

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 IN RE: BANK OF AMERICA
12 CALIFORNIA UNEMPLOYMENT
13 BENEFITS LITIGATION,
14
15

Case No.: 21MD2992-GPC(MSB)

ORDER LIFTING STAY

16
17 On March 28, 2025, the Court granted in part a stay of the case pending the United
18 States Supreme Court review of *Lab’y Corp. of Am. Holdings v. Davis*, No. 24-0304.
19 (Dkt. No. 448.) On June 5, 2025, the Supreme Court dismissed the case as
20 “improvidently granted” and did to address the question of “[w]hether a federal court
21 may certify a damages class pursuant to Federal Rule of Civil Procedure 23 when the
22 class includes both injured and uninjured class members.” *Lab’y Corp.*, No. 24-0304,
23 slip. op. at 1-2 (U.S. June 5, 2025). As such, the case of *Olean Wholesale Grocery*
24 *Cooperative, Inc. v. Bumble Bee Foods LLC*, 31 F. 4th 651, 669 (2024) remains binding
25 ///

26 ///

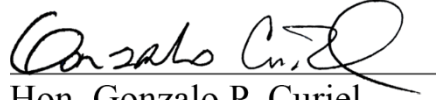
27 ///

28 ///

1 on this Court. Accordingly, the Court lifts the stay in this case and will issue out its
2 ruling on Plaintiff's motion for class certification.

3 IT IS SO ORDERED.

4 Dated: June 5, 2025


5 Hon. Gonzalo P. Curiel
6 United States District Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28