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STIPULATED
PROTECTIVE ORDER**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

- - -

IN RE: BANK OF AMERICA : CASE NO.
CALIFORNIA UNEMPLOYMENT : 21-MD-02992-GPC-MSB
BENEFITS LITIGATION :

Oral deposition of JAY
MINNUCCI, taken pursuant to Notice,
held at Goodwin Proctor LLP, 3025
John F. Kennedy Boulevard, 8th
Floor, Philadelphia, Pennsylvania
19104, beginning at approximately
9:30 a.m., before Mary Hammond, a
Certified Shorthand Reporter and
Notary Public in the state of
Pennsylvania, April 23, 2025.

JOB No. 7288941

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1 that experienced a significant spike in -- in
2 call volume during this time?

3 A. Yeah, I mean, a number of them did
4 get increases. But, again, we often weren't
5 specific to, "well, what exactly is it."

6 There's knowledge that they needed
7 to resolve some issues and get people on the
8 phone. So you know you have to do that,
9 whether you have a 100-percent increase or a
10 20-percent increase, you know you got to
11 start the ball rolling.

12 Q. Did any of your clients experience
13 a 20, 30, 40 X increase in call volume as a
14 result of the pandemic?

15 A. Not that they indicated to me, no.

16 Q. Do you recall the largest --
17 whether it was 3 or 4 X -- the -- the largest
18 call volume increase that you recall hearing
19 about from any of your clients during that
20 time period, March 2020 through the end of
21 2020?

22 A. In -- in my discussions with them,
23 that would be. But, again, like I said, I
24 know others had some pretty serious

1 worked with a call center -- an existing call
2 center that experienced a 30 to 40 X increase
3 in call volume over the span of weeks or
4 months, correct?

5 MR. JONES: Objection. Vague.

6 THE WITNESS: Yeah, I -- I
7 believe that to be correct.

8 BY MR. RIFFEE:

9 Q. To your knowledge, had you ever
10 managed -- or, I'm sorry.

11 To your knowledge, have you ever
12 consulted with a client whose call center was
13 specifically being targeted by criminals or
14 fraudsters?

15 MR. JONES: Objection. Vague.

16 THE WITNESS: Yeah, I think
17 many of the call centers I've
18 consulted with have -- have to deal
19 with criminals and -- and
20 fraudsters.

21 BY MR. RIFFEE:

22 Q. To your knowledge, have you ever
23 consulted or worked with a client that over
24 the course of -- of months or a year was

1 servicing a program that was subject to
2 billions of dollars of -- of fraud?

3 MR. JONES: Objection. Vague.

4 THE WITNESS: You know, the
5 amount of fraud wouldn't --
6 that's -- that's -- that wouldn't
7 be my purview as a call center
8 consultant, so I wouldn't -- I
9 would just -- you know, again, I'm
10 dealing with generally call
11 volumes, handle times, that sort of
12 thing.

13 BY MR. RIFFEE:

14 Q. Let's turn to Appendix B of your
15 report, your prior publications, March 2014
16 to present.

17 A. (Witness complies.)

18 Q. According to this, you've -- have
19 one publication in the last six years,
20 correct, since -- since 2019?

21 A. Yeah, that's correct.

22 Q. And the rest are from 2014 through
23 2019?

24 A. Correct.

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[REDACTED]

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1 should have been unimpacted by the
2 unprecedented events that occurred during the
3 COVID-19 pandemic?

4 MR. JONES: Objection.

5 Compound. Assumes facts. Beyond
6 the scope.

7 THE WITNESS: It -- well, it
8 would -- it's a 2020 number, so
9 it -- it would include time periods
10 before the pandemic, time periods
11 during the pandemic, time periods
12 six months after the pandemic.
13 That's -- that's what would be
14 included.

15 BY MR. RIFFEE:

16 Q. But you don't know what specific
17 2020 period is included for any of these 214
18 call centers, correct?

19 A. Well, I know normally, I -- I do a
20 lot of work with people that gather work like
21 this, the -- the work force management
22 people. I know if they were provided this
23 document, this request, they likely would
24 have gone back if they asked for 2020 data,

1 exceeding 20 percent?

