos. 29 and 30 on the grounds
8 that the definition of "FREEZE" and "UNFREEZE" is overly broad, unduly
9 burdensome, and seeks information concerning EDD Debit Card Account freezes
10 that are not relevant to any claims or defenses in this litigation.

11 9. BANA objects to Plaintiff's Definitions Nos. 31 and 32 on the grounds
12 that the definition of "BLOCK" and "UNBLOCK" is overly broad, unduly
13 burdensome, and seeks information that is not relevant to any claims or defenses in
14 this litigation insofar as the term "BLOCK" and "UNBLOCK" are not limited to
15 blocks placed on accounts as a result of the application of the Claims Fraud Filter as
16 it includes all (i) "actions taken by DEFENDANT which prevent an EDD DEBIT
17 CARDHOLDER from accessing funds in, or otherwise using, their EDD DEBIT
18 CARD ACCOUNT," and (ii) "any instance in which DEFENDANT uses the word
19 'blocking,' 'blocked,' or another iteration of the word "block" in connection with or
20 relation to an EDD DEBIT CARD, an EDD DEBIT CARD ACCOUNT, or an EDD
21 DEBIT CARDHOLDER's ability or inability to access or use their EDD DEBIT
22 CARD or EDD DEBIT CARD ACCOUNT," and insofar as it incorporates other
23 broadly defined terms.

24 10. BANA objects to Plaintiff's Definitions Nos. 33 and 34 on the grounds
25 that the definitions of "CONTRACTOR" and "CSP" are overly broad, unduly
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27 ² Preliminary Injunction refers to the Corrected Preliminary Injunction ordered by Judge Vince
28 Chhabria in *Yick v. Bank of America, N.A.*, No. 3:21-cv-00376 (N.D. Cal. June 2, 2021). See ECF
No. 103.

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1 burdensome, and seek information that is potentially not relevant to the claims and
2 defenses in this litigation. For these Responses, BANA construes “CONTRACTOR”
3 and “CSP” to include only those Contractors and CSPs performing a customer
4 service function for EDD Debit Cards that are relevant to the claims or defenses in
5 this litigation.

6 11. BANA objects to Plaintiff’s Definition No. 35 on the grounds that the
7 definition of “PERSONAL INFORMATION” is overly broad and encompasses
8 information that would not be sufficient to effect an unauthorized transaction and
9 information that is not protected by any statute, regulation, or other law.

OBJECTION TO INSTRUCTIONS

10
11 1. BANA objects to Instruction Nos. 2, 4, and 6 to the extent that they are
12 inconsistent with, or impose obligations or burdens upon BANA beyond those
13 required and/or permitted by, the Federal Rules, the Local Rules, and/or the rulings
14 and individual rules of the Court. BANA will respond to the Interrogatories, and to
15 each individual Interrogatory, pursuant to its obligations under the Federal Rules, the
16 Local Rules, and/or the rulings and individual rules of the Court.

RESPONSES AND OBJECTIONS**INTERROGATORY NO. 2:**

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18
19 IDENTIFY all CLAIM DENIAL SUBCLASS MEMBERS.

RESPONSE TO INTERROGATORY NO. 2:

20
21 BANA incorporates its General Objections, Objections to Definitions, and
22 Objections to Instructions as if fully set forth herein. BANA objects to this
23 Interrogatory on the basis that responding to any such interrogatory is premature as
24 no such subclass has been certified. BANA further objects to this Interrogatory as
25 overly broad on the grounds that the definition of “CLAIM DENIAL SUBCLASS
26 MEMBER” includes individuals who are not eligible for relief under the causes of
27 action asserted by Plaintiffs, including individuals whose EDD Debit Card Account
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1 is not an “account” covered by EFTA. BANA also objects to this Interrogatory on
2 the grounds that the definition of “CLASS MEMBER” in Plaintiffs’ FAMCC is not
3 identifiable by BANA to the extent it is based on information concerning EDD’s
4 reasoning that is not in BANA’s possession, custody, or control because it excludes
5 persons from the class definition whose benefits were revoked for failure to
6 establish valid identity with EDD. BANA further objects to this Interrogatory on
7 the grounds that it seeks personal identifying information for individuals who are
8 not putative class representatives or individual plaintiffs in this case and who are
9 not part of any class or subclass that has been certified.

