

EXHIBIT 4

**FILED
PROVISIONALLY
UNDER SEAL WITH
REDACTIONS
PURSUANT TO
STIPULATED
PROTECTIVE ORDER**

SAN FRANCISCO
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March 7, 2025

VIA EMAIL

Hon. Michael S. Berg (efile_berg@casd.uscourts.gov)
United States District Court, Southern District of California

Re: *In Re Bank of America Cal. Unemployment Benefits Litig. No. 3:21-md-2992-GPC-MSB*

Dear Judge Berg,

On December 23, 2024, this Court held a discovery conference regarding the Bank's objections to producing for deposition Chief Executive Officer Brian T. Moynihan ("BTM") and former Chief Operating Officer Thomas Montag. The Court deferred ruling on the Bank's request for a protective order and tentatively ordered Plaintiffs first to take the Zoom depositions of six (6) of the additional mid-level executives identified in response to Plaintiffs' Interrogatory No. 11, each limited to two hours, and for the parties then to return to discuss the impact of those depositions, if any, on Plaintiffs' request to take the depositions of Messrs. Moynihan and Montag.

After the IDC, the Bank proposed that Plaintiffs take four (4) depositions, limited to two hours by Zoom, of the following mid-level executives: 1) Paul Simpson, 2) William Fox, 3) Jennifer Ehresman, and 4) Melissa Ramirez (formerly Gargagliano). The Bank stated that, if Plaintiffs accepted the proposal, it "would not object to the depositions of Mr. Moynihan or Mr. Montag on the basis that Plaintiffs failed to take the deposition of other individuals identified in response to Interrogatory No. 11." Plaintiffs have now completed these depositions, and having done so, it is clearer than ever that the Moynihan and Montag depositions are critically important to Plaintiffs' case.

A. Moynihan and Montag Possess Unique Knowledge Central to Plaintiffs' Claims.

The Bank cannot meet "its burden of showing that extraordinary circumstances are present here which warrant an order precluding" these depositions under the Apex Doctrine. *Kadrey v. Meta Platforms, Inc.*, 2024 WL 4293910, at *1 (N.D. Cal. Sept. 24, 2024) (permitting deposition of CEO Zuckerberg). As in *Meta*, "Plaintiffs do not generically argue" that because Moynihan is the CEO and Montag the COO "of the company that [they are] therefore in charge of everything. Rather, they have submitted evidence of [those executives'] **specific involvement**" in the company's Claim Fraud Filter ("CFF") Policies. *Id.* (emphasis added); see also *In re Google Litig.*, 2011 WL 4985279, at *2 (N.D. Cal. Oct. 19, 2011) (permitting deposition of Google CEO/founder Larry Page, noting "A party seeking to prevent a deposition carries a heavy burden to show why discovery should be denied.").

Plaintiffs have adequately exhausted other avenues of inquiry, including interrogatories and the testimony of multiple 30(b)(6) and other Bank witnesses, as well as the additional Zoom depositions taken pursuant to the last IDC. No other Bank witnesses were party to discussions between Moynihan and Montag or between Moynihan and the Board of Directors about the Bank's decisions to *implement* and *continue to use* the CFF that harmed over 100,000 class members. The evidence

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shows that these decisions were driven and ultimately made by Moynihan, who uniquely reported to the Board on [REDACTED], and by Montag, who headed and ran the Global Banking and Markets (“GBAM”) group that “owned” the UI card program, directed development of the CFF [REDACTED].

That the Apex Doctrine cannot bar these depositions is made clear by Judge Curiel’s findings in ruling on Plaintiffs’ prior motion to compel ESI custodians, in which the Bank relied on an argument based on the Apex Doctrine to resist document discovery. In rejecting that argument, the Court found: “At trial, Plaintiffs will need evidence of motive, intent, or knowledge and ratification by an officer, director or managing agent to support an award of punitive damages. . . . **[I]mportant for punitive damages is what Moynihan and Montag ‘knew about the CFF, its impact on legitimate EDD cardholders, when they knew it, what action they directed, authorized, or ratified, and why.’**” ECF 298 at 11 (emphasis added). Judge Curiel’s reasoning applies equally to their noticed depositions. Based on their specific roles with respect to the CFF Policy, both witnesses have unique “evidence of motive, intent, or knowledge and ratification by an officer, director or managing agent to support an award of punitive damages.” *Id.*

The evidence shows that [REDACTED] [REDACTED]. (Exs. 1-3). Moynihan’s testimony will show *what* he and the Board *knew* when they authorized the Bank to *implement* and *continue to use* the CFF despite the consequences. Moynihan’s central role in driving the CFF Policies is evidenced by scores of documents, including [REDACTED] (Exs. 1-3), [REDACTED] (Exs. 4-21), [REDACTED] (Exs. 22-39), and communications by the media and legislators (Ex. 42). A few illustrative examples include [REDACTED] (Ex. 7); a [REDACTED] (Ex. 10); [REDACTED] (Ex. 11); and a [REDACTED] (Ex. 14). [REDACTED] Because Moynihan’s knowledge, motive and intent is squarely at issue, the Apex Doctrine does not shield him from deposition.