2 MR. JONES: Objection.

3 Compound. Vague.

4 THE WITNESS: Yes.

5 The circumstances would --
6 would likely be all over the board.
7 The timeframes -- I'm trying to
8 think of the clients that were up
9 there.

10 So -- so I can go all the way
11 back to -- to 2003, thinking of one
12 particular client that I'm pretty
13 certain had some months between the
14 25 and 30 range.

15 And, then, the best guess I
16 could make is, then, you know,
17 sprinkled throughout, you know, the
18 next 15 years or so. And, then, of
19 course, there were some during COVID
20 that had -- had some higher
21 abandonment.

22 BY MR. RIFFEE:

23 Q. Do you recall what industries --
24 the call centers during COVID had higher

1 I -- you know, tens, maybe
2 hundreds of thousands of call
3 centers, so, you know, cert- --
4 certainly, there's some out there.

5 But I think people would be
6 surprised -- I think a lot of people
7 think that, you know, the travel
8 industry must not have had phone
9 calls because, you know, people
10 stopped traveling. They got killed.

11 You know, they got -- they got
12 substantial amounts of call volume
13 for a really very long -- for a long
14 time than any of them expected.

15 So I'm -- I'm not going to sit
16 here and say that there weren't call
17 centers that saw decreases, like,
18 I'm quite certain I can't point to
19 them, but, you know, I'm sure some
20 did.

21 BY MR. RIFFEE:

22 Q. Do you know whether the 214 call
23 centers that were part of the "ContactBabel"
24 survey, which was marked as Exhibit-10,

1 whether they experienced increases in call
2 volume or decreases in call volume in 2020?

3 MR. JONES: Objection. Vague.
4 The survey speaks for itself.

5 THE WITNESS: Yeah, it -- I
6 didn't see anything in these
7 hundreds of pages here that spoke
8 to call volume of the 214.

9 MR. RIFFEE: Okay.

10 BY MR. RIFFEE:

11 Q. Do you know whether any of the call
12 centers that were surveyed in the
13 ContactBabel survey experienced a 30 or 40X
14 increase in call volume in 2020 year?

15 MR. JONES: Objection. Vague.

16 THE WITNESS: You know, again,
17 if I -- I don't have the volume
18 data -- if there's no volume data
19 in here, I wouldn't know that.

20 BY MR. RIFFEE:

21 Q. Do you know if any of the call
22 centers that were part of the ContactBabel
23 survey handled unauthorized transaction
24 claims on -- on government benefits cards?

1 MR. JONES: Objection. Calls
2 for speculation.

3 THE WITNESS: I -- I -- I
4 don't know every -- all the 214,
5 and -- and even if I did, I
6 wouldn't necessarily know what
7 was -- what makes up their call
8 center and what different divisions
9 and departments they may have.

10 BY MR. RIFFEE:

11 Q. Do you know of the 214 call centers
12 that were surveyed, how many -- or if any of
13 them were a second- or a third-line call
14 center that wouldn't receive an initial call
15 but would receive a transferred call?

16 MR. JONES: Objection. Vague.

17 THE WITNESS: I wouldn't know
18 that. I'd -- I'd be surprised if
19 some of that's not included in some
20 of those call centers, because
21 there's 214 of them, but I don't
22 know, again, because I don't know
23 the specifics of each of the 214
24 call centers.

1 BY MR. RIFFEE:

2 Q. So you don't know if some of this
3 data might be aggregated pre- -- presenting
4 some of the clients may have -- or some of
5 the survey respondents may have provided an
6 aggregate number for all of their call
7 centers?

8 MR. JONES: Objection. Vague.
9 calls for speculation.

10 THE WITNESS: Again, I don't
11 have any of the data, so...

12 MR. RIFFEE: Okay.

13 BY MR. RIFFEE:

14 Q. Do you know if the 214 call centers
15 that were surveyed as part of the
16 ContactBabel survey experienced a targeted
17 attack by criminals or fraudsters on -- on
18 their call center or the product that they
19 were servicing in 2020?

