Exhibit 2

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

SAN DIEGO DIVISION

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IN RE: BANK OF AMERICA : CASE NO.
CALIFORNIA UNEMPLOYMENT : 21-MD-02992-GPC-MSB
BENEFITS LITIGATION :
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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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GOODWIN PROCTOR LLP
BY: MATTHEW L. RIFFEE, ESQUIRE (Pro Hac Vice)
1900 N Street, NW
Washington, DC 20036
mriffee@goodwinlaw.com
Attorneys for Bank of America, N.A.

ALTSHULER BERZON LLP
BY: COLIN JONES, ESQUIRE
177 Post Street
Suite 300
San Francisco, California 94108
cjones@altshulerberzon.com
Attorneys for Plaintiffs

Also Present: Marie MacCune, Esquire

Present via Zoom: Nghia Jones
Caroline Hunsicker
Joshua Swigart
Connie Chan
Ilana Platkiewicz
Andrew Verdun

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I-N-D-E-X

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WITNESS:

JAY MINNUCCI

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(By agreement of counsel, the reading, signing, sealing, certification and filing are waived, and all objections as to the form of the question, are reserved until the time of trial.)

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THE VIDEOGRAPHER: Stand by.

Good morning. We are going on the record at 9:30 a.m. Eastern Time, on April 23rd, 2025.

Please note that the microphones are sensitive and may pick up whispering and private conversations.

Please mute your phones at this time. Audio and video recording will continue to take place, unless all parties agree to go off the record.

This is Media Unit 1 of the

video-recorded deposition of Jay Minnucci, in the matter of In Re Bank of America California Unemployment Benefits Litigation filed in the United States District Court Southern District of California San Diego Division, Case Number 21-MD-02992-GPC-MSB. The location of the deposition is Goodwin Proctor LLP, 3025 JFK Boulevard, 8th Floor, Philadelphia, PA 19104.

My name is Frankie Matus, representing Veritext Legal Solutions, and I'm the videographer.

The court reporter is Mary Hammond, also from the firm of Veritext Legal Solutions.

I am not authorized to administer an oath. I am not related to any party in this action, nor am I financially interested in the outcome.

Counsel will now state their

appearances and affiliations for the record.

MR. RIFFEE: Matt Riffee from Goodwin Proctor here on behalf of Defendant, Bank of America.

MS. MacCUNE: Marie MacCune, Goodwin Proctor, also on behalf of Defendant, Bank of America.

MR. JONES: Colin Jones, Altshuler Berzon, on behalf of the Plaintiffs.

MR. RIFFEE: All right.

Good morning. Before we get --

THE COURT REPORTER: I'm sorry.

MR. RIFFEE: Okay.

THE VIDEOGRAPHER: Will the court reporter please swear in the witness.

THE COURT REPORTER: Please raise your right hand.

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JAY MINNUCCI, after having been first duly sworn, was examined and testified as follows:

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THE WITNESS: Yes.

MR. RIFFEE: Good morning.

Before we get started, just like I had said, the transcripts will be kept as confidential, and the parties will designate the portions of the transcript that are confidential pursuant to the terms of our Protective Order.

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DIRECT EXAMINATION

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BY MR. RIFFEE:

Q. Good morning.

Can you please state your name for the record?

A. Jay Minnucci.

Q. Okay.

You've been deposed before, correct?

A. Correct.

Q. How many times?

A. I think about five, five or six.
Q. Okay.
Were you serving as an expert in all of those cases?
A. Yes.
Q. Okay.
So I assume you're familiar with -- with this exercise and with the ground rules, but we'll just go over a few to refresh.
I'll be asking the questions today. You're obligated to give complete truthful answers. I'll ask that you give audible answers, so the court reporter can take it down.
You were sworn in earlier; do you understand that you're under oath as if you were in a court of law?
A. Correct.
Q. Okay.
So your answer -- you understand that your answers need to be truthful today?
A. Yes.
Q. Okay.
Is there any reason why you're not

able to provide truthful answers today?

A. No.

Q. Okay.

If at any point today you don't understand any of my questions, please let me know, I'm happy to clarify that for you. Just to that end, and just one -- or a couple little terminology before we get started.

You understand that the Bank of America had several call centers that serviced the EDD prepaid debit card program, correct?

A. Correct.

Q. When I say the "main call center" today or the -- the "servicing center" today, can we agree that I'm referring to Bank of America's general call center for prepaid cards?