Judge Curiel’s prior ruling (and its reasoning) applies equally to Tom Montag. As the Bank’s former COO and former head of GBAM, the group responsible for the prepaid UI card program and the CFF “GBAM/systemic denials” at issue, Montag possesses critical information at the very core of this case (Exs. 43-48). For example, [REDACTED]

[REDACTED] (Ex. 43); [REDACTED] (Ex. 44); [REDACTED]

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[REDACTED] (Ex. 45); [REDACTED] (Ex. 47); [REDACTED] (Ex. 46). The documents show that many of the material discussions with and between Montag and Moynihan were **verbal – leaving a minimal paper trail—and requiring deposition testimony**. Documents also show that [REDACTED] (Ex. 48). These documents amply demonstrate that [REDACTED]

B. The Recent Depositions Underscore the Need to Depose Moynihan and Montag.

The recent depositions (Exs. 49-53) only strengthen the case for deposing Moynihan and Montag. Putting aside the issue of willfully evasive and obstructionist testimony, and taking these witnesses at their word, **none** of the Bank’s witnesses knew or remembered **anything** about what Montag or Moynihan did or said or understood with respect to the UI losses experienced by the Bank and the decision to automatically deny all ATM claims by UI recipients and to freeze their accounts; notwithstanding numerous emails referencing 1:1 and other meetings on the subject and reports specifically prepared for Moynihan and/or Montag that address these issues. The witnesses repeatedly and categorically deny awareness regarding what Moynihan or Montag **‘knew about the CFF, its impact on legitimate EDD cardholders, when they knew it, what action they directed, authorized, or ratified, and why.’**” ECF 298 at 11. That information is only available from Moynihan and Montag themselves, especially because the testimony indicates that no notes were taken at these meetings where that information was conveyed verbally.

Examples of the wall of silence surrounding Moynihan and Montag include the following:

Paul Simpson reported to Montag, who reported to Moynihan; and the documents indicate that Simpson communicated with *both* regarding the core issues in this case. Simpson authored and is referenced in numerous key emails concerning [REDACTED]. He also edited reports concerning the [REDACTED]. He even [REDACTED]. Yet, Mr. Simpson repeatedly testified that he did not remember or know anything about this. **See Ex. 49.**

Faiz Ahmad reported to Montag, who reported to Moynihan. As head of Global Transaction Services, Mr. Ahamad was at the center of the push to implement the CFF – he is on numerous emails [REDACTED], and the documents indicate that he communicated with *both* Moynihan and Montag regarding the core issues in this case. However, Mr. Ahamad could not remember what was said in any of these meetings, and he chose not to take notes purportedly because his “handwriting is terrible.” Examples of his stated lack of knowledge include: [REDACTED]

See Ex. 50.

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William Fox was head of Global Financial Crimes, reporting to the Bank's Chief Compliance Officer, who reported to the Bank's Chief Risk Officer, who reported to Moynihan. Mr. Fox [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Ex. 51 (Fox Tr. 55:7-23). Mr. Fox

[REDACTED] Ex. 51 (Fox Tr. 22:4-10). Mr. Fox further d [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Id. (Fox Tr. 65:6-12, 66:4-13, 69:12-72:4). Mr. Fox

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Id. (Fox Tr. 71:11-72:1).

Jennifer Ehresman was the head of Consumer Client Protection, reporting to an executive, who reported to another executive, who reported to another executive, who reported to Moynihan. Ms. Ehresman is on many emails referencing reports on core issues in this case related to UI fraud claims, including [REDACTED]
[REDACTED]; however, Ms. Ehresman did not know about or could not remember any of these meetings. For example, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] See Ex. 52.

Melissa Ramirez is a banking operations executive in Global Commercial Card Fulfillment Service and Operations. She reported to an executive, who reported to Paul Simpson, who reported to Montag, who reported to Moynihan. Ms. Ramirez testified that [REDACTED]

[REDACTED]
[REDACTED] See Ex. 53.

In sum, the documents produced in this case show that CEO Moynihan and former COO Montag were fully aware of and deeply involved in driving the CFF Policies [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED], and that they nevertheless persisted in these policies until enjoined by the district court in this case. Nothing in the recent depositions of mid-level executives indicates otherwise. To the contrary, those depositions confirm that both Montag and Moynihan have unique personal knowledge of relevant information that is non-duplicative of other witnesses and cannot be obtained through other means. The Court should deny the Bank's request for a protective order and allow the depositions to proceed.

