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BANK OF AMERICA, N.A.

19 **UNITED STATES DISTRICT COURT**

20 **SOUTHERN DISTRICT OF CALIFORNIA**

21 **IN RE BANK OF AMERICA**
22 **CALIFORNIA UNEMPLOYMENT**
23 **BENEFITS LITIGATION**

24
25 This Document Relates to All Actions
26

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

JOINT MOTION REGARDING
CLASS NOTICE, DKT. NO. 523

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

1 Pursuant to the Court’s July 24, 2025 Order Directing Briefing on Joint
2 Statement Re: Class Notice (the “July 24 Order”; Dkt. No. 523), the Parties respectfully
3 submit the following joint motion and proposed order:

4 1. Whereas on July 16, 2025, the Parties submitted a Joint Statement re
5 Class Notice (Dkt. No. 518), attaching the agreed-upon form of Class Notice in this
6 case, which were attached as the following exhibits to the Joint Statement: **Exhibit 1**
7 (the “Long Form Notice”); **Exhibit 2** (the “Short Form Notice”); and **Exhibit 3** (the
8 “Post Card Notice”).

9 2. Whereas the Parties were further able to agree on the proposed Notice
10 Plan contained in Section I of the Joint Statement re Class Notice (Dkt. No. 518), but
11 continue to disagree as to the timing of class notice. As set forth in the Parties’ July
12 16, 2025 Joint Statement (ECF 518), Plaintiffs request that the Court approve the
13 proposed Notice Plan and order that class notice be provided immediately, and Bank
14 of America has requested that the Court stay all proceedings in this action—including
15 class notice—while the Ninth Circuit considers Bank of America’s pending Rule 23(f)
16 petition for the reasons stated in Bank of America’s pending Motion to Stay (ECF 513).

17 3. Whereas the Parties also provided differing positions in the prior Joint
18 Statement (ECF 518) with respect to the Bank providing class counsel with the names
19 and contact information regarding class members.

20 4. Whereas the July 24 Order directed the Parties to meet and confer on this
21 specific issue and, if agreement could not be reached, to provide the Court with the
22 Parties’ respective positions.

23 5. Whereas the parties having met and conferred, have reached agreement
24 on this issue and stipulate as follows, subject to the Court’s order on BANA’s pending
25 motion to stay (ECF 513) and the Court’s approval of the notice plan described in the
26 Parties’ July 16, 2025 Joint Statement (ECF 518):

27 A. Bank of America will provide class counsel, for each Card Alias ID identified
28 in Schedule 1 to the Regan Report, the corresponding class member’s full

1 name, last known mailing address, e-mail address where available, and phone
2 number, and include an index corresponding class member names to Card
3 Alias ID for those class members who do not opt out of the class. Bank of
4 America will provide this aforementioned information after class notice has
5 been ordered and sent, and after the 60-day opt-out period has expired
6 (subject to extension for class members for whom service cannot be
7 completed at the last known address) after class notice has been sent and the
8 60-day opt-out period has expired;

9 B. The Long Form Notice, the Short Form Notice and the Post Card Notice
10 jointly submitted by Parties to the Court with its prior Joint Submission (ECF
11 518), shall be modified to include the following language to inform class
12 members who do not opt out that their information will be shared with class
13 counsel: “Additionally, if you take no action, you also consent to Bank of
14 America sharing your name, contact information, and certain prepaid
15 unemployment account information with class counsel who would be acting
16 as your legal representative in this case.”

17 C. The revised Long Form Notice is attached as **Exhibit A** with a redlined copy
18 attached as **Exhibit B**.

19 D. The revised Short Form Notice is attached as **Exhibit C**, with a redlined copy
20 attached as **Exhibit D**.

21 E. The revised Post Card Notice is attached as **Exhibit E**, with a redline copy
22 attached as **Exhibit F**.

23
24 Dated: August 8, 2025

COTCHETT, PITRE & McCARTHY, LLP

25 By: /s/ Karin B. Swope

JOSEPH W. COTCHETT

BRIAN DANITZ

KARIN B. SWOPE

VASTI S. MONTIEL

CAROLINE A. YUEN

1 Dated: August 8, 2025

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2 By: /s/ Michael Rubin

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SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of this Court's Electronic Case Filing
Administrative Policies and Procedures Manual, I, Karin B. Swope, hereby certify
that the content of this document is acceptable to all the signatories herein and that I
have obtained counsel's authorization to affix their electronic signatures to this
document.

/s/ Karin B. Swope

KARIN B. SWOPE