20 MR. JONES: Objection. Vague.
21 Calls for speculation.

22 THE WITNESS: Same answer.

23 Again, without knowledge of the
24 call centers, I couldn't possibly

1 know that.

2 MR. RIFFEE: Okay.

3 Let's take a break for lunch.

4 Off the record.

5 THE VIDEOGRAPHER: The time is
6 now 1:11 p.m. We are going off the
7 video record. This concludes Media
8 Unit Number 3.

9 - - -

10 (Whereupon, there was a brief
11 recess held off the video record at
12 1:11 p.m.)

13 - - -

14 THE VIDEOGRAPHER: Stand by.

15 The time is now 1:51 p.m. We
16 are going off -- let me. I'll go
17 ahead and restart that, if you don't
18 mind.

19 MR. RIFFEE: No problem.

20 THE VIDEOGRAPHER: Stand by.

21 The time is now 1:52 p.m. We
22 are going back on the video record.
23 This will begin Media Unit Number 4.

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1 results are used to calculate Column (E)?

2 A. Okay.

3 So do you want me to start with
4 Appendix H then; is that --

5 Q. Sure.

6 A. Okay.

7 So Appendix H is based on data from
8 other clients that I have. So this is
9 without the actual data from your bank or
10 without data from an actual client, the --
11 the next best thing that we can do is use
12 data from other clients. So that's what this
13 is.

14 I've had clients that have done the
15 process that I described that would have been
16 done for the Bank had we had the data.

17 So they go through that process,
18 and the process requires identifying the
19 abandoned calls for a given time period, and,
20 then, looking at those phone numbers with
21 those abandoned calls, and, then, looking out
22 in the future to determine did that phone
23 number call back or not. If it did, we call
24 it a recall. If they didn't, then, they

1 didn't recall.

2 So I've had other clients do that
3 work, and what we did was we mapped the
4 abandonment range against the recall rates
5 that they found, and, then, provide a
6 distinct demand column at the end because
7 that's what we're using. It's just one line
8 is the recall rate. We're actually
9 calculating a recall rate, and, then, simply
10 taking one from it.

11 Q. Okay.

12 How many data points are you using
13 in your regression here in Appendix H?

14 A. So we're going out -- we're
15 probably looking at 30 to 60 days worth of
16 data each for -- my estimate is probably
17 about eight clients that we did this for, so
18 however many data points that adds up to.

19 And, of course, their data points
20 can -- can fall in these different ranges.
21 I've got six different ranges, so they're --
22 they're falling somewhere within those
23 ranges.

24 Q. Okay.

1 A. Yeah. I actually do this work. I
2 sell -- I sold consulting projects where
3 people have come to me and said, "We have
4 this problem. We don't know what distinct
5 demand is," you know, "we don't know how to
6 get their our data," or don't think that they
7 can get their data.

8 When I explained to them that I
9 have this, we have used this, that's been the
10 job. I've charged for that. And I've had
11 very satisfied clients as -- as a result of
12 using this. It greatly improved their
13 workforce planning process.

14 Q. Are you able to say which clients
15 these data points come from?

16 A. No.

17 Q. What industries are these eight
18 clients in?

19 A. Various.

20 Q. Okay.

21 Sitting here today, what industries
22 do you recall each of them are in?

23 A. So there's, again, more property
24 and casualty, more health insurance. There

1 are utilities that are in here.

2 Q. Any other industries that you
3 recall?

4 A. I'm trying to think.

5 So I'm going to say a membership
6 organization as well, and I think that rounds
7 it out.

8 Q. Okay.

9 And based on this Appendix H --

10 A. Mm-humm.

11 Q. -- at least some of these eight
12 clients fell within the 25 to 30-percent
13 abandonment range during that 30 to 60-day
14 period?

