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17 Attorneys for Defendant
18 BANK OF AMERICA, N.A.

19 [ADDITIONAL COUNSEL LISTED IN SIGNATURE BLOCK]

20
21 **UNITED STATES DISTRICT COURT**
22 **SOUTHERN DISTRICT OF CALIFORNIA**
23 **SAN DIEGO DIVISION**

24 IN RE: BANK OF AMERICA
25 CALIFORNIA UNEMPLOYMENT
26 BENEFITS LITIGATION

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

**DECLARATION OF MATTHEW
L. RIFFEE IN SUPPORT OF
DEFENDANT'S MOTION TO
RECONSIDER MAY 29, 2025
ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANT'S MOTION FOR
PROTECTIVE ORDER**

Ctrm: 2D – 2nd Floor
Judge: Hon. Gonzalo P. Curiel

1 I, Matthew L. Riffée, state and declare as follows:

2 1. I am a partner 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 Motion to Reconsider the
8 May 29, 2025 Order Granting in Part and Denying in Part BANA’s Motion for
9 Protective Order.

10 4. Pursuant to Local Rule 7.1(i)(1), I state the following:

11 a. The Motion for Protective Order that is the subject of the accompanying
12 Motion to Reconsider was filed by BANA on April 11, 2025 before the
13 Hon. Gonzalo P. Curiel.

14 b. On May 29, 2025, the Court issued an Order Granting in Part and
15 Denying in Part BANA’s Motion for Protective Order.

16 c. This Motion to Reconsider is brought on the grounds that the Order
17 involves the following clear errors:

18 i. The Order improperly placed the burden on BANA to show why
19 the depositions should not go forward;

20 ii. The Order improperly required BANA to demonstrate prejudice;

21 iii. The Order’s interpretation and application of the apex doctrine
22 was erroneous; and

23 iv. The Order misinterpreted and/or ignored key relevant facts and
24 testimony.

25 5. Pursuant to Local Rule 26.1(a), counsel for BANA and counsel for
26 Plaintiffs met and conferred regarding BANA’s Motion to Reconsider via video
27 conference on June 23, 2025.
28

1 I declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct. Executed on June 26, 2025 in Washington, DC.

3
4 By: s/ Matthew L. Riffie
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