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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 IN RE: BANK OF AMERICA
12 CALIFORNIA UNEMPLOYMENT
13 BENEFITS LITIGATION,
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Case No.: 21MD2992-GPC(MSB)

**ORDER FOLLOWING HEARING
ON CLASS CERTIFICATION AND
SETTING STATUS CONFERENCE**

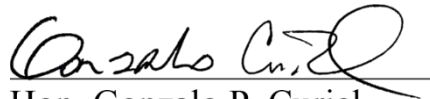
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17 On January 17, 2025, the Court held a hearing on Plaintiffs' motion for class
18 certification. (Dkt. No. 405.) The Court issued a tentative order to the parties prior to the
19 hearing. At the hearing, the Court questioned whether Plaintiffs could seek class
20 certification on a due process claim for the Credit Rescission Class when it was not raised
21 in the Second Amended Master Consolidated Complaint ("SAMCC") and whether
22 Plaintiff could raise the breach of fiduciary claim for the Customer Service Class when it
23 was not alleged in the SAMCC. At the hearing, Class Plaintiffs' counsel requested leave
24 to amend those causes of action to add those allegations. When asked, defense counsel
25 did not oppose the amendments.

26 On January 24, 2025, Plaintiffs filed a Third Amended Master Consolidated
27 Complaint. (Dkt. No. 406.) Defendant is directed to file an Answer in accordance with
28 Federal Rule of Civil Procedure 15(a)(3).

1 As to the breach of fiduciary claim, the Court noted, in its tentative order, that the
2 issue of whether the breach of fiduciary duty claim should be certified as to the Customer
3 Service Class not only was not in the SAMCC but was also not briefed in the motion for
4 class certification. Accordingly, the Court sets a status conference via Zoom on
5 **February 14, 2025 at 1:30 p.m.** to address this issue as well as how the parties will
6 proceed with Class Notice. If the parties wish to discuss any other issues at the
7 conference, they should identify the issue for the Court no later than **February 7, 2025**
8 with an explanation as to what the parties have done to address it to date. The Court will
9 email the parties the Zoom link closer to the date of the hearing.

10 IT IS SO ORDERED.

11 Dated: January 27, 2025


Hon. Gonzalo P. Curiel
United States District Judge