10 Based on these objections, BANA will not respond to Interrogatory No. 2 at
11 this time.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:

12 Subject to and without waiving any objections stated in BANA’s initial
13 response to Interrogatory No. 2, and in accordance with the Parties’ September 18,
14 2023 and September 22, 2023 letters and related correspondence and
15 communications, BANA states that Exhibit 1 to this Supplemental Response contains
16 BANA’s response to Interrogatories 2 and 6.

17 Specifically, Exhibit 1 contains responsive data anonymized for all EDD
18 Cardholders who submitted a claim between January 1, 2020 and June 2, 2021,
19 whose claim triggered the Claim Fraud Filter, and was subsequently paid by
20 BANA. The source of this data is BANA’s claims system of record, Wadworth,
21 The W, which is BANA’s primary system of record for transactional data received
22 from Visa, and data from GIS. Column A (CardAliasID) contains the Card Alias
23 ID, which is a unique identifier assigned by Visa to each EDD Cardholder’s prepaid
24 debit card account. Column B (ClaimNbr) contains the Claim Number assigned by
25 BANA to each claim. Column C (ClaimEntryDte) contains the Claim Entry Date,
26 which is the date on which the claim was entered into BANA’s system of record
27

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(Wadworth). Column D (CardProgramID) contains the Card Program ID for the EDD Unemployment Insurance Benefits Program (SC384-CAEDDUE) or the EDD Disability Insurance Benefits Program (SC384-CAEDDDI). Column E (ClaimAmt) contains the amount of the claim. Column F (FraudFilterFileDate) contains the date the claim triggered the Claim Fraud Filter. Column G (Paid_Date) contains the date the claim was paid.

INTERROGATORY NO. 3:

IDENTIFY all CREDIT RESCISSION SUBCLASS MEMBERS.

RESPONSE TO INTERROGATORY NO. 3:

BANA incorporates its General Objections, Objections to Definitions, and Objections to Instructions as if fully set forth herein. BANA objects to this Interrogatory on the basis that responding to any such interrogatory is premature as no such subclass has been certified. BANA further objects to this Interrogatory as overly broad on the grounds that the definition of “CREDIT RESCISSION SUBCLASS MEMBER” includes individuals who are not eligible for relief under the causes of action asserted by Plaintiffs, including individuals whose EDD Debit Card Account is not an “account” covered by EFTA, and individuals for whom the rescission of a credit after 45 days did not constitute an EFTA violation. BANA also objects to this Interrogatory on the grounds that the definition of “CLASS MEMBER” in Plaintiffs’ FAMCC is not identifiable by BANA to the extent it is based on information concerning EDD’s reasoning that is not in BANA’s possession, custody, or control because it excludes persons from the class definition whose benefits were revoked for failure to establish valid identity with EDD. 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 or subclass that has been certified.

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1 Based on these objections, BANA will not respond to Interrogatory No. 3 at
2 this time.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:

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4 Subject to and without waiving any objections stated in BANA's initial
5 response to Interrogatory No. 3, and in accordance with the Parties' September 18,
6 2023 and September 22, 2023 letters and related correspondence and
7 communications, BANA states that Exhibit 2 to this Supplemental Response contains
8 BANA's response to Interrogatory 3.

9 Specifically, Exhibit 2 contains responsive data anonymized for all EDD
10 Cardholders who BANA's records indicate the claim received a permanent credit
11 from BANA in connection with their claim that was rescinded based on application
12 of the Claim Fraud Filter. The source of this data is BANA's claims system of record,
13 Wadworth, The W, which is BANA's primary system of record for transactional data
14 received from Visa, and data from GIS. Column A (CardAliasID) contains the Card
15 Alias ID, which is a unique identifier assigned by Visa to each EDD Cardholder's
16 prepaid debit card account. Column B (ClaimNbr) contains the Claim Number
17 assigned by BANA to each claim. Column C (ClaimEntryDte) contains the Claim
18 Entry Date, which is the date on which the claim was entered into BANA's system
19 of record (Wadworth). Column D (ClaimAmt) contains the amount of the claim.
20 Column E (CreditDte) is the date BANA's records indicate the claim received a
21 permanent credit from BANA. Column E (FraudFilterDte) contains the date the
22 claim triggered the Claim Fraud Filter. Column F (Paid_Date) contains the date the
23 claim was paid or re-credited (if applicable).

INTERROGATORY NO. 4:

24
25 IDENTIFY all ACCOUNT FREEZE SUBCLASS MEMBERS.

