EXHIBIT 4

FILED PROVISIONALLY UNDER SEAL WITH REDACTIONS PURSUANT TO STIPULATED PROTECTIVE ORDER

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

[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**.

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] **Ex. 51** (Fox Tr. 55:7-23). Mr. Fox [redacted] Ex. 51 (Fox Tr. 22:4-10). Mr. Fox further c[redacted] *Id.* (Fox Tr. 65:6-12, 66:4-13, 69:12-72:4). Mr. Fox [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]; however, Ms. Ehresman did not know about or could not remember any of these meetings. For example, [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] ***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], 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.

Respectfully, submitted,

/s/ *Brian Danitz*

cc: All Counsel

Exhibit 1

[redacted]

[redacted]

Exhibit 2

[redacted]

[redacted]

Exhibit 3

[redacted]

[redacted]

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Exhibit 4

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Exhibit 5

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Exhibit 6

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Exhibit 7

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Exhibit 40

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

____
)
IN RE BANK OF AMERICA)
CALIFORNIA UNEMPLOYMENT)No. 3:21-02992-md-LAB-MSB
BENEFITS LITIGATION,)
)
_____________________________)
)
This document relates to all)
actions.)
_____________________________)

VIDEOTAPED DEPOSITION OF JENNIFER LENNON
30(B)(6) ON BEHALF OF BANK OF AMERICA
Los Angeles, California
Friday, February 23, 2024
Volume I

Stenographically Reported By:
Melissa M. Villagran, RPR
CSR No. 12543
Job No. 6459992
PAGES 1 - 326

[redacted]

10:13:18

Exhibit 41

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE BANK OF AMERICA)
CALIFORNIA UNEMPLOYMENT)
BENEFITS LITIGATION,)
)
) No. 3:21-02992-md-LAB-MSB
)
)
This document relates to)
all actions.)

CONFIDENTIAL
VIDEOTAPED DEPOSITION
OF
RENEE JOHNSON
PAGES 1 - 245

Deposition taken on:
Tuesday, May 7, 2024
9:00 a.m. - 3:34 p.m.

Deposition taken at:
FOLEY & LARDNER LLP
1 Independent Dr
Suite 1300
Jacksonville, Fl 32202

Stenographically Reported By:
Sherri R. Martin, Stenographic Shorthand Reporter
Notary Public, State of Florida at Large
Veritext Legal Solutions

[redacted]

[redacted]

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[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.

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

Assemblymember, 19th District

Speaker of the Assembly, 63rd District

Brian Dahle
Senator, 1st District

Mike McGuire
Senator, 2nd District

Bill Dodd
Senator, 3rd District

Jim Nielsen
Senator, 4th District

Andreas Borgeas
Senator, 8th District

Bob Wieckowski
Senator, 10th District

Scott D. Wiener
Senator, 11th District

Anna M. Caballero
Senator, 12th District

Jerry Hill
Senator, 13th District

Hannah-Beth Jackson
Senator, 19th District

Scott Wilk
Senator, 21st District

Mike Morrell
Senator, 23rd District

Maria Elena Durazo
Senator, 24th District

Henry I. Stern
Senator, 27th District

Thomas J. Umberg
Senator, 34th District

Patricia C. Bates
Senator, 36th District

Megan Dahle
Assemblymember, 1st District

Jim Wood
Assemblymember, 2nd District

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

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

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

Sharon Quirk-Silva
Assemblymember, 65th District

Steven S. Choi
Assemblymember, 68th District

Randy Voepel
Assemblymember, 71st District

Cottie Petrie-Norris
Assemblymember, 74th District

Brian Maienschein
Assemblymember, 77th District

Todd Gloria
Assemblymember, 78th District

Shirley N. Weber
Assemblymember, 79th District

Exhibit 43

[redacted]

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Exhibit 44

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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

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Exhibit 46

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Exhibit 47

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Exhibit 48

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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

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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

*** CONFIDENTIAL - PROTECTIVE ORDER ***

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

----------------------------------x

IN RE BANK OF AMERICA	Case No.
CALIFORNIA UNEMPLOYMENT	3:21-md-02992
BENEFITS LITIGATION	GPC-MSB

----------------------------------x

VIDEOTAPED STENOGRAPHIC DEPOSITION OF:
FAIZ A. AHMAD
Wednesday, January 29, 2025
New York, New York
10:07 a.m. - 5:38 p.m.
HYBRID DEPOSITION

Reported stenographically by:
Richard Germosen, FAPR, CA CSR No. 14391
RDR, CRR, CCR, CRCR, CSR-CA, NYACR, NYRCR
NCRA/NJ/NY/CA Certified Realtime Reporter
NCRA Realtime Systems Administrator
Job No. 10155736

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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

[redacted]

[redacted]

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

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

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

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

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

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

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

Heidi Fuehrer

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

[redacted]

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CERTIFICATE OF REPORTER

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

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

Dated: March 1, 2025

Marci Tiel

MARCI TIEL, CSR No. 12791

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

A I have been with the bank for 20 years. There are so many org changes. I'm so sorry. It was Cathy. I apologize.

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

A Yes.

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

A She was the head of tech and ops.

Q And who did Cathy Bessant report to?

A Brian Moynihan.

Q And Brian Moynihan is the CEO?

A That's correct.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

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

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

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

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

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

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

Heidi Fuehrer

Certified Shorthand Reporter
for the State of California