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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 DAVID I.
LEVINE**

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 David I. Levine 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

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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