RESPONSE TO INTERROGATORY NO. 4:

26
27 BANA incorporates its General Objections, Objections to Definitions, and
28

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1 Objections to Instructions as if fully set forth herein. BANA objects to this
2 Interrogatory on the basis that responding to any such interrogatory is premature as
3 no such subclass has been certified. BANA further objects to this Interrogatory as
4 overly broad on the grounds that the definition of “ACCOUNT FREEZE
5 SUBCLASS MEMBER” includes individuals who have no claim for relief under
6 the causes of action asserted by Plaintiffs. BANA also objects to this Interrogatory
7 on the grounds that the definition of “CLASS MEMBER” in Plaintiffs’ FAMCC is
8 not identifiable by BANA to the extent it is based on information concerning
9 EDD’s reasoning that is not in BANA’s possession, custody, or control because it
10 excludes persons from the class definition whose benefits were revoked for failure
11 to establish valid identity with EDD. BANA further objects to this Interrogatory on
12 the grounds that it seeks personal identifying information for individuals who are
13 not putative class representatives or individual plaintiffs in this case and who are
14 not part of any class or subclass that has been certified.

15 Based on these objections, BANA will not respond to Interrogatory No. 4 at
16 this time.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:

17 Subject to and without waiving any objections stated in BANA’s initial
18 response to Interrogatory No. 4, and in accordance with the Parties’ September 18,
19 2023 and September 22, 2023 letters and related correspondence and
20 communications, BANA states that Exhibit 3 to this Supplemental Response contains
21 BANA’s response to Interrogatories 4 and 5.

22 Specifically, Exhibit 3 contains responsive data anonymized for all EDD
23 Cardholders whose EDD Debit Card Account were frozen during the putative Class
24 Period based on application of the Claim Fraud Filter, and whose EDD Debit Card
25 Accounts were later unfrozen or converted from frozen to blocked status and then
26 unblocked. The source of this data is The W, which is BANA’s primary system of
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record for freeze, block, and transactional data relating to EDD prepaid debit cards. 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 (Frd_Flt_Frz_Dte) contains the date the EDD Cardholder's prepaid debit card account was frozen. Column C (Balance_at_Freeze) contains the EDD Cardholder's prepaid debit card account balance at the time of the freeze. Column D (ACTION_DT) contains the date the EDD Cardholder's prepaid debit card account was unfrozen. Column E (ACTION) describes the action that was taken on the action date. Column F (ACTION_RQSTR) indicates whether the unfreeze action described in Columns D and E was requested by BANA or the State (EDD). Column G (ACTION_REASON) contains the reason for the unfreeze action, with "Claims filter – FTB" indicating the account was unfrozen because it was converted from freeze-to-block. Column H (Unblock_Dt) contains the date the EDD Cardholder's prepaid debit account was unblocked, if applicable, following the conversion of their freeze to a block. Column I (Current_Account_Status) contains the current status of the EDD Cardholder's prepaid debit card account as of November 30, 2023. Column J (Current_Card_Status) contains the current status of the EDD Cardholder's prepaid debit card as of November 30, 2023. Column K indicates whether the EDD Cardholder's prepaid debit card account is currently blocked.

INTERROGATORY NO. 5:

For each ACCOUNT FREEZE SUBCLASS MEMBER, state: the date(s) on which the individual's EDD DEBIT CARDHOLDER ACCOUNT was FROZEN based in whole or in part on the results of YOUR CLAIM FRAUD FILTER; the ACCOUNT balance at the time the ACCOUNT was FROZEN; and the date(s) on which such ACCOUNT was UNFROZEN.

CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**RESPONSE TO INTERROGATORY NO. 5:**

BANA incorporates its General Objections, Objections to Definitions, and Objections to Instructions as if fully set forth herein. BANA objects to this Interrogatory on the grounds that responding to any such interrogatory is premature as no such subclass has been certified. BANA further objects to this Interrogatory as overly broad on the grounds that the definition of “ACCOUNT FREEZE SUBCLASS MEMBER” includes individuals who have no claim for relief under the causes of action asserted by Plaintiffs. BANA also objects to this Interrogatory on the grounds that the definition of “CLASS MEMBER” in Plaintiffs’ FAMCC is not identifiable by BANA to the extent it is based on information concerning EDD’s reasoning that is not in BANA’s possession, custody, or control because it excludes persons from the class definition whose benefits were revoked for failure to establish valid identity with EDD. 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 or subclass that has been certified.

