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11 BANK OF AMERICA, N.A.

12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**
14 **SAN DIEGO DIVISION**

15 IN RE: BANK OF AMERICA
16 CALIFORNIA UNEMPLOYMENT
17 BENEFITS LITIGATION

Case No. 21-MD-02992-GPC-MSB

**DECLARATION OF LINDSAY E.
HOYLE IN SUPPORT OF
DEFENDANT'S REPLY IN
SUPPORT OF ITS MOTION FOR
A PROTECTIVE ORDER**

1 I, Lindsay E. Hoyle, state and declare as follows:

2 1. I am Counsel with the law firm of Goodwin Procter LLP, and counsel
3 of record for Defendant Bank of America, N.A. (“BANA”) in the above-captioned
4 lawsuit.

5 2. I have personal knowledge of the facts set forth in this declaration, and
6 if called upon to do so, I could and would competently testify thereto.

7 3. I make this declaration in support of BANA’s Reply in Support of Its
8 Motion for a Protective Order (the “Reply”).

9 I. [REDACTED]
10 [REDACTED]

11 **Referenced in Plaintiffs’ Opposition to BANA’s Motion for a Protective**
12 **Order.**

13 4. Emails produced in this matter discuss [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 5. [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED].

23 6. BANA’s Privilege Logs 6 and 17, produced to Plaintiffs in January and
24 July 2024, respectively, identify [REDACTED]
25 [REDACTED]
26 [REDACTED] [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 **II. Judge Berg Upheld BANA's Privilege Claims Concerning [REDACTED]**

6 [REDACTED]:
7 7. Plaintiffs previously challenged BANA's privilege withholding of the
8 [REDACTED], and Judge Berg ruled that BANA's privilege
9 claim was valid, and that the documents were properly withheld.

10 8. On February 6, 2025, after meeting and conferring, the parties notified
11 Judge Berg of their dispute and Plaintiffs' intent to move to compel production of the
12 [REDACTED].

13 9. On February 19, 2025, the Parties submitted their informal letter briefs
14 to Judge Berg, and BANA submitted multiple iterations of the [REDACTED]
15 [REDACTED]
16 [REDACTED], for the court's *in camera* review.
17 BANA also submitted its privilege log entries for the various iterations of the
18 [REDACTED] challenged by Plaintiffs.

19 10. On February 26, 2025, Judge Berg issued a tentative ruling upholding
20 BANA's assertion of privilege over the [REDACTED] on
21 the basis of Attorney-Client Privilege.

22 11. Plaintiffs did not challenge or appeal Judge Berg's ruling.

23 **III. Depositions Sought or Taken by Plaintiffs in This Matter.**

24 12. As described in the Riffie Declaration submitted on April 11, 2025 in
25 support of BANA's Motion for a Protective Order (ECF 454), Plaintiffs have taken
26 15 depositions in this case, including six depositions taken in response to Plaintiffs'
27 Rule 30(b)(6) deposition notice, and nine individual fact depositions.

28 13. Plaintiffs did not notice or otherwise take the deposition of other current

1 or former BANA employees, and specifically did not notice or otherwise take the
2 deposition of BANA's former [REDACTED]
3 [REDACTED], Cathy Bessant.

4 **IV. Exhibits**

5 14. Attached hereto as **Exhibit 18¹** is a true and correct copy of an email
6 produced by BANA, from Faiz Ahmad to Cathy Bessant, dated September 28, 2020,
7 which was marked as Plaintiffs' Exhibit 319 during the January 29, 2025 deposition
8 of Faiz Ahmad (BANA_EDD_MDL-00876417).

9 15. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts of
10 Bank of America's Prepaid Organizational Structure, dated October 20, 2023, which
11 was marked in its entirety as Plaintiffs' Exhibit 42 during the February 14, 2024
12 deposition of William Matthew Martin (BANA_EDD_MDL-00057837), and which
13 [REDACTED]
14 [REDACTED].

15 16. Attached hereto as **Exhibit 20** is a true and correct copy of additional
16 excerpts of the official transcript of the deposition of Faiz Ahmad, dated January 29,
17 2025.²

18 17. Attached hereto as **Exhibit 21** is a true and correct copy of additional
19 excerpts of the official transcript of the deposition of Michael Letson, dated February
20 16, 2024.

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24 ¹ BANA submits Exhibits 18-21 herewith in support of its Reply for the Court's
25 consideration in addition to Exhibits 1-17 that were previously submitted with the
Riffee Declaration (ECF 454) in support of BANA's Motion for Protective Order
(ECF 453).

26 ² BANA previously submitted other excerpts of the Ahmad transcript and Letson
27 transcript in support of its Motion for a Protective Order as Exhibits 5 and 14,
28 respectively, to the Riffee Declaration. Should the Court desire a full copy of either
transcript, or any other transcript submitted in support of BANA's Motion, BANA
will provide a full copy to the Court upon request.

1 I declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct. Executed on May 2, 2025, in New York, NY.

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6 By: /s/ Lindsay E. Hoyle

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