

1 JAMES W. MCGARRY (*pro hac vice*)
2 *JMcGarry@goodwinlaw.com*
3 **GOODWIN PROCTER LLP**
4 100 Northern Avenue
Boston, MA 02210
Tel.: +1 617 570 1000
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
Washington, DC 20036
Tel.: +1 202 346 4000
Fax: +1 202 346 4444

11 Attorneys for Defendant
12 **BANK OF AMERICA, N.A.**

13 *[ADDITIONAL COUNSEL LISTED IN SIGNATURE BLOCK]*

14 **UNITED STATES DISTRICT COURT**
15 **FOR THE 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

**DEFENDANT BANK OF
AMERICA, N.A.'S NOTICE OF
MOTION AND MOTION TO
EXCLUDE THE PURPORTED
EXPERT OPINIONS OF JANE
CLONINGER**

Date: April 17, 2026
Time: 1:30 p.m.
Ctrm: 12A – 12th Floor
Judge: Hon. Gonzalo P. Curiel

ORAL ARGUMENT REQUESTED

NOTICE OF MOTION AND MOTION

TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, on April 17, 2026 at 1:30 p.m. or as soon thereafter as counsel may be heard in Courtroom 12A of the above-entitled Court, located at 333 West Broadway, San Diego, CA 92101, Defendant Bank of America, N.A. (BANA) will and hereby does move to exclude the purported expert opinions of Jane Cloninger pursuant to FED. R. EVID. 702 and *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993).

This Motion is based upon this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities; the accompanying Declaration of Lindsay E. Hoyle and all supporting declarations, exhibits, and documents; the concurrently filed Motion for Partial Summary Judgment and all supporting documents; all pleadings and records on file in this action; and such further oral or written argument as may be presented on this matter.

Dated: October 17, 2025 Respectfully submitted,

By: /s/ Matthew L. Riffie

MATTHEW L. RIFFEE (*pro hac vice*)
MRiffie@goodwinlaw.com
SABRINA M. ROSE-SMITH (*pro hac vice*)
SRoseSmith@goodwinlaw.com
KEITH LEVENBERG (*pro hac vice*)
KLevenberg@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
100 Northern Avenue
Boston, MA 02210
Tel.: +1 617 570 1000
Fax: + 1 617 523 1231

1 LAURA G. BRYs (SBN 242100)
2 *LBrys@goodwinlaw.com*
3 **GOODWIN PROCTER LLP**
4 601 S Figueroa St., Suite 4100
5 Los Angeles, CA 90017
6 Tel.: +1 213 426 2500
7 Fax: +1 617 346 4444

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

17 YVONNE W. CHAN (*pro hac vice*)
18 *YChan@jonesday.com*
19 **JONES DAY**
20 100 High Street
21 Boston, MA 02110
22 Tel.: +1 617 960 3939
23 Fax: +1 617 449 6999

24 JANICE P. BROWN (SBN 114433)
25 *jbrown@myersnave.com*
26 MATTHEW B. NAZARETH (SBN 278405)
27 *mnazareth@myersnave.com*
28 **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 October 17, 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: October 17, 2025 s/ Matthew L. Riffie