A. Yes, the general being of first in line to receive the call from the IBR.

Q. Correct. Okay.

When I said the "Claims call center," can we agree that I'm referring to Bank of America's call center responsible for

Q. Okay.
In your work at -- at Service Agility in consulting with clients do you conduct forecasting for any of your clients for the hiring or retention of FTEs?
A. Yeah, I do that very often for my clients.
Q. Did you conduct any forecasting for any of your clients during that March of 2020 through the end of 2020 time period?
MR. JONES: Objection. Vague.
THE WITNESS: Yeah, I helped them with the planning out of staffing needs and what they may need, so that's not just simple forecasting. There's a lot of factors that go into that.
But the objective was to get them to the right numbers -- the right staffing numbers to be able to manage their incoming call volume.
BY MR. RIFFEE:
Q. How many clients would you say you helped plan out staffing needs during that

time period, March 2020 through the end of 2020?

A. So it would be the same group that was -- that was part of every discussion. The -- the details were all different, and the amount of detail that I would need to go into was different for each one, but it was -- it was a discussion with everybody.

Q. Okay.

Does -- do you -- in your work at Service Agility consulting with your clients, do you actually handle the -- the hiring of any Customer Service Representatives for your clients?

MR. JONES: Objection. Vague.

THE WITNESS: No.

BY MR. RIFFEE:

Q. Were you ever responsible for conducting background checks or setting up work-from-home environments for -- for your client's Customer Service Representatives?

MR. JONES: Objection. Vague.

THE WITNESS: I'm sorry, which was the first one?

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

they'd probably have the data right at their fingertips, which is, you know, just ongoing results showing what they're ongoing yearly call abandonment rate was, what their ASA was, as well as other metrics as well.

Q. All right.

But you don't know how many of those call centers provided information prior to the pandemic or during the pandemic for 2020?

MR. JONES: Objection. Vague.

THE WITNESS: Yeah.

Again, I don't know these specific people. I just know people that do this work. So, I -- you know, I'm fairly confident I know how they would have answered this.

BY MR. RIFFEE:

Q. When you do your consulting work for your clients, do you assess their -- their ASA or their abandonment rates using the mean average speed to answer or the call abandonment rate from ContactBabel service?

MR. JONES: Objection.

Compound. Vague.

THE WITNESS: I can.

The first thing I'm going to compare them to is their own targets. That's the one that's going to matter the most.

BY MR. RIFFEE:

Q. "Their targets" being the SLA or the contractual requirement, correct?

A. In an internal call center, you don't have a contractual obligation, but you do still have a target, like, you know, they all have targets.

So the first thing I'm going to do is compare them to what they say they want to do because that's the most relevant. When questions are asked about, "how do we compare with others, how does your target compare to what others are doing," that's when I would go to this and say, "Well, this is kind of those sources," and say, "Well, here's -- you know, "here's" -- "here's what I know."

Q. So the target for a -- a call center, it could be an internal number, it for identification.)

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(Whereupon, the document was handed to the witness.)

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BY MR. RIFFEE:

Q. Do you recall reviewing this e-mail in preparing your report?

A. Yes.

Q. Are you offering an opinion about Bank of America's intent or state of mind in making staffing decisions?

MR. JONES: Objection. Calls for a legal conclusion.

THE WITNESS: I couldn't care less about a state of mind. My interest here is what they do, was it in confidence, or was it deliberate or was it both.

MR. RIFFEE: Okay.

BY MR. RIFFEE:

Q. And the basis for your opinion that Bank of America deliberately staffed or reduced staffing in its call center, it's --

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

results are used to calculate Column (E)?

A. Okay.

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

Q. Sure.

A. Okay.

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

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

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

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

Q. Okay.

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

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

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

Q. Okay.

So eight different clients within these ranges -- within these ranges.

Is there a client that you have that falls within each of these ranges?

A. Oh I think every one of them had.

Q. Okay.

A. I shouldn't say that. I would suspect most of them. There may have been one or two that missed a range here or there, that's possible.

Q. Okay.

There's -- but there's six abandonment ranges here represented --

A. Right.

Q. -- in Appendix H, right?

A. Yes.

Q. And you said you think there were eight clients that fall within these abandonment ranges.

So, within each range, is it your testimony that there's one to two clients that fall into each range?

MR. JONES: Objection.

Mischaracterizes testimony.

THE WITNESS: No.