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Respectfully, submitted,

/s/ *Brian Danitz*

cc: All Counsel

Exhibit 1

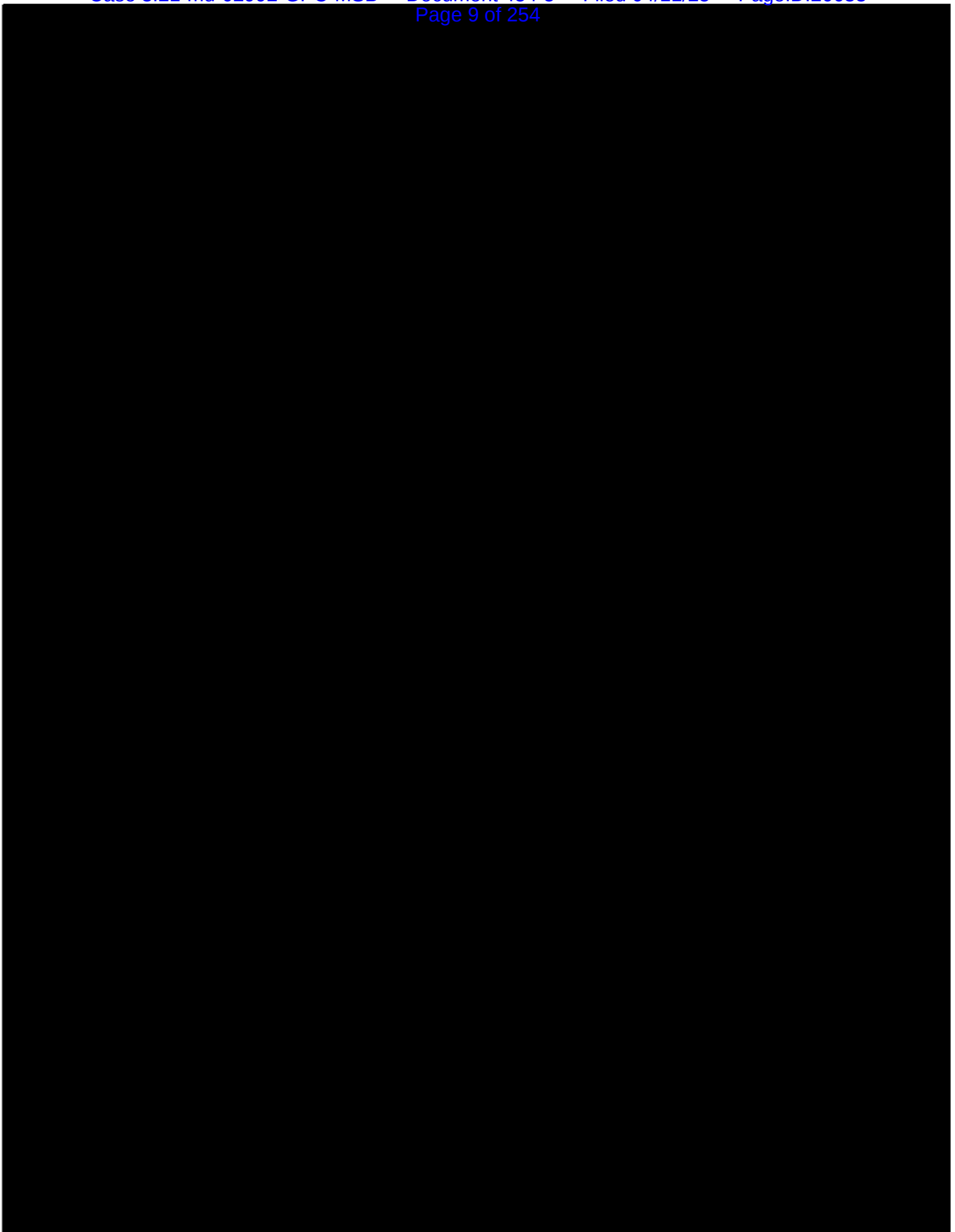


Exhibit 2

Exhibit 3

Exhibit 4

Exhibit 5

Exhibit 6

Exhibit 7

Exhibit 8

Exhibit 9

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Exhibit 11

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Exhibit 13

Exhibit 14

Exhibit 15

Exhibit 16

Exhibit 17

Exhibit 18

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Exhibit 28

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Exhibit 33

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Exhibit 35

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Exhibit 37

Exhibit 38

Exhibit 39

Exhibit 40

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA
3

4 _____)
IN RE BANK OF AMERICA)
5 CALIFORNIA UNEMPLOYMENT) No. 3:21-02992-md-LAB-MSB
BENEFITS LITIGATION,)
6 _____)

7 _____)
This document relates to all)
8 actions.)
_____)

9
10
11
12 VIDEOTAPED DEPOSITION OF JENNIFER LENNON
13 30(B)(6) ON BEHALF OF BANK OF AMERICA
14 Los Angeles, California
15 Friday, February 23, 2024
16 Volume I
17
18
19
20

21 Stenographically Reported By:
Melissa M. Villagran, RPR
22 CSR No. 12543
23 Job No. 6459992
24 PAGES 1 - 326
25

[illegible]

10:13:18

Exhibit 41

Page 136 of 254
CONFIDENTIAL[illegible]

Page 137 of 254
CONFIDENTIAL[illegible]

Page 138 of 254
CONFIDENTIAL[illegible]

Page 139 of 254
CONFIDENTIAL[illegible]

Page 140 of 254
CONFIDENTIAL

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Exhibit 42

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0115



California Legislature

November 24, 2020

Mr. Brian Moynihan
Chairman of the Board and Chief Executive Officer
Bank of America Corporation
100 North Tryon Street
Charlotte, NC 28255-0001

Dear Mr. Moynihan:

Every legislative office in our state has experienced an unprecedented number of constituents contacting them requesting assistance to resolve issues with the California Employment Development Department (EDD), as well as with their Bank of America debit cards. We commend our California EDD and the Bank of America employees for their hard work over the last eight months, creating better systems to get funds to constituents as quickly as possible.

Today, we write with a new and significant concern about frozen Bank of America debit cards.

Most beneficiaries receive their weekly Unemployment Insurance (UI) or Pandemic Unemployment Assistance (PUA) funds on a debit card issued and managed by Bank of America under contract with CA EDD. Over the last six weeks, reportedly due to significant fraud, hundreds of thousands of UI, PUA and State Disability Insurance (SDI) recipients have had funds taken from their cards or their cards frozen, leaving them unable to access their benefits.

