

Exhibit 17

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: BANK OF AMERICA) Case No.:
CALIFORNIA UNEMPLOYMENT) 3:21-md-02992-LAB-MSB
BENEFITS LITIGATION)

This Document Relates to)
All Actions)

)
_____)

VIDEOTAPED 30(b)(6) DEPOSITION OF

BANK OF AMERICA, N.A.

by its designee: MICHAEL LETSON

9:20 a.m.

Friday, February 16, 2024

(Taken by Plaintiffs)

REPORTED BY: Christine A. Taylor, RPR

Page 1

APPEARANCES

For the Plaintiffs and the Proposed Class:

ALTSHULER BERZON LLP

BY: CONNIE K. CHAN, ESQ.

STACEY LEYTON, ESQ. (via Zoom)

177 Post Street, Suite 300

San Francisco, California 94108

415.421.7151

cchan@altshulerberzon.com

sleyton@altshulerberzon.com

COTCHETT, PITRE & MCCARTHY, LLP

BY: ANDREW F. KIRTLEY, ESQ.

BRIAN DANITZ, ESQ. (via Zoom)

KARIN B. SWOPE, ESQ. (via Zoom)

840 Malcolm Road, Suite 200

Burlingame, California 94010

650.697.6000

akirtley@cpmlegal.com

bdanitz@cpmlegal.com

kswope@cpmlegal.com

For Individual Plaintiff:

SWIGART LAW GROUP APC

BY: JOSHUA B. SWIGART, ESQ. (via Zoom)

ILANA PLATKIEWICZ, ESQ. (via Zoom)

2221 Camino Del Rio S.

Suite 308

San Diego, California 92108

866.219.3343

josh@swigartlawgroup.com

ilana@swigartlawgroup.com

1 For the Defendant Bank of America, N.A.:
2 GOODWIN PROCTER, LLP
3 BY: SABRINA M. ROSE-SMITH, ESQ.
4 JACKIE ODUM, ESQ.
5 1900 N Street NW
6 Washington, D.C. 20036
7 202.346.4000
8 srosesmith@goodwinlaw.com
9 jodum@goodwinlaw.com
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Also Present:

Amanda Laus (via Zoom)
Colin Jones (via Zoom)
Michael Rubin (via Zoom)
David Cooper, Videographer

C O N T E N T S

PAGE

EXAMINATION BY MS. CHAN

11

* * *

E X H I B I T S

EXHIBIT

DESCRIPTION

PAGE

Exhibit 65	Plaintiffs' Revised Notice of Deposition of Defendant Bank of America, N.A. Pursuant to Federal Rule of Civil Procedure 30(b)(6)	16
Exhibit 66	Bank of America's Prepaid Organizational Structure, Bates BANA_EDD_MDL_00057837	39
Exhibit 67	E-mails, Subject: RE: 1/29 EDD Client Meeting, Bates BANA_EDD_MDL-0117168	80
Exhibit 68	E-mails, Subject: RE: Prepaid Claims Processing - Benefits Fraud, Bates BANA_EDD_MDL-00125177	84
Exhibit 69	Unemployment Benefits - Prepaid Fraud Analysis: California Overview, Bates	118

Page 4

1		BANA_EDD_MDL-00452826	
2	Exhibit 70	12/21/2020 E-mail, Subject FW:	126
3		Meeting Follow-Up - Direct Deposit	
4		Discussion 12/14, Bates	
5		BANA_EDD_MDL-00058858	
6	Exhibit 71	Declaration of Michael Letson	149
7	Exhibit 72	10/1/2020 E-mails, Subject: EMV	158
8		2019 Analysis, Bates	
9		BANA_EDD_MDL-00356089	
10	Exhibit 73	11/2/2020 E-mails, Subject: RE:	163
11		Confidential: Fraud Incident:	
12		Research Required, Bates	
13		BANA_EDD_MDL-00163307	
14	Exhibit 74	9/21/2020 E-mails, Subject: RE:	195
15		Prepaid summary for Lauren, Bates	
16		BANA_EDD_MDL-00087749	
17	Exhibit 75	9/25/2020 E-mails, Subject: RE:	201
18		Notes, Bates BANA_EDD_MDL-00087760	
19	Exhibit 76	9/9/2020 E-mails, Subject: RE:	204
20		Criteria, Bates	
21		BANA_EDD_MDL-00169847	
22	Exhibit 77	7/16/2020 E-mails, Subject:	206
23		Summary for today, Bates	
24		BANA_EDD_MDL-00716375	
25	Exhibit 78	9/23/2020 E-mails, Subject:	210

