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11
12 *[ADDITIONAL COUNSEL LISTED IN SIGNATURE BLOCK]*

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

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

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

**DEFENDANT'S NOTICE OF
MOTION AND MOTION TO
STAY PENDING RESOLUTION
OF BANA'S RULE 23(F)
PETITION TO THE NINTH
CIRCUIT**

Date: September 16, 2025
Time: TBD
Ctrm: 2D – 2nd Floor
Judge: Hon. Gonzalo P. Curiel

NOTICE OF MOTION AND MOTION TO STAY PROCEEDINGS

PLEASE TAKE NOTICE that, on September 16, 2025 at a time to be determined later, or as soon thereafter as counsel may be heard, in Courtroom 2D, Second Floor, of the United States District Court for the Southern District of California, located at 221 West Broadway, San Diego, California, before the Honorable Judge Gonzalo P. Curiel, counsel for Defendant Bank of America, N.A. (“Defendant” or “BANA”) will, and hereby does, move to stay proceedings in this action pending final resolution of BANA’s Petition for Leave to Appeal Under Fed. R. Civ. P. 23(f), currently pending before the United States Court of Appeals for the Ninth Circuit. Dkt. 510 (USCA Case No. 25-4072).

This Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities in support thereof, all papers from this case on file with the Court, all other matters of which the Court may take judicial notice, any further evidence or argument offered to the Court at the hearing on this Motion, and any other evidence and argument the Court may consider.

Dated: July 3, 2025

Respectfully submitted,

By: s/ James W. McGarry

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the clerk of the court for the United States District Court for the Southern District of California by using the CM/ECF system on July 3, 2025. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system. I certify under penalty of perjury that the foregoing is true and correct.

Executed: July 3, 2025

s/ James W. McGarry