EXHIBIT M

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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-LAB-MSB PLAINTIFF CANDACE KOOLE'S OBJECTIONS AND *SUPPLEMENTAL* RESPONSES TO BANK OF AMERICA, N.A.'S FIRST SET OF INTERROGATORIES
This Document Relates to All Actions	Judge: Hon. Larry Alan Burns

TO DEFENDANT BANK OF AMERICA, N.A. AND ITS ATTORNEYS OF RECORD:

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff Kuang Ting Chong hereby responds and objects to Defendant Bank of America, N.A.'s First Set of Interrogatories pursuant to the parties' agreements and compromises as follows:

PRELIMINARY STATEMENT

Plaintiff Candace Koole ("Plaintiff") provides these responses and objections based only on information presently available to Plaintiff. Discovery, investigation, and trial preparation are ongoing and not complete. Plaintiff reserves the right to later modify, supplement, or amend these objections and responses as additional information becomes available in the course of fact and expert discovery, investigation, or trial preparation, or in the event that information that is presently in Plaintiff's possession is inadvertently omitted or mistakenly stated herein.

These responses should not be construed as, and do not constitute, a waiver of Plaintiff's right to provide additional facts during this litigation, including at class certification, summary judgment, or trial.

All objections as to privilege, relevance, authenticity, or admissibility of any information or documents referred to herein are expressly reserved.

GENERAL OBJECTIONS

Plaintiff makes the following General Objections to each and every Interrogatory. All responses set forth herein are subject to and without waiver of any of these General Objections:

1. Plaintiff objects to the Interrogatories, including the "DEFINITIONS" AND "INSTRUCTIONS," to the extent they seek to impose on Plaintiff obligations that are not imposed by law, or are otherwise inconsistent with the Federal Rules of Civil Procedure, the Local Civil Rules of the United States

District Court for the Southern District of California, applicable case law, or any rule or order by the Court.

2. Plaintiff objects to the Interrogatories to the extent they are overbroad, burdensome, and oppressive, including because they are overbroad in scope or duration and are unduly burdensome or oppressive because they would require a search for information that is not relevant to the parties' claims and/or defenses and not proportional to the needs of this case. By responding to the Interrogatories, Plaintiff does not concede the relevancy, materiality, or admissibility as evidence of any of the information sought.

3. Plaintiff objects to the Interrogatories to the extent they seek information that is private and protected from disclosure by the attorney-client privilege, work product doctrine, the right to privacy, or any other applicable privilege or immunity. Such information will not be disclosed. Inadvertent disclosure of any such information is not intended to be, and shall not operate as, a waiver of any applicable privilege, protection, or immunity, in whole or in part.

4. Plaintiff objects to the Interrogatories to the extent they seek information that is: (a) within Defendant's own knowledge, and/or to which Defendant has equal or superior access; (b) readily available in Defendant's own records; or (c) publicly available, where the burden of collecting or compiling such information is the same for all parties. Because the burden of deriving such information is substantially the same or greater for Plaintiff, such Interrogatories are unduly burdensome, oppressive, and harassing.

5. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous, and uncertain such that Plaintiff cannot determine the nature of the information sought and is therefore unable to provide such information.

6. Plaintiff objects to the Interrogatories to the extent they call for argumentative or speculative answers or legal conclusions.

7. Plaintiff objects to the Interrogatories to the extent they seek facts known and opinions held by non-witness experts.

8. No objection, limitation, response, or lack thereof made in this Response is intended as an admission by Plaintiff as to the existence or non-existence of information responsive to the Interrogatories.

9. Plaintiff objects to the Interrogatories to the extent Defendant has exceeded the number of permitted Interrogatories without obtaining leave of Court. Defendants' Interrogatories containing separate, discrete requests constitute multiple interrogatories for purposes of the limit on the number of permissible interrogatories.

10. Plaintiff objects to the Interrogatories to the extent Defendant has defined "YOU" to include Plaintiff's agents, without defining that term, and to the extent "agents" is intended to include Plaintiff's attorneys. Plaintiff's responses are based solely upon information within Plaintiff's personal knowledge.

To the extent an Interrogatory is not objected to, Plaintiff used reasonable diligence to obtain information responsive to the Interrogatory answered herein, subject to the objections set forth above, based on examination of such files in Plaintiff's possession, custody, or control as may reasonably be expected to yield such information. To the extent that Defendant seeks to require Plaintiff to do more than the foregoing, Plaintiff also objects to the Interrogatories on the grounds that Defendant seeks information that is not relevant to any party's claim or defense and is not proportional to the needs of the case, and would subject Plaintiffs to oppression, harassment, and undue burden and expense not commensurate with any legitimate discovery need.