1		Standard UCRA 46906 Mitigation	
2		Plan Acknowledgement Required,	
3		Bates BANA_EDD_MDL-00225047	
4	Exhibit 79	10/20/2020 E-mails, Subject: RE:	213
5		Risk Deadline (see below), Bates	
6		BANA_EDD_MDL-00225375	
7	Exhibit 80	Model Identification, Pre-paid	220
8		Card Fraud and Claims Fraud, 102,	
9		Bates BANA_EDD-MDL-00592324	
10	Exhibit 81	9/21/2020 E-mails, Subject: RE:	239
11		Prepaid summary for Lauren, Bates	
12		BANA_EDD_MDL-00087742	
13	Exhibit 82	5/26/2020 E-mails, Subject: RE:	246
14		Tom Montag inquiry on GM Losses	
15		(including prepaid), Bates	
16		BANA_EDD_MDL-00290330	
17	Exhibit 83	9/22/2020 E-mails, Subject: :,	249
18		Bates BANA_EDD_MDL-00371977	
19	Exhibit 84	9/21/2020 E-mails, Subject:	251
20		MicrosoftUC Conversation -	
21		87723515, Bates	
22		BANA_EDD_MDL-001069912	
23	Exhibit 85	9/30/2020 E-mails, Subject: RE:	258
24		Near Final Draft of Deck, Bates	
25		BANA_EDD_MDL-00450516	

1	Exhibit 86	1/28/2021 E-mails, Subject:	263
2		MicrosoftUC-Conversion -	
3		112001165, Bates	
4		BANA_EDD_MDL-00125863	
5	Exhibit 87	9/28/2020 E-mail, Bates	266
6		BANA_EDD_MDL-005703351	
7	Exhibit 88	8/15/2022 E-mail, Subject: MTM Mon	267
8		8/15/22 10am-2pm Eastern TP, Bates	
9		BANA_EDD_MDL-00528602	
10	Exhibit 89	9/29/2020 E-mails, Subject:	273
11		Conversation with Johnson, Renee	
12		T, Bates BANA_EDD_MDL-00293818	
13	Exhibit 90	Prepaid GBAM/Systemic Denial	281
14		Reconsideration Adequate	
15		Investigation, Bates	
16		BANA_EDD_MDL-00100634	
17	Exhibit 91	4/7/2021 E-mails, Subject: RE:	285
18		Prepaid Weekly Numbers 3/27 - 4/2,	
19		Bates BANA_EDD_MDL-00273305	
20	Exhibit 92	Reconsiderations - Full Year 2020,	291
21		Bates BANA_EDD_MDL-00556536	
22	Exhibit 93	1/13/2021 E-mails, Subject: RE:	302
23		Slide requested, Bates	
24		BANA_EDD_MDL-00417487	
25	Exhibit 94	1/13/2021 E-mails, Subject:	306

1		Prepaid Executive Dashboard, Bates	
2		BANA_EDD_MDL-00143391	
3	Exhibit 95	12/23/2020 E-mails, Subject: FW:	314
4		Day 2 Summary: Prepaid Card	
5		Unfreeze Intake Site, Bates	
6		BANA_EDD_MDL-00374778	
7	Exhibit 96	7/7/2021 E-mails, Subject: FW:	321
8		Effectiveness Analysis of Fraud	
9		Claims Indicators, Bates	
10		BANA_EDD_MDL-00406128	
11	Exhibit 97	6/9/2021 E-mails, Subject: FW:	324
12		Request to Freeze Prepaid Cards	
13		(Closed Due to Fraud Status),	
14		Bates BANA_EDD_MDL-00146422	
15	Exhibit 98	5/10/2021 E-mails, Subject: RE:	340
16		Please Preview Tonight - claims	
17		info re: Filters, Bates	
18		BANA_EDD_MDL-00547571	
19	Exhibit 100	5/11/2021 E-mails, Subject: FW:	347
20		Please review - Claims Fraud	
21		Filter Analysis Steer Co Final,	
22		Bates BANA_EDD_MDL-00159469	
23			
24		(Exhibit 99 was skipped in numbering.)	
25			