15 A. I'm pretty certain, yeah, mm-humm.

16 Q. Okay.

17 What time periods did these 30 to
18 60-day periods cover, are they from this past
19 year, are they from 2020, are they from --
20 what time periods do they cover?

21 A. So most of these, I -- I suspect I
22 started collecting this data maybe around the
23 2005 timeframe, and probably over the course
24 of, you know -- so probably six to eight

1 years.

2 You don't -- you have to realize
3 the numbers that you see here are bad. You
4 just don't run into a lot of clients that are
5 having days with a 26-percent abandon rate as
6 a regular thing.

7 Q. Mm-humm.

8 A. Maybe occasionally here and there,
9 but it doesn't happen as a regular thing. So
10 it -- it's just not something that comes up
11 often in a consultant's work, because it just
12 doesn't happen out there in the field very
13 often, so it takes a while to -- to actually
14 get some clients that fall into these
15 categories.

16 Q. Okay.

17 So you said you began collecting
18 this data -- I think you said going back to
19 2005, and it covered about eight years.

20 So is this all data from about to
21 2005 or 2018 or something more recent?

22 A. No, that'd be -- that would be
23 about right. I don't think I've added to it.
24 However, I've used it. I've used it during

1 on or back to Page 1791, the second page of 2
2 article.

3 A. (Witness complies.)

4 Mm-humm.

5 Q. The first full paragraph, the
6 second sentence, it says, "The Erlang C model
7 system a very simple multi-server queueing
8 system. Calls arrive according to a Poisson
9 process an average rate of" -- you'll need to
10 help me there, what that symbol stands for.

11 Does this mean the Erlang-C formula
12 is based on assumptions that calls are
13 serviced by statistically identical Customer
14 Service Representatives?

15 MR. JONES: Objection. Vague
16 and confusing.

17 THE WITNESS: Yeah.

18 So my understanding is
19 "statistically identical" means
20 that -- that they have the same
21 characteristics. So -- so they have
22 the same skill sets. So it's --
23 it's not a case of where -- to give
24 you an example, I assume that

1 that's an -- there's an agent in
2 there that can handle claims calls,
3 but, then, sometimes gets a call
4 from another queue, like a fraud.

5 So it wouldn't -- it wouldn't
6 be something like that because a
7 simple Erlang calculation does not
8 account for something like that, but
9 that's not the case in -- in our
10 particular situation here.

11 BY MR. RIFFEE:

12 Q. Well, did you check to see if the
13 CSRs in the Claims call center had varying
14 levels of performance or speed or experience?

15 A. Well, every call center has that.

16 Q. Okay.

17 And would those varying factors
18 render them non-homogeneous and not -- not
19 identical?

20 A. Well, they're -- they're within
21 standard variations, which is why all
22 workforce management systems use Erlang-C.
23 That's what we use in call centers.

24 Q. Okay.

1 And going down to the end of that
2 same paragraph, the first full paragraph on
3 the page, it says, "A fourth performance
4 metric monitored by call center managers is
5 the Abandonment Rate" --

6 A. I'm sorry, where are you? Are you
7 on my report or...

8 Q. No, I'm still --

9 A. Okay.

10 Q. -- on the same --

11 A. All right.

12 Q. -- article, Page 1791, the bottom
13 of that first full paragraph, it looks like
14 the last two sentences --

15 A. Okay.

16 Q. -- of "A fourth performance metric
17 monitored by call center managers is the
18 Abandonment Rate; the proportion of all calls
19 that leave the queue (hang up) prior to
20 service. Abandonment rates cannot be
21 estimated directly using the Erlang C model
22 because the model assumes no abandonment
23 occurs"; is that -- is that accurate?

24 A. You know, I don't like the way it's

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- - -
C-E-R-T-I-F-I-C-A-T-I-O-N
- - -

I hereby certify that the
witness was duly sworn in for this
deposition matter by the Court
Reporter.

A handwritten signature in blue ink, appearing to read "Mary Hammond", is written over a horizontal line.

Mary Hammond

April 23, 2025

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means, unless under the direct
control and/or supervision of the
Certified Shorthand Reporter.)