EDD reports to legislative staff that Bank of America has a proprietary formula to detect fraud and has taken it upon themselves to freeze cards and take money from recipients. The only recourse that EDD and our offices can currently provide constituents is to call Bank of America when these problems occur. However, constituents report they are unable to get through to your call centers, or when they do, the issue is not resolved. Many of our own staff have also tried to reach Bank of America to no avail. It is simply unacceptable that Californians entitled to benefits are suddenly not able to obtain them due to a Bank of America determination that is impossible to appeal.

The press reports at least 350,000 Californians are currently unable to access UI, PUA and SDI benefits owed to them. That said, EDD is unsure of the exact number, as they state they only receive data from Bank of America after cards are frozen. EDD also informs us that less than 8% of debit card cases have been resolved.

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November 24, 2020
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With this in mind, we are writing to ask that you provide us specific answers to the following questions:

- Why is Bank of America taking funds and freezing cards? What criteria is Bank of America using?
- When CA EDD clears fraud or verifies identity on their end, why is Bank of America not immediately unfreezing the cards that CA EDD asks Bank of America to unfreeze?
- Our offices have many cases in which Bank of America states that EDD froze the card. Our staff call EDD, who claims the problem is entirely on Bank of America's end. What is the solution to this problem?
- What needs to happen for a constituent to have their card reactivated and funds restored?
- Will you significantly increase staff tasked with reactivating cards and restoring funds to resolve these issues by December 1, 2020?
- Has Bank of America had to pay any penalties due to fraud or failure to respond to alleged fraud within a certain timeframe related to California UI or PUA claims? If so, to whom and for what?
- Can Bank of America proactively contact consumers when their card is deactivated, or funds will be taken so they are not forced to discover this when they use the card?
- What can Bank of America do to stop the automatic freezing of multiple cards at one address without first checking with EDD to see if they may be legitimate?
- Who pays for fraudulent charges when it is not the consumer's fault? Bank of America or another entity?
- Are there time limits under federal law by when Bank of America must unfreeze a debit card in a suspected fraud case? If so, what are they? Are there exceptions?
- Will you please provide an explanation to Governor Gavin Newsom and the CA Legislature as to how to unfreeze valid cards in a timely manner and prevent this problem from happening again by December 1, 2020?

We appreciate in advance your timely attention to addressing these problems and responding to this letter.

Sincerely,

cc: Governor Gavin Newsom



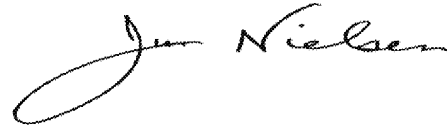
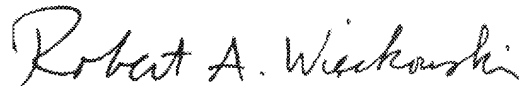
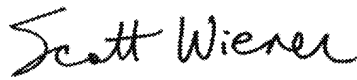
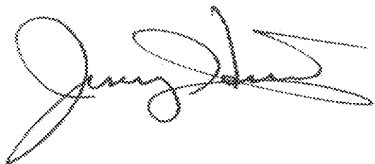

Philip Y. Ting

Anthony Rendon

Mr. Brian Moynihan

November 24, 2020

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Assemblymember, 19th DistrictSpeaker of the Assembly, 63rd DistrictBrian Dahle
Senator, 1st DistrictMike McGuire
Senator, 2nd DistrictBill Dodd
Senator, 3rd DistrictJim Nielsen
Senator, 4th DistrictAndreas Borgeas
Senator, 8th DistrictBob Wieckowski
Senator, 10th DistrictScott D. Wiener
Senator, 11th DistrictAnna M. Caballero
Senator, 12th DistrictJerry Hill
Senator, 13th DistrictHannah-Beth Jackson
Senator, 19th District

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Scott Wilk
Senator, 21st DistrictMike Morrell
Senator, 23rd DistrictMaria Elena Durazo
Senator, 24th DistrictHenry I. Stern
Senator, 27th DistrictThomas J. Umberg
Senator, 34th DistrictPatricia C. Bates
Senator, 36th DistrictMegan Dahle
Assemblymember, 1st DistrictJim Wood
Assemblymember, 2nd District

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James Gallagher

Assemblymember, 3rd District

Cecilia M. Aguiar-Curry

Assemblymember, 4th District



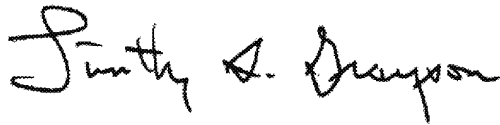
Marc Levine

Assemblymember, 10th District



Susan Talamantes Eggman

Assemblymember, 13th District



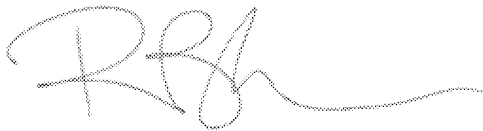
Timothy S. Grayson

Assemblymember, 14th District



Buffy Wicks

Assemblymember, 15th District



Rebecca Bauer-Kahan

Assemblymember, 16th District



David Chiu

Assemblymember, 17th District



Bill Quirk

Assemblymember, 20th District



Kevin Mullin

Assemblymember, 22nd District



Marc Berman

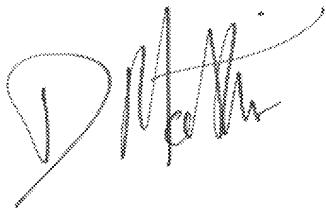
Assemblymember, 24th District



Kansen Chu

Assemblymember, 25th District

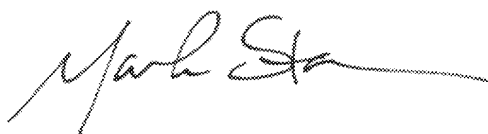
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Devon J. Mathis
Assemblymember, 26th District