1 VIDEOCONFERENCE 30(b)(6) DEPOSITION of BANK
2 OF AMERICA, N.A., by its designee, MICHAEL LETSON,
3 a witness in the above-entitled action, taken
4 pursuant to notice, pursuant to the Federal Rules
5 of Civil Procedure by the Plaintiffs, before
6 CHRISTINE A. TAYLOR, RPR, at the offices of
7 McGuireWoods, 201 North Tryon Street, Suite 3000,
8 Charlotte, North Carolina, on the 16th day of
9 February, 2024, at 9:20 a.m.

10 - - -

11 THE VIDEOGRAPHER: We are going on the
12 record at 9:20:59 a.m., Friday,
13 February 16, 2024.

14 Please note that the microphones are
15 sensitive and may pick up whispering and
16 private conversations. Please turn off all
17 cell phones or place them away from the
18 microphones, as they can interfere with the
19 deposition audio. Recording will continue
20 until all parties agree to go off the
21 record.

22 This is Media Unit Number 1 of the
23 30(b)(6) video recorded deposition of Bank
24 of America, N.A., with Mike Letson taken by
25 counsel for the plaintiff in the matter of

1 In Re: Bank of America California
2 Unemployment Benefits Litigation in the
3 United States District Court, Southern
4 District of California. Case Number
5 3:21-md-02992-LAB-MSB.

6 This video deposition is taking place
7 at McGuireWoods LLP in the Charlotte
8 conference room located at 201 North Tryon
9 Street, Suite 3000, Charlotte, North
10 Carolina 28202.

11 My name is David Cooper. I'm the
12 certified legal videographer with Veritext.
13 I'm not authorized to administer an oath.
14 I am not related to any party in this
15 action nor am I financially interested in
16 the outcome.

17 Counsel and all those present in the
18 room and everyone attending remotely will
19 now state their appearance and affiliation
20 for the record.

21 If there are any objections to the
22 proceeding, please state them at the time
23 of your appearance, beginning with the
24 noticing attorney.

25 MS. CHAN: Connie Chan, counsel for

1 class plaintiffs.

2 MR. KIRTLEY: Andrew Kirtley, counsel
3 for class plaintiffs.

4 MS. ROSE-SMITH: Sabrina Rose-Smith,
5 counsel for defendants and the witness.

6 MS. ODUM: Jacqueline Odum, counsel for
7 defendants and the witness.

8 THE VIDEOGRAPHER: The court reporter,
9 Christine Taylor, will now swear in the
10 witness.

11 Oh, I'm sorry. Those on the remote,
12 please state your name and appearance.

13 MS. ROSE-SMITH: No one wishes to
14 formally appear.

15 THE VIDEOGRAPHER: Well, maybe we can
16 come back to that.

17 MS. CHAN: It is 6:00 a.m.

18 - - -

19 MICHAEL LETSON,
20 having first been duly sworn, was examined
21 and testified as follows:

22 - - -

23 EXAMINATION

24 BY MS. CHAN:

25 Q. Good morning, Mr. Letson. My name is

1 Connie Chan. And with me is my co-counsel Andrew
2 Kirtley for the class plaintiffs. Thank you very
3 much for being here today.

4 Can you please state your full name
5 for the record?

6 A. Michael John Letson.

7 Q. I'm going to start by going over a few
8 ground rules with you so that we're all on the
9 same page.

10 You understand that you are testifying
11 under oath and under penalty of perjury today, the
12 same as if you were in court?

