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

13 **UNITED STATES DISTRICT COURT**
14 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
15 **SAN DIEGO DIVISION**

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

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

**DECLARATION OF LINDSAY E.
HOYLE IN SUPPORT OF
DEFENDANT BANK OF
AMERICA, N.A.'S MOTION TO
EXCLUDE THE PURPORTED
EXPERT OPINIONS OF DAVID I.
LEVINE**

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

EXHIBITS 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 Motion to Exclude the
7 Purported Expert Opinions of David I. Levine.

8 4. Attached hereto as **Exhibit 28** is a true and correct copy of the CFPB
9 Consent Order, dated July 14, 2022.

10 5. Attached hereto as **Exhibit 29** is a true and correct copy of the OCC
11 Consent Order, dated July 14, 2022.

12 6. Attached hereto as **Exhibit 30** is a true and correct copy of excerpts from
13 the official transcript of the Plaintiffs' deposition of BANA's Rule 30(b)(6) designee,
14 Jennifer Lennon, taken on February 23, 2024.

15 7. Attached hereto as **Exhibit 31** is a true and correct copy of BANA's
16 Remediation Plan, a document produced by BANA in this action Bates stamped
17 BANA_EDD_MDL-00102554.

18 8. Attached hereto as **Exhibit 34** is a true and correct copy of the Expert
19 Report of Justin McCrary, and appendices thereto, dated April 4, 2025.

20 9. Attached hereto as **Exhibit 35** is a true and correct copy of the Expert
21 Report of David I. Levine, and appendices thereto, dated March 4, 2025.

22 10. Attached hereto as **Exhibit 36** is a true and correct copy of the official
23 transcript of BANA's deposition of Plaintiffs' expert David I. Levine, taken on May
24 28, 2025.

25 11. Attached hereto as **Exhibit 37** is a true and correct copy of excerpts from
26 Plaintiff Stephanie Moore's Supplemental Objections and Responses to Bank of
27 America N.A.'s First Set of Interrogatories, dated January 29, 2024.

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