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14 **UNITED STATES DISTRICT COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

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

Case No. 3:21-md-02992-GPC-MSB

**MOTION TO FILE DOCUMENTS
UNDER SEAL RE: PLAINTIFFS'
OPPOSITION TO DEFENDANT'S
MOTION TO EXCLUDE CERTAIN
EXPERT OPINIONS OF
JANE CLONINGER**

Judge: Hon. Gonzalo P. Curiel
Ctrm: 2D (2nd Floor)

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25 This Document Relates to All Actions
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MOTION TO FILE DOCUMENTS UNDER SEAL

Pursuant to Local Rule 79.2 and Section 12.5 of the Stipulated Protective Order (ECF 82) in this case and the Court’s Civil Pretrial & Trial Procedures, Plaintiffs move to file under seal the following:

1. Portions of the March 4, 2025 Expert Report of Jane Cloninger, attached as Exhibit A to the Declaration of Katherine Bass in Support of Plaintiffs’ Opposition to Defendant’s Motion to Exclude Certain Expert Opinions of Jane Cloninger (“Bass Declaration”), which discuss or quote documents Defendant Bank of America, N.A. (the “Bank”) has designated as confidential or highly confidential and that the Court sealed in its December 11, 2025 order (Dkt. 598).
2. Portions of the April 4, 2025 Expert Rebuttal Report of Jane Cloninger, attached as Exhibit B to the Bass Declaration, which discuss or quote documents Defendant Bank of America, N.A. (the “Bank”) has designated as confidential or highly confidential and that the Court sealed in its December 11, 2025 order (Dkt. 598).
3. The March 4, 2025 Expert Report of Pamela Joseph, attached as Exhibit C to the Bass Declaration, which the Bank has designated confidential in its entirety.
4. Portions of Plaintiff Roland Oosthuizen’s Supplemental Objections and Response to the Bank’s First Set of Interrogatories, attached as Exhibit D to the Bass Declaration, which have been designated confidential pursuant to the Stipulated Protective Order and contain personal information, including Plaintiff Oosthuizen’s phone number and email address. “[C]ourts frequently seal personal contact information, such as email addresses and phone numbers.” *Lovejoy v. Transdev Servs., Inc.*, 2025 WL 2646159, at *2 (S.D. Cal. Sept. 15, 2025) (quoting *Canchola v. Allstate Ins. Co.*, No. 8:23-CV-00734, 2024 WL 5275024, at *3 (C.D. Cal. Oct. 8, 2024) (collecting cases)); *see also Nursing Home Pension Fund v. Oracle Corp.*, No. C01-00988 MJJ, 2007 WL 3232267, at *2 (N.D. Cal. Nov. 1, 2007) (“The Ninth Circuit has found that compelling

- 1 reasons exist to keep personal information confidential to protect an individual's
2 privacy interest and to prevent exposure to harm or identity theft.”) (citing *Foltz*
3 *v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1134 (9th Cir. 2003) and
4 *Kamakana v. City & Cnty. of Honolulu*, 477 F.3d 1172, 1184 (9th Cir. 2006)).
- 5 5. Portions from the transcript of Plaintiffs’ deposition of the Bank’s Rule 30(b)(6)
6 designee, William Martin, attached as Exhibit E to the Bass Declaration, which
7 the Bank has designated as confidential or highly confidential.
- 8 6. Portions from the transcript of Plaintiffs’ deposition of the Bank’s Rule 30(b)(6)
9 designee, Michael Letson, attached as Exhibit F to the Bass Declaration, which
10 the Bank has designated as confidential or highly confidential.
- 11 7. The document produced by the Bank in this action Bates-stamped
12 BANA_EDD_MDL-00452826, attached as Exhibit G to the Bass Declaration,
13 which the Bank has designated confidential in its entirety.
- 14 8. The document produced by the Bank in this action Bates-stamped
15 BANA_EDD_MDL-00630754, attached as Exhibit H to the Bass Declaration,
16 which the Bank has designated confidential in its entirety.
- 17 9. Portions from the transcript of Defendant’s deposition of Plaintiffs’ expert Jane
18 Cloninger, attached as Exhibit I to the Bass Declaration, which the Bank has
19 designated as confidential or highly confidential and that the Court sealed in its
20 December 11, 2025 order (Dkt. 598).
- 21 10. Defendant’s Responses and Objections to Plaintiff’s Fourth Set of
22 Interrogatories, attached as Exhibit J to the Bass Declaration, which the Bank has
23 designated confidential pursuant to the Stipulated Protective Order.
- 24 11. The document produced by the Bank in this action Bates-stamped
25 BANA_EDD_MDL-00166345, attached as Exhibit K to the Bass Declaration,
26 which the Bank has designated confidential in its entirety.
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1 12. Portions from the transcript of Plaintiffs' deposition of the Bank's Rule 30(b)(6)
2 designee, Shane Daniels, attached as Exhibit L to the Bass Declaration, which
3 the Bank has designated as confidential or highly confidential.

4 13. Portions of Plaintiff Candace Koole's Objections and Supplemental Responses
5 to the Bank's First Set of Interrogatories, attached as Exhibit M to the Bass
6 Declaration, which the Bank has designated confidential and contain personal
7 information, including Plaintiff Koole's phone number and email address. *See*
8 *Lovejoy*, 2025 WL 2646159, at *2.

9 14. Portions of the April 4, 2025 Expert Rebuttal Report of Natalie Loebner, attached
10 as Exhibit N to the Bass Declaration, which quotes or discusses documents the
11 Bank has designated as confidential or highly confidential.

12 15. Portions of Plaintiffs' Opposition to Defendant's Motion to Exclude Certain
13 Expert Opinions of Jane Cloninger, which quote or discuss the portions of Exhibit
14 A to N of the Bass Declaration or portions of the Bank's *Daubert* Motion (ECF
15 563) that the Bank has designated confidential or highly confidential or that the
16 Court has already ordered sealed.

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19 Respectfully submitted,

20 Dated: January 8, 2025

COTCHETT, PITRE & McCARTHY, LLP

21 By: /s/ Brian Danitz
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1 Dated: January 8, 2025

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2 By: /s/ Michael Rubin

3 MICHAEL RUBIN

4 STACEY M. LEYTON

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6 JAMES BALTZER

7 KATHERINE BASS

Co-Lead Counsel for Plaintiffs and the Class

SIGNATURE ATTESTATION

Pursuant to section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I, Brian Danitz, attest that the other signatories listed, and on whose behalf this filing is submitted, concur in the filing content and have authorized this filing.

Dated: January 8, 2026

/s/ Brian Danitz

Brian Danitz