13 A. Correct.

14 Q. You understand that what you say here
15 today is being taken down by the court reporter?

16 A. I do.

17 Q. And for the court reporter, it's
18 important that your responses be verbal. So can
19 you please respond to my questions with verbal
20 answers rather than nodding your head or shrugging
21 your shoulders?

22 A. Yes.

23 Q. Thank you.

24 If you don't understand a question,
25 can you please tell me so that I can rephrase it?

1 If you answer my question, I will assume that you
2 understood it. Is that fair?

3 A. Okay.

4 Q. You should feel free to amend an
5 answer at any time if you think of something later
6 on that would help to clarify your response or
7 make it more accurate. But if you do so,
8 plaintiffs will be permitted to point that out to
9 the judge or the jury. Is that fair?

10 A. Okay.

11 Q. And, in addition, after the
12 deposition --

13 MR. SWIGART: Guys, I'm sorry to
14 interrupt. This is Josh Swigart online. I
15 don't think anybody can hear online. Are
16 the mics on?

17 THE VIDEOGRAPHER: Yes, the mics are
18 on. We can -- we can check that.
19 Should we go off the record?

20 MS. CHAN: Testing.

21 Yeah. We'll go off the record.

22 THE VIDEOGRAPHER: The time is
23 approximately 9:25:16 a.m. We are now off
24 the record.

25 (Recess taken from 9:25 a.m. until 9:27 a.m.)

1 THE VIDEOGRAPHER: The time is
2 approximately 9:27:12 a.m. We are now on
3 the record.

4 We can get those on the remote to
5 identify for the record?

6 MR. SWIGART: Sure. I can start. So
7 Josh Swigart, Swigart Law Group, on behalf
8 of the individual plaintiffs.

9 MS. PLATKIEWICZ: Ilana Platkiewicz of
10 Swigart Law Group as well.

11 BY MS. CHAN:

12 Q. Okay. Mr. Letson, after the
13 deposition the court reporter will prepare a
14 verbatim transcript and you'll have an opportunity
15 to review it and make any necessary corrections.

16 But if you do make corrections, again,
17 plaintiffs will be able to comment on those
18 corrections to the judge or jury. Is that clear?

19 A. Yeah. Yes. Sorry.

20 Q. I don't want you to guess today if you
21 don't know the answer to one of my questions, but
22 I am entitled to your best estimate.

23 Do you understand the difference
24 between a guess and an estimate?

25 A. Yes.

1 Q. So, for example, if I asked you to
2 estimate the size of this table, I would be
3 entitled to your best estimate.

4 But if I asked you to estimate the
5 size of the desk in my office back in California,
6 I wouldn't expect -- I wouldn't want you to guess
7 about that because you've never seen it before.
8 Is that -- is that clear?

9 A. Yes.

10 Q. You understand that from time to time
11 your counsel may state objections to some of my
12 questions. But unless she specifically instructs
13 you not to answer, you do need to answer the
14 question after she has finished her objection. Is
15 that clear?

16 A. Yes.

17 Q. Is there any reason you cannot answer
18 my questions truthfully and to the best of your
19 ability today?

20 A. No.

21 Q. Are you under the influence of alcohol
22 or any medication that would impede your ability
23 to give your best testimony today?

24 A. No.

25 Q. I do plan on taking regular breaks

1 throughout the day. If at any time you would like
2 to take a break, please do let me know. I just
3 ask that if I have a pending question that you
4 answer my question before we take the break. Is
5 that fair?

6 A. Okay.

7 Q. Have you ever been deposed before?

8 A. No.

9 Q. Have you ever provided testimony as a
10 witness in any other form before such as at trial?

11 A. No.

12 Q. You understand that this is the
13 30(b)(6) deposition of Bank of America?

14 A. Yes.

15 Q. And have you received and reviewed a
16 copy of the revised 30(b)(6) deposition notice?

17 A. Yes.

18 Q. And I will provide you a copy of it
19 now just to confirm.

20 (Exhibit 65 marked for identification.)