Based on these objections, BANA will not respond to Interrogatory No. 5 at this time.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:

Subject to and without waiving any objections stated in BANA’s initial response to Interrogatory No. 5, and in accordance with the Parties’ September 18, 2023 and September 22, 2023 letters and related correspondence and communications, BANA states that Exhibit 3 to this Supplemental Response contains BANA’s response to Interrogatories 4 and 5.

Specifically, Exhibit 3 contains responsive data anonymized for all EDD Cardholders whose EDD Debit Card Account were frozen during the putative Class Period based on application of the Claim Fraud Filter and whose EDD Debit Card

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Accounts were later unfrozen or converted from frozen to blocked status and then unblocked. The source of this data is The W, which is BANA's primary system of record for freeze, block, and transactional data relating to EDD prepaid debit cards. 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 (Frd_Flt_Frz_Dte) contains the date the EDD Cardholder's prepaid debit card account was frozen. Column C (Balance_at_Freeze) contains the EDD Cardholder's prepaid debit card account balance at the time of the freeze. Column D (ACTION_DT) contains the date the EDD Cardholder's prepaid debit card account was unfrozen. Column E (ACTION) describes the action that was taken on the action date. Column F (ACTION_RQSTR) indicates whether the unfreeze action described in Columns D and E was requested by BANA or the State (EDD). Column G (ACTION_REASON) contains the reason for the unfreeze action, with "Claims filter – FTB" indicating the account was unfrozen because it was converted from freeze-to-block. Column H (Unblock_Dt) contains the date the EDD Cardholder's prepaid debit account was unblocked, if applicable, following the conversion of their freeze to a block. Column I (Current_Account_Status) contains the current status of the EDD Cardholder's prepaid debit card account as of November 30, 2023. Column J (Current_Card_Status) contains the current status of the EDD Cardholder's prepaid debit card as of November 30, 2023. Column K indicates whether the EDD Cardholder's prepaid debit card account is currently blocked.

INTERROGATORY NO. 6:

For each CLAIM DENIAL SUBCLASS MEMBER, state: the amount of each CLAIM they submitted at any time between January 1, 2020 and June 2, 2021 that YOU initially DENIED based on the CLAIM FRAUD FILTER and that YOU subsequently reimbursed after REOPENING the CLAIM pursuant to the

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1 PRELIMINARY INJUNCTION; the date they submitted each such CLAIM; and the
2 date YOU issued PERMANENT CREDIT on each such CLAIM.

3 **RESPONSE TO INTERROGATORY NO. 6:**

4 BANA incorporates its General Objections, Objections to Definitions, and
5 Objections to Instructions as if fully set forth herein. BANA objects to this
6 Interrogatory on the grounds that responding to any such interrogatory is premature
7 as no such subclass has been certified. BANA further objects to this Interrogatory
8 on the grounds that the definition of “CLAIM DENIAL SUBCLASS MEMBER”
9 includes individuals who are not eligible for relief under the causes of action asserted
10 by Plaintiffs, including individuals whose EDD Debit Card Account is not an
11 “account” covered by EFTA. BANA also objects to this Interrogatory on the grounds
12 that the definition of “CLASS MEMBER” in Plaintiffs’ FAMCC is not identifiable
13 by BANA to the extent it is based on information concerning EDD’s reasoning that
14 is not in BANA’s possession, custody, or control because it excludes persons from
15 the class definition whose benefits were revoked for failure to establish valid identity
16 with EDD. BANA further objects to this Interrogatory on the grounds that it seeks
17 personal identifying information for individuals who are not putative class
18 representatives or individual plaintiffs in this case and who are not part of any class
19 or subclass that has been certified. BANA further objects to this Interrogatory on the
20 grounds that it is unduly burdensome and seeks information that is not kept in the
21 ordinary course of business, such as whether a Claim was reopened “pursuant to” the
22 Preliminary Injunction.

23 Based on these objections, BANA will not respond to Interrogatory No. 6 at
24 this time.

CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

Subject to and without waiving any objections stated in BANA's initial response to Interrogatory No. 6, and in accordance with the Parties' September 18, 2023 and September 22, 2023 letters and related correspondence and communications, BANA states that Exhibit 1 to this Supplemental Response contains BANA's response to Interrogatories 2 and 6.

