

JOSEPH W. COTCHETT (SBN 36324)

jcotchett@cpmlegal.com

BRIAN DANITZ (SBN 247403)

bdanitz@cpmlegal.com

KARIN B. SWOPE (Pro Hac Vice)

kswope@cpmlegal.com

BLAIR V. KITTLE (SBN 336367)

bkittle@cpmlegal.com

VASTI S. MONTIEL (SBN 346409)

vmontiel@cpmlegal.com

COTCHETT, PITRE & McCARTHY, LLP

840 Malcolm Road, Suite 200

Burlingame, CA 94010

Telephone: (650) 697-6000

Fax: (650) 697-0577

MICHAEL RUBIN (SBN 80618)

mrubin@altber.com

STACEY M. LEYTON (SBN 203827)

sleyton@altber.com

CONNIE K. CHAN (SBN 284230)

cchan@altber.com

KATHERINE G. BASS (SBN 344748)

kbass@altber.com

COLIN C. JONES (SBN 354301)

cjones@altber.com

ALTSHULER BERZON LLP

177 Post Street, Suite 300

San Francisco, CA 94108

Telephone: (415) 421-7151

Fax: (415) 362-8064

Co-Lead Counsel for Plaintiffs and the Proposed Class

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

**IN RE BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION**

This Document Relates to All Actions

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

**PLAINTIFFS' UNOPPOSED EX
PARTE REQUEST FOR KARIN B.
SWOPE TO APPEAR AT
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION HEARING
TELEPHONICALLY**

Hearing Date: January 17, 2025

Time: 1:30 p.m.

Courtroom: 2D, Second Floor

Judge: Hon. Gonzalo P. Curiel

**PLAINTIFFS' UNOPPOSED EX PARTE REQUEST FOR KARIN B. SWOPE TO APPEAR AT
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION HEARING TELEPHONICALLY**

TO THE COURT, DEFENDANT, AND ITS ATTORNEYS OF RECORD:

Notice is hereby given that on January 15, 2025, Plaintiffs will and hereby do apply to this Court ex parte for an order permitting one of Plaintiffs' counsel, Karin B. Swope, to appear telephonically at the hearing on Plaintiffs' Motion for Class Certification in this matter, scheduled for oral argument on January 17, 2025, at 1:30 p.m. before the Honorable Gonzalo P. Curiel. Plaintiffs bring this application for good cause and on the grounds that due to Ms. Swope's family evacuation relating to the Palisades Fire in Los Angeles, it is advisable for her to not travel to San Diego this week and to appear at the hearing telephonically. Declaration of Karin B. Swope ("Swope Decl.") ¶ 3.

Plaintiffs' counsel responsible for presenting oral argument on Plaintiffs' Motion for Class Certification will be personally present in the courtroom for the hearing on January 17, 2025. *Id.* ¶ 4. Thus, Ms. Swope's telephonic appearance should not interfere with the hearing on the motion and will not result in prejudice to any party. *Id.*

On January 14, 2025, Plaintiffs' counsel notified counsel for Defendant of their intent to request the subject relief by this ex parte application and confirmed that defense counsel has no objection to this request. *Id.* ¶ 5.

Plaintiffs were not able to bring a fully noticed motion as the circumstances giving rise to Plaintiffs' counsel's request arose outside the requisite time frame to bring a regularly noticed motion. *Id.* ¶ 6.

CONCLUSION

For the reason set forth above, Plaintiffs respectfully request the Court permit Plaintiffs' counsel Karin B. Swope to appear telephonically at the hearing on Plaintiffs' Motion for Class Certification to be held before this Court on January 17, 2025.

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Respectfully submitted,

Dated: January 15, 2025

COTCHETT, PITRE & McCARTHY LLP

By: /s/ Karin B. Swope
JOSEPH W. COTCHETT
BRIAN DANITZ
KARIN B. SWOPE
BLAIR V. KITTLE
VASTI S. MONTIEL

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