Ash Kalra
Assemblymember, 27th District



Mark Stone
Assemblymember, 29th District



Robert Rivas
Assemblymember, 30th District



Joaquin Arambula
Assemblymember, 31st District



Rudy Salas, Jr.
Assemblymember, 32nd District



Vince Fong
Assemblymember, 34th District



Tom Lackey
Assemblymember, 36th District



Mr. Brian Moynihan

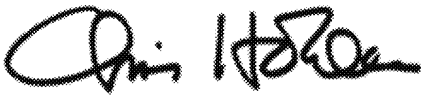
November 24, 2020

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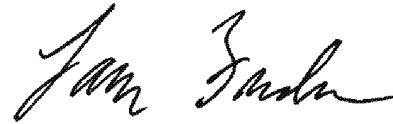
Monique Limón

Assemblymember, 37th District

Luz M. Rivas

Assemblymember, 39th District

Chris R. Holden

Assemblymember, 41st District

Laura Friedman

Assemblymember, 43rd District

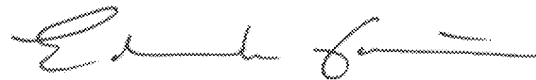
Jesse Gabriel

Assemblymember, 45th District

Ed Chau

Assemblymember, 49th District

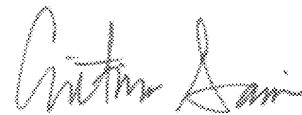
Wendy Carrillo

Assemblymember, 51st District

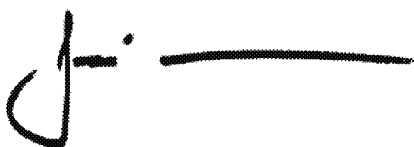
Eduardo Garcia

Assemblymember, 56th District

Ian C. Calderon

Assemblymember, 57th District

Cristina Garcia

Assemblymember, 58th District

Jose Medina

Assemblymember, 61st District

Mike A. Gipson

Assemblymember, 64th District

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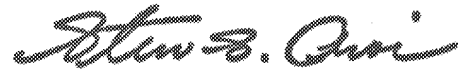
Sharon Quirk-Silva
Assemblymember, 65th DistrictSteven S. Choi
Assemblymember, 68th DistrictRandy Voepel
Assemblymember, 71st DistrictCottie Petrie-Norris
Assemblymember, 74th DistrictBrian Maienschein
Assemblymember, 77th DistrictTodd Gloria
Assemblymember, 78th DistrictShirley N. Weber
Assemblymember, 79th District

Exhibit 43

Exhibit 44

The COVID environment is driving an increase in the use of electronic payments. The card team has partnered with Boost to enable customers to pay their 'tail' suppliers who have traditionally not accepted card payments due to the need for automation and need for lower costs to accept the payment. Boost addresses these needs lowering the interchange to accept the card payment and providing robust data in a format requested by the supplier for easy payment reconciliation. Our first example is with our customer, ADT. ADT through our Boost partnership now pays AT&T \$28MM a year driving \$238k net revenue to the bank!