Specifically, Exhibit 1 contains responsive data anonymized for all EDD Cardholders who submitted a claim between January 1, 2020 and June 2, 2021, whose claim triggered the Claim Fraud Filter, and was subsequently paid by BANA. 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. 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 (ClaimNbr) contains the Claim Number assigned by BANA to each claim. Column C (ClaimEntryDte) contains the Claim Entry Date, which is the date on which the claim was entered into BANA's system of record (Wadworth). Column D (CardProgramID) contains the Card Program ID for the EDD Unemployment Insurance Benefits Program (SC384-CAEDDUE) or the EDD Disability Insurance Benefits Program (SC384-CAEDDDI). Column E (ClaimAmt) contains the amount of the claim. Column F (FraudFilterFileDate) contains the date the claim triggered the Claim Fraud Filter. Column G (Paid_Date) contains the date the claim was paid.

BANA is not able to determine for the purposes of this Response whether the claims referenced in Exhibit 1 were reopened pursuant to the Preliminary Injunction or for another reason because that is not a data point or information that BANA tracks in its system of records. Thus, BANA is unable to respond to that portion of this Interrogatory, and instead refers Plaintiffs to the data in Column G – which would

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1 indicate if the claim was paid prior to or following the entry of the Preliminary
2 Injunction, or prior to or following the entry of the CFPB Consent Order.

INTERROGATORY NO. 14:

4 IDENTIFY all CLASS MEMBERS who are also “Affected Consumers” as
5 defined in Paragraph 3 of the CFPB CONSENT ORDER.

RESPONSE TO INTERROGATORY NO. 14:

7 BANA incorporates its General Objections, Objections to Definitions, and
8 Objections to Instructions as if fully set forth herein. BANA objects to this
9 Interrogatory on the basis that responding to any such interrogatory is premature as
10 no such class has been certified and because it seeks information that do not yet
11 exist and may be subject to change as BANA’s implementation of the CFPB’s
12 Consent Order, dated July 14, 2022 (the “Consent Order”) is ongoing. BANA
13 further objects to this Interrogatory as overly broad on the grounds that the
14 definition of “CLASS MEMBER” includes individuals who are not eligible for
15 relief under the causes of action asserted by Plaintiffs, including individuals whose
16 EDD Debit Card Account is not an “account” covered by EFTA. BANA also
17 objects to this Interrogatory on the grounds that the definition of “CLASS
18 MEMBER” in Plaintiffs’ FAMCC is not identifiable by BANA to the extent it is
19 based on information concerning EDD’s reasoning that is not in BANA’s
20 possession, custody, or control because it excludes persons from the class definition
21 whose benefits were revoked for failure to establish valid identity with EDD.
22 BANA further objects to this Interrogatory on the grounds that it seeks personal
23 identifying information for individuals who are not putative class representatives or
24 individual plaintiffs in this case and who are not part of any class that has been
25 certified. BANA also objects to this Interrogatory to the extent that it seeks
26 information protected from discovery by the bank examiner, supervisory,
27 investigative, or other regulatory privileges.

CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER

1 Dated: December 1, 2023 Respectfully Submitted,
2
3

By: /s/ Matthew L. Riffie

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28

CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER

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 1, 2023 I caused to be served the following document on the person(s) below:

DEFENDANT BANK OF AMERICA, N.A.'S REVISED SECOND SUPPLEMENTAL RESPONSES AND OBJECTIONS TO PLAINTIFF YICK'S FIRST SET OF INTERROGATORIES (INTERROGATORIES 2-6 AND 14-15)

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Karin B. Swope
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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 1, 2023** at Washington, DC.

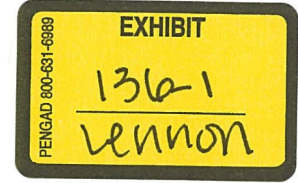
Matthew L. Riffie
(Type or print name)

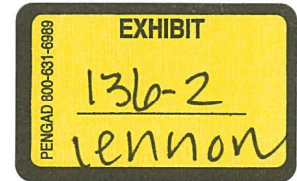
/s/ Matthew L. Riffie
(Signature)

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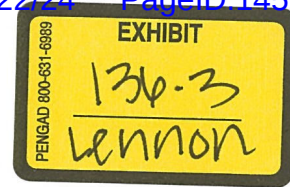
REVISED EXHIBIT 1 TO BANA's SECOND SUPPLEMENTAL RESPONSE TO PLAINTIFFS' INTERROGATORIES (INTERROGATORIES 2 & 6) (revised DECEMBER 1, 2023)