21 MS. ROSE-SMITH: Is this Plaintiff's
22 Exhibit 65?

23 MR. KIRTLEY: Yes.

24 MS. CHAN: Yes.

25 BY MS. CHAN:

13 Q. For many unemployment insurance
14 recipients, being denied access to their UI funds
15 for even a short time is a significant hardship.
16 Do you agree?

17 MS. ROSE-SMITH: Objection. Calls for
18 speculation.

19 THE WITNESS: People that are receiving
20 unemployment benefits are probably some of
21 the most vulnerable customers we would
22 have.

CERTIFICATE OF REPORTER

I, Christine A. Taylor, Registered Professional Reporter and Notary Public for the State of North Carolina at Large, do hereby certify:

That the foregoing deposition was taken before me on the date and at the time and location stated in this transcript; that the deponent was duly sworn to testify to the truth, the whole truth and nothing but the truth; that the testimony of the deponent and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed; that the foregoing deposition as typed is a true, accurate and complete record of the testimony of the deponent and of all objections made at the time of the examination to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, this 28th of February, 2024.



Christine A. Taylor
Registered Professional Reporter
Notary Public 19960530077
State of North Carolina

In re Bank of America California Unemployment Benefits Litigation
Case No. 3:21-MD-02992-LAB-MSB

Errata for Deposition of Michael Letson, February 16, 2024

Page	Line(s)	Change	Reason
34	25	Change "receive -- didn't -- experienced fraud on the" to "receive that somebody experienced fraud on the"	Clarification
45	9	Change "GSC" to "GFC"	Transcription error
50	12-14	Change "commercial global banking and global markets, consumer wealth management" to "Commercial, Global Banking and Markets, Consumer, and Wealth Management"	Transcription error
70	7	Change "sequel" to "SQL"	Transcription error
71	14	Change "friction on" to "friction to"	Transcription error
76	2	Delete "It wasn't --"	Clarification
77	4-5	Change "team" to "teams"	Transcription error
88	9	Change "I think was" to "I think it was"	Transcription error
96	6	Change "But we not directed" to "But we were not directed"	Transcription error
113	16-17	Change "at times it was the client team" to "at that time, the Client team"	Transcription error
118	19	Change "teams" to "team"	Transcription error
118	20	Change "teams" to "team"	Transcription error
123	17	Change "But they were communicated the" to "But they were communicated, the"	Transcription error
127	11	Change "she was the team" to "she was on the team"	Transcription error
127	17	Change "in the public sector banking" to "in Public Sector Banking"	Transcription error
139	12	Change "It was a SteerCo" to "It was SteerCo"	Transcription error
143	2-3	Change "global banking and markets committee" to "Global Banking and Markets Committee"	Transcription error
152	15-17	Change "So it -- like the evolutions of fraud event like we're experiencing in unemployment fraud" to "So it -- is	Clarification

		like the evolution of fraud events we're experiencing is unemployment fraud"	
152	20	Change "observe" to "observations"	Clarification
167	4	Change "Might argue that" to "You might argue that"	Transcription error
167	14	Change "analysis" to "analyses"	Transcription error
169	5-6	Change "observing originally" to "originally observing"	Transcription error
181	22	Change "in slide or Exhibit 69" to "in the slide in Exhibit 69"	Transcription error
244	13	Change "Maybe John Lindley" to "Maybe John Denning"	Transcription error
260	5-6	Change "the global banking and global markets risk committee" to "the Global Banking and Global Markets Risk Committees"	Transcription error
262	25	Change "the committee" to "the Committees"	Transcription error
268	23-24	Change "global banking and global markets committee" to "Global Banking and Global Markets Risk Committees"	Transcription error
270	16	Change "Head of the wealth management bank" to "Head of Wealth Management for the bank"	Transcription error
300	3	Change "SWAT" to "SWOT"	Transcription error
349	18	Change "MS. ROSS-SMITH" to "MS. ROSE-SMITH"	Transcription error

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me. I have listed my changes on the above Errata Sheet, listing page and line numbers. I request that these changes be entered as part of the record of my testimony, and request and authorize that this Errata Sheet be appended to the transcript of my testimony and be incorporated therein..

Executed this 29 day of MARCH, 2024.



Michael Letson