Greg

Exhibit 45

Exhibit 46

Exhibit 47

Exhibit 48

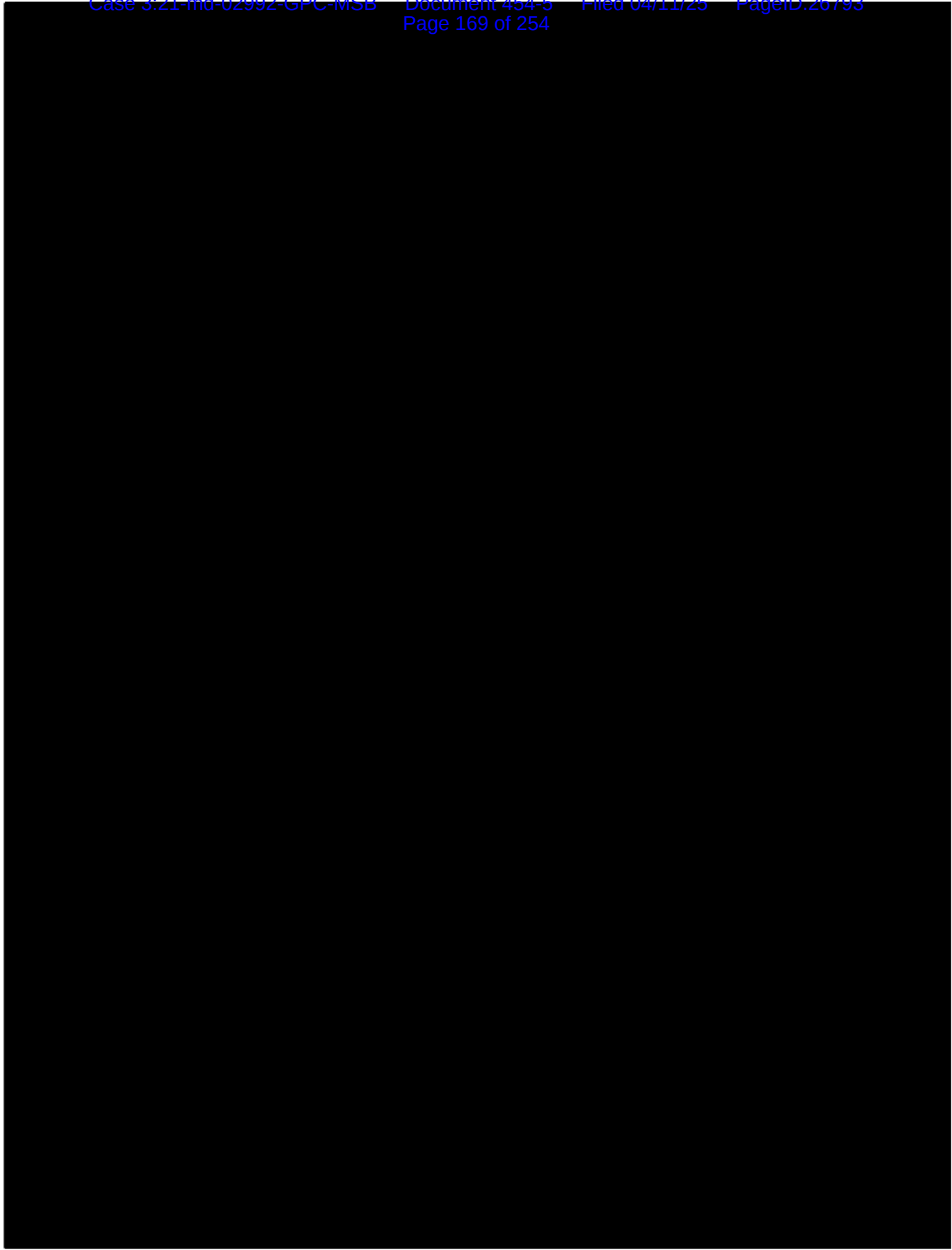


Exhibit 49

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE BANK OF AMERICA CALIFORNIA)
UNEMPLOYMENT BENEFITS LITIGATION,)

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

This Document Relates to All
Actions

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
REMOTE VIDEOTAPED DEPOSITION OF PAUL SIMPSON

Taken On
Friday, February 21, 2025

STENOGRAPHICALLY REPORTED BY:
SHAYNA LUTSKY, CSR 14554
JOB NO.: 10157867

Bar Index	Relative Length (approximate percentage of total width)
1	100%
2	95%
3	25%
4	100%
5	60%
6	100%
7	95%
8	80%
9	30%
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15	45%
16	60%
17	90%
18	85%
19	98%
20	95%
21	15%
22	50%
23	100%

A horizontal bar chart consisting of 20 black bars. The bars are arranged vertically, with the longest bar at the top and the shortest bar at the bottom. The lengths of the bars vary significantly, representing a distribution of data. The bars are all of the same color (black) and are set against a white background.

[illegible]

[REDACTED]

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A horizontal bar chart consisting of 20 black bars of varying lengths. The bars are arranged vertically, with the longest bar at the bottom and the shortest at the top. The lengths vary significantly, with some bars being nearly full-width and others being very short. The bars are arranged in a single column, with the longest bar at the bottom and the shortest at the top. The lengths vary significantly, with some bars being nearly full-width and others being very short.

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REPORTER'S CERTIFICATE

I, Shayna Lutsky, CSR 14554, a
Certified Shorthand Reporter in and for the State of
California, do hereby certify:

That prior to being examined, the
witness named in the foregoing proceedings declared
under penalty of perjury to testify to the truth,
the whole truth, and nothing but the truth;

That said proceedings were taken by
me in shorthand at the time and place herein named
and was thereafter transcribed into typewriting
under my direction, said transcript being a true and
correct transcription of my shorthand notes.

I further certify that I have no
interest in the outcome of this action.

Dated: February 24, 2025



SHAYNA LUTSKY
CSR 14554

Exhibit 50

1

2

*** CONFIDENTIAL - PROTECTIVE ORDER ***

3

UNITED STATES DISTRICT COURT

4

SOUTHERN DISTRICT OF CALIFORNIA

5

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6

IN RE BANK OF AMERICA

Case No.

7

CALIFORNIA UNEMPLOYMENT

3:21-md-02992

8

BENEFITS LITIGATION

GPC-MSB

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VIDEOTAPED STENOGRAPHIC DEPOSITION OF:

13

FAIZ A. AHMAD

14

Wednesday, January 29, 2025

New York, New York

10:07 a.m. - 5:38 p.m.

HYBRID DEPOSITION

15

16

17

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19

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Reported stenographically by:

22

Richard Germosen, FAPR, CA CSR No. 14391

23

RDR, CRR, CCR, CRCR, CSR-CA, NYACR, NYRCR

NCRA/NJ/NY/CA Certified Realtime Reporter

24

NCRA Realtime Systems Administrator

Job No. 10155736

25

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A horizontal bar chart consisting of 20 black bars of varying lengths. The bars are arranged in a single column, with the longest bar in the middle and the shortest bars at the top and bottom. The bars represent a distribution of data, with the longest bar in the middle and the shortest bars at the top and bottom.