CardAliasID	ClaimNbr	ClaimEntryDte	ClaimAmt	FraudFilterFileDate	Paid_Date
0000000000083866159	200924302884	9/24/2020	1000	9/30/2020	7/24/2021
0000000000083866366	200728302237	7/28/2020	701.98	10/8/2020	8/10/2021
0000000000083866606	201026301188	10/26/2020	3003	10/28/2020	5/6/2021
0000000000083867274	210518302176	5/18/2021	960	5/19/2021	6/2/2021
0000000000083867334	210301301038	3/1/2021	1000	3/2/2021	5/5/2021
0000000000083867832	210525301508	5/25/2021	2530	5/26/2021	6/25/2021
0000000000083867883	210419300961	4/19/2021	1933.54	4/20/2021	7/30/2022
0000000000083867904	210406301281	4/6/2021	1000	4/7/2021	3/1/2022
0000000000082741406	210223301652	2/23/2021	900	2/24/2021	5/1/2021
0000000000082741439	201112301202	11/12/2020	178.92	11/13/2020	3/3/2022
0000000000082741889	210215302004	2/15/2021	1000	2/16/2021	5/26/2021
0000000000082742917	201015300788	10/15/2020	1730	10/16/2020	2/12/2021
0000000000082744535	201010300742	10/10/2020	838.35	10/12/2020	1/4/2021
0000000000082744556	210105300360	1/5/2021	191.45	1/6/2021	6/16/2021
0000000000082744571	201231300300	12/31/2020	1920	1/4/2021	5/27/2021
0000000000082744692	210111301744	1/11/2021	80	1/12/2021	6/17/2021
0000000000082744766	210510301890	5/10/2021	140	5/11/2021	5/24/2021
0000000000082744981	200911300983	9/11/2020	122.99	10/2/2020	9/4/2021
0000000000082745553	210518301266	5/18/2021	1006	5/19/2021	6/7/2021
0000000000082745890	201203300911	12/3/2020	263	12/4/2020	5/20/2021
0000000000082821571	201212301221	12/12/2020	734.95	12/14/2020	3/3/2022
0000000000082823117	210524302213	5/24/2021	983	5/25/2021	6/7/2021
0000000000082823324	210510301237	5/10/2021	1000	5/11/2021	5/28/2021
0000000000082824291	200717302077	7/17/2020	800	10/2/2020	7/24/2021
0000000000082824953	210517300999	5/17/2021	940	5/18/2021	6/1/2021
0000000000082825400	210114300281	1/14/2021	660	1/15/2021	6/18/2021
0000000000082825599	210414301188	4/14/2021	1003	4/15/2021	9/19/2022
0000000000082825973	210531300428	5/31/2021	980	6/1/2021	6/22/2021
0000000000082825989	201029301312	10/29/2020	323	10/29/2020	5/20/2021
0000000000082901843	201207302583	12/7/2020	1904.77	12/8/2020	5/6/2021
0000000000082902497	200902301511	9/2/2020	100	10/2/2020	9/4/2021
0000000000082903063	201027301481	10/27/2020	400	10/28/2020	5/5/2021
0000000000082903178	210201302049	2/1/2021	703	2/2/2021	4/23/2021
0000000000082903438	210430301628	4/30/2021	7450.18	5/3/2021	8/14/2023
0000000000082903448	200928301489	9/28/2020	800	9/30/2020	7/24/2021
0000000000082904799	210329300536	3/29/2021	980	3/30/2021	4/8/2021
0000000000082904854	210215302210	2/15/2021	2000	2/16/2021	5/19/2021





