

1 JAMES W. MCGARRY (pro hac vice)
2 *JMcGarry@goodwinlaw.com*
3 **GOODWIN PROCTER LLP**
4 100 Northern Avenue
5 Boston, MA 02210
6 Tel.: +1 617 570 1000
7 Fax: +1 617 523 1231

5 SABRINA M. ROSE-SMITH (pro hac vice)
6 *SRoseSmith@goodwinlaw.com*
7 MATTHEW L. RIFFEE (pro hac vice)
8 *MRiffee@goodwinlaw.com*
9 **GOODWIN PROCTER LLP**
10 1900 N Street, NW
11 Washington, DC 20036
12 Tel.: +1 202 346 4000
13 Fax: +1 202 346 4444

10 Attorneys for Defendant
11 BANK OF AMERICA, N.A.

12 [*ADDITIONAL COUNSEL LISTED IN SIGNATURE BLOCK*]

13
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. 3:21-MD-02992-GPC-MSB

**DEFENDANT’S NOTICE OF
MOTION AND MOTION TO
RECONSIDER MAY 29, 2025
ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANT’S MOTION FOR
PROTECTIVE ORDER**

Ctrm: 12A – 12th Floor
Judge: Hon. Gonzalo P. Curiel
Date: September 19, 2025
Time: 1:30 P.M.

NOTICE OF MOTION AND MOTION TO RECONSIDER

PLEASE TAKE NOTICE that on September 19, 2025, at 1:30 p.m. or as soon thereafter as counsel may be heard, in Courtroom 12A, Twelfth 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”) hereby moves for reconsideration of the May 29, 2025 Order Granting In Part and Denying In Part Defendant’s Motion for Protective Order to preclude Plaintiffs from taking the depositions of Messrs. Moynihan and Montag. In the alternative, BANA respectfully requests that the Court certify its Order for appeal. BANA further requests that the Court stay the depositions pending resolution of this Motion and any appellate review thereof, if permitted.

The Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities in support thereof, the Declaration of Matthew L. Riffée, all papers from this case on file with the Court, all other matters of which the Court may take judicial notice, and any other evidence and argument the Court may consider.

Dated: June 26, 2025

Respectfully submitted,

By: s/ Matthew L. Riffée

MATTHEW L. RIFFEE (*pro hac vice*)

MRiffée@goodwinlaw.com

THOMAS M. HEFFERON (*pro hac vice*)

Thefferon@goodwinlaw.com

SABRINA M. ROSE-SMITH (*pro hac vice*)

SRoseSmith@goodwinlaw.com

GOODWIN PROCTER LLP

1900 N St. NW

Washington, DC 20036

Tel: +1 202 346 4000

Fax: +1 202 346 4444

JAMES W. MCGARRY (*pro hac vice*)

JMcGarry@goodwinlaw.com

GOODWIN PROCTER LLP

1 100 Northern Avenue
2 Boston, MA 02210
3 Tel.: +1 617 570 1000
4 Fax: +1 617 523 1231

5 LAURA G. BRYs (SBN 242100)
6 *LBrys@goodwinlaw.com*
7 **GOODWIN PROCTER LLP**
8 601 S Figueroa St., Suite 4100
9 Los Angeles, CA 90017
10 Tel.: +1 213 426 2500
11 Fax: +1 617 346 4444

12 VALERIE A. HAGGANS (pro hac vice)
13 *VHaggans@goodwinlaw.com*
14 LINDSAY E. HOYLE (pro hac vice)
15 *LHoyle@goodwinlaw.com*
16 **GOODWIN PROCTER LLP**
17 620 Eighth Avenue
18 New York, NY 10018
19 Tel: +1 212 813-8800
20 Fax: +1 212 355-3333

21 YVONNE W. CHAN (pro hac vice)
22 *YChan@jonesday.com*
23 **JONES DAY**
24 100 High Street
25 Boston, MA 02110
26 Tel.: +1 617 960 3939
27 Fax: +1 617 449 6999

28 JANICE P. BROWN (SBN 114433)
jbrown@myersnave.com
MATTHEW B. NAZARETH (SBN 278405)
mnazareth@myersnave.com
MEYERS NAVE
600 B Street, Suite 1650
San Diego, CA 92101

Attorneys for Defendant
BANK OF AMERICA, N.A.

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 June 26, 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: June 26, 2025

s/ Matthew L. Riffie