What there likely is in all of these ranges is if not all, certainly eight represented -- certainly close to at 7, and, then, they can be represented multiple times.

So to provide an example, if you look at the bottom range from 25 to 30, there may be data points in there from eight different clients, but one of those clients may have 12 data points in there, and another one may have 17 and another one may have four.

MR. RIFFEE: Okay.

BY MR. RIFFEE:

Q. And the data points for each client that -- you said that represents a 30 to 60-day period?

A. Yes, mm-humm.

Q. Do you believe that these -- the data points here, that they're enough data to give you confidence in your results?

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

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

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

A. No.

Q. What industries are these eight clients in?

A. Various.

Q. Okay.

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

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

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

Q. Mm-humm.

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

Q. Okay.

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

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

A. No, that'd be -- that would be about right. I don't think I've added to it. However, I've used it. I've used it during that time, and I've used it past that and into COVID. I don't think I've used it in the last year or year and a half, but, you know, I've used -- I've used this up until at least 2022, if not later.

Q. Okay.

Did any of these eight clients experience call volume increases or surges during these three 30 to 60-day periods similar to the 10, 15, 20, 30 X surges that Bank of America experienced during the -- during the pandemic?

MR. JONES: Objection. Vague.

THE WITNESS: You know, so they're my clients, so I've answered your question before, beside which I don't know that it would matter if it was volume surge or not. We're interested in abandonment and recall rates.

BY MR. RIFFEE:

Q. You don't think it would matter, the level of the volume surge, in terms of the -- the impact on the abandonment rate?

A. Well, it will cause -- it will potentially cause an increase in abandonment, but at that point we're simply taking data points out. We're looking at abandonment ranges and we're comparing them to recall rates. Whether the -- the abandonment was caused by volume surge or people left the organization is immaterial to the analysis.

Q. Did any of your clients -- any of these eight clients experience an abandonment rate above the ranges here, the 25.01 to 30-percent range?

A. So I -- that is possible, but it -- it's not on here because there weren't enough of them. So, you know, was there two or three incidences or four or five, that's possible, but I wouldn't have included that in the data. In this case, it would have to be more than that.

Q. Okay.

How many data points did you require to -- or to include or for -- for this Appendix H, how -- how many data points would be within each abandonment range individual calls about a power outage, and they're unable to reach but their power gets turned back on, or they realize that someone else is reporting an outage, so they don't need to call again, did you assess whether that may affect a recall rate for that type of call center?

A. No.

Again, no reason to do that. Everything's in the data.

Q. Did you attempt to assess how the differences between various types of call centers or purposes of calls might impact the recall rate, and how that might differ from the recall rate for someone attempting to submit or ask questions about an unauthorized transaction claim?

A. No.

What I know is despite the fact that it's different industries, the recall rates really don't change all that much surprisingly. And, then, having used this for other clients and seeing that it's worked well for them, you know, I know that it's certainly good enough to be using for workforce planning purposes and provides a substantial improvement over using just calls offered or just calls answered, which, by the way, both of them inherent to them have a recall rate associated with them.

Calls offered assumes a zero-percent recall rate. Calls answered assumes a 100-percent recall rate, and we know both of those numbers are wrong.

Q. Based on Appendix H and the ranges that you provided, the number of these eight clients had periods where their -- where their abandonment rate exceeded the 6.1-percent average in the ContactBabel survey, right?

A. Oh, sure, yeah.

In order to get data in those ranges, yeah.

Q. Is it your opinion that those call centers, your -- your former clients, were in violation of industry best practices during those periods?

A. Violation of industry best

BY MR. RIFFEE:

Q. And did you review the Bank's -- the actual calls received by the Bank to determine whether or not that issue was -- was offset by other factors?

MR. JONES: Objection. Vague.

BY MR. RIFFEE:

Q. That issue with the Erlang-C formula that's offset by other factors.

A. I -- I -- I just -- I just know that it's offset by other factors, whether it's the Bank or -- or any other call center.

Q. Have you advised any of your clients to use an Erlang-C formula?

A. Absolutely. It's -- it's almost -- it really is assumed -- I don't have to say it, if they're using a workforce management system, they're -- they're using it, or a slightly modified version of it.

If they're using a calculator, it's Erlang-C. If they're using an add-in to Excel, it's Erlang-C. It is the standard beyond question in -- in any call center that does this type of work. It's a few smaller

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

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

Mary Hammond

April 23, 2025

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the Certified Shorthand Reporter.)