CardAliasId	ClaimNbr	ClaimEntryDte	ClaimAmt	CreditDte	FraudFilterDte	PaidDte
000000000079897277	200629302196	6/29/2020	497.44	7/13/2020	10/2/2020	12/4/2022
000000000080074111	200706301957	7/6/2020	1000	7/17/2020	10/2/2020	9/1/2021
000000000080227992	200814303135	8/14/2020	329.72	8/15/2020	10/2/2020	7/27/2021
000000000080393057	200624301072	6/24/2020	2080	7/8/2020	10/2/2020	5/18/2021
000000000080395950	200720303680	7/20/2020	7980.52	9/2/2020	10/2/2020	7/27/2021
000000000080573040	200904300046	9/4/2020	5000	9/4/2020	10/2/2020	5/12/2021
000000000080721413	200707300952	7/7/2020	303	7/20/2020	10/2/2020	2/11/2021
000000000080724632	200718301010	7/18/2020	1418	7/29/2020	10/2/2020	6/18/2021
000000000081426910	200707303269	7/7/2020	2037.97	7/20/2020	10/8/2020	
000000000081426910	200716301892	7/16/2020	1029.49	7/28/2020	10/8/2020	
000000000081694145	200805301207	8/5/2020	900	8/5/2020	10/2/2020	8/6/2020
000000000081697320	200706300858	7/6/2020	1900	7/17/2020	10/2/2020	12/10/2020
000000000081943709	200709300971	7/9/2020	182.07	7/21/2020	10/8/2020	4/29/2023
000000000082126645	200727303827	7/27/2020	203	8/6/2020	10/2/2020	4/25/2023
000000000082129257	200709302641	7/9/2020	6660.07	7/22/2020	10/8/2020	3/1/2022
000000000082130337	200703300227	7/3/2020	200	7/16/2020	10/2/2020	12/4/2022
000000000082302501	200710301989	7/10/2020	406.5	7/23/2020	10/2/2020	7/27/2021
000000000082354338	200820303528	8/20/2020	1169.59	8/21/2020	10/2/2020	1/19/2022
000000000082416163	200807301321	8/7/2020	4256.36	8/7/2020	10/8/2020	7/27/2021
000000000082457025	200702302166	7/2/2020	500	7/15/2020	10/2/2020	6/23/2021
000000000082460764	200812303737	8/12/2020	1020.01	8/13/2020	9/28/2020	6/17/2021
000000000082576249	200720303369	7/20/2020	3532	7/30/2020	10/2/2020	7/31/2020
000000000082576938	200711300508	7/11/2020	3000	7/23/2020	10/2/2020	7/27/2021
000000000082824275	200917303066	9/17/2020	1548.6	11/3/2020	10/2/2020	3/10/2022
000000000082824291	200717302077	7/17/2020	800	7/29/2020	10/2/2020	7/24/2021
000000000082903567	200624302459	6/24/2020	1000	7/8/2020	10/2/2020	2/4/2021
000000000082905875	200813303125	8/13/2020	2019.49	8/13/2020	10/2/2020	7/26/2021
000000000082953162	200629301858	6/29/2020	709.75	7/12/2020	10/2/2020	7/20/2021
000000000082953829	200707300520	7/7/2020	1000	7/20/2020	10/2/2020	2/11/2021
000000000082954989	200618302756	6/18/2020	2206.39	7/30/2020	10/2/2020	2/14/2022
000000000083079402	200713300730	7/13/2020	2681.54	7/24/2020	10/2/2020	12/21/2020
000000000083080000	200818303711	8/31/2020	1000	8/31/2020	10/2/2020	12/21/2020
000000000083202861	200713301699	7/13/2020	1000	7/24/2020	10/2/2020	6/23/2021
000000000083397288	200629300550	6/29/2020	1000	7/10/2020	10/2/2020	5/11/2023
000000000083397987	200717302770	7/17/2020	366	7/29/2020	10/2/2020	8/6/2021
000000000083488607	200702301216	7/2/2020	200.42	7/15/2020	10/2/2020	7/24/2021
000000000083489009	200915303009	9/15/2020	280	9/15/2020	10/2/2020	7/29/2021
000000000083582834	200721301297	7/21/2020	248.92	7/30/2020	10/2/2020	12/4/2022
000000000083583289	200713303618	7/13/2020	2000	7/24/2020	10/2/2020	8/3/2021



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REVISED EXHIBIT 3 TO BANA's SECOND SUPPLEMENTAL RESPONSE TO PLAINTIFFS' INTERROGATORIES (INTERROGATORIES 4 & 5) (revised DECEMBER 20, 2023)