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Bar Index	Value (approximate percentage)
1	85
2	75
3	50
4	90
5	100
6	95
7	60
8	45
9	95
10	90
11	65
12	40
13	95
14	85
15	25
16	60
17	95
18	100
19	80
20	95
21	20
22	80
23	100

A horizontal bar chart consisting of 20 rows. Each row contains a single black bar. The lengths of the bars vary significantly, representing a distribution of data. The bars are arranged in a single column, with each bar's length corresponding to a value on an implicit scale. The distribution shows a range from very short bars to bars that span the entire width of the chart area.

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Bar Index	Relative Length (approximate)
1	85%
2	90%
3	98%
4	25%
5	98%
6	92%
7	95%
8	30%
9	98%
10	100%
11	92%
12	100%
13	35%
14	92%
15	98%
16	15%
17	92%
18	80%
19	95%
20	98%
21	88%
22	25%
23	45%
24	95%

Bar Index	Relative Length (approximate)
1	85
2	35
3	40
4	60
5	85
6	95
7	100
8	95
9	85
10	95
11	85
12	50
13	95
14	90
15	20
16	60
17	40
18	40
19	35
20	65
21	45
22	95
23	100
24	50
25	90

A horizontal bar chart consisting of 20 black bars. The bars are arranged vertically, with the longest bar at the top and the shortest bar at the bottom. The lengths of the bars vary significantly, representing a distribution of data. The bars are all of the same color (black) and are set against a white background.

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A horizontal bar chart consisting of 20 rows. Each row contains a single black bar. The bars vary in length, with the longest bar in the 10th row and the shortest in the 19th row. The bars are arranged in a single column, with the longest bar in the 10th row and the shortest in the 19th row.

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A horizontal bar chart consisting of 20 black bars of varying lengths. The bars are arranged in a single column, with the longest bar in the middle and the shortest bars at the top and bottom. The bars represent a distribution of data, with the longest bar in the middle and the shortest bars at the top and bottom.

Bar Index	Length (0-100)
1	85
2	45
3	95
4	35
5	95
6	70
7	95
8	35
9	100
10	25
11	100
12	95
13	100
14	45
15	100
16	15
17	100
18	20
19	100
20	10

The image displays a horizontal bar chart consisting of 20 rows. Each row contains a single black bar. The bars are arranged in a descending, staggered pattern from top-left to bottom-right. The lengths of the bars vary, with some being very long (nearly spanning the width of the image) and others being very short. The bars are positioned such that they appear to be connected by a series of short vertical lines, creating a continuous, winding path across the chart area.

Row	Bar Length (approx. % of total width)
1	85
2	75
3	50
4	100
5	60
6	90
7	30
8	100
9	30
10	100
11	80
12	60
13	40
14	95
15	95
16	40
17	95
18	95
19	20
20	90
21	60
22	90
23	90
24	45
25	65

A horizontal bar chart with 20 bars representing different age groups. The bars are black and their lengths vary, indicating different percentages. The bars are arranged in descending order of length from top to bottom. The chart is set against a white background with a vertical gray line on the left side.

Age Group	Percentage
18-24	75%
25-34	90%
35-44	85%
45-54	30%
55-64	85%
65-74	85%
75-84	15%
85-94	85%
95-104	25%
105-114	90%
115-124	40%
125-134	85%
135-144	80%
145-154	80%
155-164	60%
165-174	90%
175-184	65%
185-194	80%
195-204	30%
205-214	80%
215-224	60%
225-234	80%

A horizontal bar chart consisting of 20 black bars of varying lengths. The bars are arranged in a single column, with the longest bar in the middle and the shortest bars at the top and bottom. The bars represent a distribution of data, with the longest bar in the middle and the shortest bars at the top and bottom.

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Bar Index	Value (approximate percentage)
1	85
2	45
3	90
4	85
5	40
6	95
7	30
8	100
9	98
10	55
11	100
12	70
13	95
14	30
15	40
16	100
17	85
18	30
19	40
20	100

Row	Bar Length (approx. %)
1	85
2	95
3	15
4	90
5	25
6	100
7	20
8	92
9	98
10	95
11	35
12	100
13	95
14	50
15	100
16	22
17	98
18	75
19	35
20	95
21	15
22	90
23	28
24	100
25	95

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A horizontal bar chart consisting of 20 black bars of varying lengths. The bars are arranged in a single column. The lengths of the bars vary significantly, with the longest bars appearing in the middle of the chart and the shortest bars at the top and bottom. The bars are all solid black and have a uniform thickness.

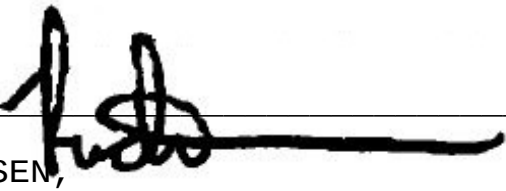
C E R T I F I C A T E

I, RICHARD GERMOSEN, Fellow of the Academy of Professional Reporters, stenographic New Jersey Certified Court Reporter, New Jersey Certified Realtime Court Reporter, California Certified Shorthand Reporter, California Certified Realtime Reporter, NCRA Registered Diplomate Reporter, and NCRA Certified Realtime Reporter, do hereby certify:

That FAIZ A. AHMAD, the witness whose deposition is hereinbefore set forth, having been duly sworn, and that such deposition is a true record of the testimony of said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of February 2025.



