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13 *[ADDITIONAL COUNSEL LISTED IN SIGNATURE BLOCK]*

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

17 IN RE: BANK OF AMERICA
18 CALIFORNIA UNEMPLOYMENT
19 BENEFITS LITIGATION

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

**DECLARATION OF LINDSAY E.
HOYLE IN SUPPORT OF
DEFENDANT'S REPLY BRIEF IN
SUPPORT OF ITS MOTION TO
RECONSIDER MAY 29, 2025
ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANT'S MOTION FOR
PROTECTIVE ORDER**

Date: September 16, 2025
Time: 1:30 PM
Ctm: 12-A – 12th Floor
Judge: Hon. Gonzalo P. Curiel

FILED PROVISIONALLY UNDER SEAL
PURSUANT TO STIPULATED PROTECTIVE
ORDER

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

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

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

6 3. I make this declaration in support of BANA’s Reply Brief in Support of
7 its Motion to Reconsider May 29, 2025 Order Granting in Part and Denying in Part
8 BANA’s Motion for Protective Order.

9 **I. BANA Identified Relevant Executives Years Ago.**

10 4. In October 2023, BANA produced a detailed organizational chart
11 bearing Bates Number BANA_EDD_MDL-00057837. The organizational chart
12 reflected that [REDACTED]

13 [REDACTED]

14 [REDACTED].

15 5. Responsive and non-privileged emails from Ms. Bessant and Mr.
16 Athanasia’s custodial files were produced to Plaintiffs more than one year ago—on
17 July 5, 2024—as part of the first wave of executive ESI productions.

18 **II. Plaintiffs Waited Until the End of Fact Discovery to Notice Fact**
19 **Depositions.**

20 6. BANA substantially completed document production by July 2024, with
21 most ESI having been produced by April 2024.

22 7. Fact discovery in this case was set to close on December 12, 2024. *See*
23 Dkt. 302, Scheduling Order at 2.

24 8. On October 11, 2024, Plaintiffs served deposition notices for five
25 individual fact depositions, including the apex depositions of Messrs. Moynihan and
26 Montag, and three other depositions, noticing the depositions to take place from
27 December 2, 2024 through December 12, 2024.
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