CRD_ALIAS_ID	Frd_Flt_Frz_Dt	Balance_at_Freeze	ACTION_Dt	ACTION	ACTION_RQSTR	ACTION_REASON	Unblock_Dt	Current_Account_Status	Current_Card_Status	Currently_Blocked
79895732	11-Mar-21	0	29-Mar-21	Unfreeze	Bank	Claims filter - FTB	31-Mar-21	Active	Active	Y
79896525	1-Oct-20	5.16	4-Oct-20	Unfreeze	State	Other		Frozen	Closed for Fraud	
79896645	28-Sep-20	34	4-Oct-20	Unfreeze	State	Other		Active	Suspended	
79896938	19-Jan-21	0	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	20-Jul-21	Active	Active	
79897277	28-Sep-20	13.29	4-Oct-20	Unfreeze	State	Other		Active	Lost	
79897777	12-Mar-21	2.28	29-Mar-21	Unfreeze	Bank	Claims filter - FTB	1-Apr-21	Active	Active	
79897781	20-Jan-21	27.77	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	22-Mar-21	Active	Active	
79898551	28-Sep-20	2.19	4-Oct-20	Unfreeze	State	Other		Active	Active	Y
79899110	9-Feb-21	0	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	23-Mar-21	Active	Active	
79899382	1-Oct-20	10.78	4-Oct-20	Unfreeze	State	Other		Active	Active	
79904089	1-Oct-20	12.82	4-Oct-20	Unfreeze	State	Other		Active	Active	
79904094	21-Dec-20	5748.55	22-Jan-21	Unfreeze	State	State Validated		Active	Active	
80072891	29-Dec-20	427.33	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	20-Apr-21	Active	Active	
80072955	2-Mar-21	0	29-Mar-21	Unfreeze	Bank	Claims filter - FTB	29-Mar-21	Active	Active	
80073436	1-Feb-21	7.13	17-Feb-21	Unfreeze	State	State Validated		Active	Active	
80073689	21-Dec-20	0	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	19-Mar-21	Perm_clsd	Closed for Escheatment	
80073842	15-Jan-21	4	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	22-Mar-21	Active	Active	
80074111	28-Sep-20	913.41	4-Oct-20	Unfreeze	State	Other		Frozen	Closed for Fraud	
80075017	17-Dec-20	27.27	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	31-Mar-21	Active	Active	
80075083	17-Dec-20	26.53	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	12-Apr-21	Active	Lost	
80075387	27-Jan-21	78.67	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	23-Mar-21	Active	Active	
80075659	1-Oct-20	719.87	4-Oct-20	Unfreeze	State	Other		Active	Active	
80075800	28-Sep-20	4180.38	4-Oct-20	Unfreeze	State	Other		Frozen	Closed for Fraud	
80075803	17-Dec-20	23.89	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	10-Apr-21	Active	Suspended	
80075978	3-Feb-21	416.76	24-Feb-21	Unfreeze	State	State Validated		Active	Active	
80076053	4-Mar-21	2.17	29-Mar-21	Unfreeze	Bank	Claims filter - FTB	13-Apr-21	Frozen	Closed for Fraud	
80076421	17-Dec-20	675.74	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	14-Apr-21	Active	Active	
80076554	17-Dec-20	1960.07	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	29-Mar-21	Active	Suspended	
80076656	22-Jan-21	0	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	20-Apr-21	Active	Active	
80077087	24-Dec-20	3.27	4-Oct-20	Unfreeze	State	Other	17-Jun-21	Frozen	Closed for Fraud	
80077395	28-Sep-20	2.9	4-Oct-20	Unfreeze	State	Other		Active	Expired	
80225541	1-Oct-20	12.43	11-Mar-21	Unfreeze	State	State Validated		Active	Expired	
80225626	3-Mar-21	6835.18	4-Oct-20	Unfreeze	State	Other		Active	Active	
80226017	1-Oct-20	24600.88	4-Oct-20	Unfreeze	State	Other		Active	Active	
80226760	1-Oct-20	101.03	4-Oct-20	Unfreeze	State	Other		Frozen	Closed for Fraud	
80227931	1-Oct-20	0	4-Oct-20	Unfreeze	State	Other		Active	Active	
80227942	25-Feb-21	0	1-Apr-21	Unfreeze	Bank	Claims filter - FTB	20-Apr-21	Active	Active	
80227992	28-Sep-20	0	4-Oct-20	Unfreeze	State	Other		Frozen	Closed for Fraud	
80228236	17-Dec-20	686.09	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	8-Apr-21	Active	Active	
80228678	17-Dec-20	0	18-Mar-21	Unfreeze	Bank	Claims filter - FTB	21-Jul-21	Perm_clsd	Closed for Escheatment	
80228691	26-Feb-21	1.44	15-Mar-21	Unfreeze	State	State Validated		Perm_clsd	Closed for Escheatment	
80228916	29-Sep-20	1640	4-Oct-20	Unfreeze	State	Other		Active	Expired	Y

VERIFICATION OF REVISED SECOND SUPPLEMENTAL
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 Revised Second Supplemental Responses and Objections to Plaintiff's First Set of Interrogatories (Interrogatories 2-6 and 14-15) ("Second Supplemental Responses"), dated December 1, 2023, and the Revised Supplemental Exhibits 1, 4 and 5, and I am informed and believe, based on reasonable investigation, that the matters stated in the Revised Second Supplemental 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 1 day, December 2023, in Los Angeles, California.


JENNIFER LENNON

Verification