RICHARD GERMOSEN,
FAPR, RDR, CRR, CCR-NJ, CRCR, CSR-CA, CCRR-CA,
NYACR, NYRCR
LICENSE NO. 30XI00184700
LICENSE NO. 30XR00016800
California CSR No. 14391
California CRR No. 198

Exhibit 51

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION,

CASE NO.
3:21-MD-02992-GPC-
MSB

THIS DOCUMENT RELATES TO ALL
ACTION

REMOTE VIDEOTAPED DEPOSITION OF WILLIAM J. FOX
THURSDAY, FEBRUARY 13, 2025

JOB NO.: 10157865

REPORTED BY HEIDI FUEHRER, CSR 14145

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1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss.

3

4 I, HEIDI FUEHRER, CSR No. 14145, in and for the
5 State of California, do hereby certify:

6 That prior to being examined, the witness named
7 in the foregoing deposition was by me duly sworn to
8 testify to the truth, the whole truth, and nothing but
9 the truth;

10 That said deposition was taken down by me in
11 shorthand at the time and place therein named and
12 thereafter reduced to typewriting under my direction,
13 and the same is a true, correct, and complete transcript
14 of said proceedings;

15 That if the foregoing pertains to the original
16 transcript of a deposition in a Federal Case, before
17 completion of the proceedings, review of the transcript
18 { } Was { X } was not required.

19 I further certify that I am not interested in
20 the event of the action.

21 Witness my hand this 26th day of February,
22 2025.

23 

24

25

Certified Shorthand Reporter
for the State of California

Exhibit 52

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION

Case Number:
3:21:MD-02992-GPC-MSB

THIS DOCUMENT RELATES TO
ACTIONS

CONFIDENTIAL TRANSCRIPT

VIDEOCONFERENCE VIDEOTAPED DEPOSITION OF:

JENNIFER EHRESMAN

WEDNESDAY, FEBRUARY 19, 2025

REPORTED BY: MARCI TIEL, CSR No. 12791

Job No. 10157866

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1 CERTIFICATE OF REPORTER

2 I, MARCI TIEL, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn, via
5 videoconference, to tell the truth, the whole truth,
6 and nothing but the truth in the within-titled
7 cause; that said deposition is a true record and was
8 taken in shorthand by me, a disinterested person, at
9 the time and place therein stated, and that the
10 testimony of said witness was thereafter reduced to
11 typewriting, by computer, under my direction and
12 supervision;

13 I further certify that I am not of counsel
14 or attorney for any of the parties to said
15 deposition, nor in any way interested in the events
16 of this cause, and that I am not related to any of
17 the parties thereto.

18 Dated: March 1, 2025

19 
20 _____

21 MARCI TIEL, CSR No. 12791
22
23
24
25

Exhibit 53

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION

CASE NO.
3:21-MD-02992-GPC-
MSB

THIS DOCUMENT RELATES TO ALL
ACTIONS

REMOTE VIDEOTAPED DEPOSITION OF MELISSA RAMIREZ
TUESDAY, FEBRUARY 11, 2025

JOB NO.: 10157864

REPORTED BY HEIDI FUEHRER, CSR 14145

1 A I have been with the bank for 20 years.

2 There are so many org changes. I'm so sorry. It was

3 Cathy. I apologize.

4 Q No need to apologize. So Paul Simpson reported
5 to Cathy Bessant?

6 A Yes.

7 Q And what was, what was Cathy Bessant's role at
8 the bank?

9 A She was the head of tech and ops.

10 Q And who did Cathy Bessant report to?

11 A Brian Moynihan.

12 Q And Brian Moynihan is the CEO?

13 A That's correct.

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A horizontal bar chart consisting of 20 black bars. The bars are arranged in a single column, with the longest bars at the top and bottom, and shorter bars in the middle. The chart is set against a white background with a vertical gray line on the left.

Bar Index (from top)	Relative Length (approximate percentage of the longest bar)
1	100%
2	95%
3	90%
4	85%
5	100%
6	100%
7	45%
8	25%
9	70%
10	85%
11	95%
12	50%
13	100%
14	30%
15	98%
16	40%
17	65%
18	80%
19	25%
20	98%
21	95%
22	55%
23	60%
24	100%
25	15%

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1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) ss.

3

4 I, HEIDI FUEHRER, CSR No. 14145, in and for the
5 State of California, do hereby certify:

6 That prior to being examined, the witness named
7 in the foregoing deposition was by me duly sworn to
8 testify to the truth, the whole truth, and nothing but
9 the truth;

10 That said deposition was taken down by me in
11 shorthand at the time and place therein named and
12 thereafter reduced to typewriting under my direction,
13 and the same is a true, correct, and complete transcript
14 of said proceedings;

15 That if the foregoing pertains to the original
16 transcript of a deposition in a Federal Case, before
17 completion of the proceedings, review of the transcript
18 { } Was { X } was not required.

19 I further certify that I am not interested in
20 the event of the action.

21 Witness my hand this 12th day of February,
22 2025.

23

Heidi Fuehrer

24

Certified Shorthand Reporter
for the State of California

25