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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

IN RE BANK OF AMERICA CALIFORNIA UNEMPLOYMENT BENEFITS LITIGATION	) Case No.: 3:21-md-02992-GPC-MSB

DEPOSITION BY WRITTEN QUESTIONS OF

CALIFORNIA EMPLOYMENT DEVELOPMENT DEPARTMENT

(READ BY SHAMEEL SINGH)

Appearing Remotely

Thursday, May 8, 2025

Stenographically reported by:
EMILY SAMELSON, CSR No. 14043
Job No.: 10163945

and/or can obtain from other sources, including documents already produced.

To the extent this information has already been produced, BANA further objects to Question No. 15 as the documents speak for themselves.

BANA further objects to Question No. 15 to the extent it seeks information protected from discovery by the attorney-client privilege, the work product doctrine, the joint defense or common interest privilege, and the bank examiner, supervisory, investigative, or other regulatory privileges.

EDD joins in these objections to Question No. 15.

Shameel, you may respond.

THE WITNESS: As to the records EDD has, EDD has records showing the dates EDD began issuing paper checks to EDD debit cardholders between September 28th, 2020, and March 18th, 2021.

However, EDD's records do not distinguish between claimants who were moved to paper checks due to Bank-initiated freezes or claimants who were moved to paper checks for reasons other than Bank-initiated freezes.

As to whether the EDD debit cardholders who were issued paper checks are identifiable through a Card

Plaintiffs further object to Cross-Question No. 23 as vague and ambiguous, including to the extent that Cross-Question No. 23 does not state whether it is referring to EDD paying any or all cardholders whose accounts were frozen via paper check.

Plaintiffs also object to Cross-Question No. 23 as vague, ambiguous, burdensome, and well beyond the permissible scope of discovery insofar as it does not specify whether this cross-question is limited to EDD benefits recipients who received their benefits through BANA-issued prepaid debit cards.

EDD joins in these objections to Question No. 23.

Shameel, you may respond.

THE WITNESS: Yes, if those EDD debit cardholders were still eligible to receive benefit payments.

BY MS. COSTANTINI:

Q Cross-Question No. 24: What was EDD's process for paying unemployment insurance benefits recipients via paper checks?

MS. BRYS: Plaintiffs' objections to Question No. 24 are as follows.

Plaintiffs incorporate by reference its general objections as if fully set forth herein.

Plaintiffs further object because Cross-Question No. 24 is not limited to any particular time frame and therefore is vague, ambiguous, overbroad, unduly burdensome, and seeks information not relevant to any issue, claim, or defense in this litigation.

Plaintiffs further object to Cross-Question No. 24 as beyond the scope of plaintiffs' deposition of third party California Employment Development Department.

Plaintiffs also object to Cross-Question No. 24 as vague, ambiguous, burdensome, and well beyond the permissible scope of discovery insofar as it does not specify whether this Cross-Question is limited to EDD benefits recipients who received their benefits through BANA-issued prepaid debit cards.

Plaintiffs further object to this Cross-Question No. 24 because of the undefined terms that are impermissibly overbroad, vague and ambiguous, and unduly burdensome, including "process."

EDD joins in these objections to Cross-Question No. 24.

Shameel, you may respond.

THE WITNESS: The normal process for paying claimants by paper check involved sending a daily payment file from the EDD mainframe to EDD's Office of

Documents, Publications, and Distributions (ODPD), who is responsible for printing and mailing checks daily Monday through Saturday.

The payment file is generated based on an authorization for payment derived from claimants' weekly certifications. The payment file sent to ODPD is based on the payment method of record stored within EDD's single-client database.

If the claimant indicated their preferred payment method is by debit card instead of paper check, a separate payment file was generated and sent to the Bank to provide payment to the claimant's EDD debit card account.

BY MS. COSTANTINI:

Q Cross-Question No. 25: Did EDD execute a contract with BANA on or around October 13, 2015, that specified that all cards would "contain no less than an ISO 7811-compliant high coercivity magnetic strip"?

MS. COSTANTINI: Plaintiffs' objections to No. 25 are as follows.

Plaintiffs incorporate by reference its general objections as if fully set forth herein.

Plaintiffs object to Cross-Question No. 25 as overbroad, unduly burdensome, and harassing in that it seeks information that the Bank has access to and/or can

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were duly sworn; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is an accurate transcription thereof.

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript [X] was [ ] was not requested.

I further certify I am neither financially interested in the action nor a relative or employee of any attorney or any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: 22nd of May, 2025

E. Samelson

EMILY SAMELSON,
CSR No. 14043