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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

DECLARATION OF MICHAEL
RUBIN IN SUPPORT OF JOINT
MOTION FOR LEAVE TO APPEAR
BY ZOOM AT MARCH 28 STATUS
CONFERENCE AND HEARING ON
DEFENDANT'S MOTION TO STAY

Hearing Date: March 28, 2025

Time: 1:30 p.m.

Courtroom: 2D, Second Floor

Judge: Hon. Gonzalo P. Curiel

DECLARATION OF MICHAEL RUBIN IN SUPPORT OF JOINT MOTION FOR LEAVE TO
APPEAR BY ZOOM AT MARCH 28 STATUS CONFERENCE AND HEARING ON
DEFENDANT'S MOTION TO STAY

1 I, Michael Rubin, hereby declare as follows:

2 1. I am an attorney licensed to practice law in the State of California. I am a
3 partner in the law firm of Altshuler Berzon LLP, and am co-lead counsel for Plaintiffs
4 and the proposed class in this matter.

5 2. I submit this declaration in support of this joint motion to have the
6 upcoming status conference and hearing on Defendant's Motion to Stay Pending
7 Supreme Court Review conducted solely by Zoom.

8 3. I have long been planning to present the argument for Plaintiffs on the
9 Bank's motion.

10 4. Plaintiffs' counsel had previously understood the docket entry at ECF 423
11 to indicate that both the status conference and hearing on Defendant's stay motion
12 would be conducted via Zoom on March 28. Upon receiving the Court's March 24,
13 2025 order regarding the March 28 in-person hearing, Plaintiffs' counsel realized they
14 had misconstrued the prior docket entry.

15 5. Unfortunately, I am unable to travel to San Diego for an in-person hearing
16 on March 28, 2025 due to a medical appointment and other scheduling conflicts that
17 day.

18 6. On March 24, 2025, shortly after reviewing the Court's order regarding the
19 in-person hearing, I reached out to Defendant's counsel and asked whether they would
20 oppose Plaintiff's request to have both the status conference and the hearing on the
21 Bank's motion conducted by Zoom. The Bank's lead counsel, Jim McGarry, responded
22 that, as a personal accommodation to me, the Bank would not oppose Plaintiffs' request
23 for leave to conduct the hearing on the Bank's motion exclusively by Zoom.

24 7. I then reached out to the Court's courtroom deputy, Andrew Sacco, to
25 request that both the status conference and the hearing on the Bank's motion be
26 conducted by Zoom. Mr. Sacco responded on March 25, 2025 at 8:44 a.m. and advised
27 the parties to make this request by way of a joint motion.

8. I was not able to bring a fully noticed motion as the circumstances giving rise to this request arose outside the requisite time frame to bring a regularly noticed motion.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 26th day of March 2025, at Berkeley, California.

/s/ *Michael Rubin*

MICHAEL RUBIN