These responses are based solely on information presently and personally known to Plaintiff. Some documents within Plaintiff's possession, custody, or control that may have contained information responsive to Defendant's Interrogatories may no longer exist or may otherwise be unavailable. Furthermore, future discovery and independent investigation may supply additional documents, facts, and information that may lead to additions to, changes in, and variations of the following responses. Therefore, Plaintiff reserves the right to amend and supplement these responses at a future time. Plaintiff further reserves the right to introduce, prior to trial or at the time of trial, any additional evidence that may be discovered and any testimony of any witness whose identity may be discovered after the service of Plaintiff's responses to these Interrogatories.

Each of the foregoing objections is incorporated by reference into each of the responses below. To the extent that a particular objection is asserted in response to a particular Interrogatory, that objection is considered particularly relevant to that Interrogatory and is not to be considered as excluding other objections that may be applicable. Subject to and without waiving the foregoing objections, and based solely on presently known information, Plaintiff responds to each Interrogatory as follows:

OBJECTIONS AND SUPPLEMENTAL RESPONSES

INTERROGATORY NO. 1:

State the principal facts RELATING TO YOUR collection of benefits from EDD, including the date(s) YOU collected benefits, YOUR previous occupation before collecting benefits, the amount YOU were making at least a year before collecting benefits, what benefits YOU received (e.g. Pandemic Unemployment Assistance, disability payments, etc.), and the dates (if any) YOU subsequently became employed or ineligible for benefits.

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to the use of "principal facts RELATING TO YOUR collection of benefits from EDD, including the date(s) YOU collected benefits" as vague and ambiguous and overbroad, particularly because "benefits" is not a defined term and is overly broad and not relevant to this litigation. Plaintiff further objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff also objects to the Request for "YOUR previous occupation before collecting benefits [and] the amount YOU were making at least a year before collecting benefits" as overly broad and unduly burdensome for the purposes of this litigation and not relevant to the claims in this action. Plaintiff further objects to this Interrogatory to the extent that it seeks information that is equally available to Defendant or is in Defendant's possession, custody, or control, including because to the extent any portion of these Requests are relevant, the information requested has been or may be incorporated into the payment schedules required by the CFPB/OCC Remediation Plan.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is willing to meet and confer with Defendant with respect to this Interrogatory.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:

Plaintiff objects to this interrogatory as being compound and objects on the ground that the amount of compensation plaintiffs received one year before collecting EDD benefits is not relevant, is unduly burdensome, and is not proportional to the case's needs. Based on Judge Berg's direction at the December 5, 2023 hearing, Plaintiff will provide information concerning her employment history beginning six months prior to her receipt of benefits.

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff collected EDD Benefits in the form of Pandemic Unemployment Assistance beginning on or about April 14, 2020, and continuing until on or about September 04, 2021. Prior to collecting benefits, Plaintiff was self-employed as a [redacted] Plaintiff exhausted her benefits after

September 04, 2021, and was no longer eligible to receive payments.

INTERROGATORY NO. 2:

State the principal facts RELATING TO YOUR allegation that YOU received (or were supposed to receive) EDD BENEFITS, including the time period(s) during which YOU received (or should have received) EDD BENEFITS, which EDD BENEFITS YOU received (or should have received), the amount of EDD BENEFITS that YOU received (or should have received), and the frequency at which YOU received (or should have received) EDD BENEFITS.

RESPONSE TO INTERROGATORY NO. 2:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as vague, ambiguous, overly broad, unduly burdensome, and disproportionate to the needs of the case. This Interrogatory is not limited to a reasonable time period and seeks information not relevant to any claims or defenses in this action. Plaintiff also objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff further objects to this Interrogatory to the extent it seeks information that is unknown to Plaintiff or outside of Plaintiff's possession, custody, or control. Plaintiff also objects to this Interrogatory as unduly burdensome to the extent it seeks information that is in the possession of third parties or is more readily accessible to or already in the possession, custody, or control of Defendant, including because to the extent any portion of these Requests are relevant, the information requested has been or may be incorporated into the payment schedules required by the CFPB/OCC Remediation Plan.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is willing to meet and confer with Defendant with respect to this Interrogatory.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff refers Defendant to Plaintiff's documents produced related to Plaintiff's receipt of EDD benefits, including but not limited to: Koole_C_0000124 to Koole_C_0000449.

INTERROGATORY NO. 3:

State the principal facts RELATING TO whether YOU have ever requested or attempted to request to receive EDD BENEFITS by check during the time period from August 1, 2016 to the present, or asked for information about requesting EDD BENEFITS by check, including when the request was made, whether the request was successful, the steps YOU took to make the request if it was unsuccessful, and the time period(s) during which YOU received EDD BENEFITS by check.

RESPONSE TO INTERROGATORY NO. 3:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory to the extent it requests information regarding the "time period from August 1, 2016 to the present" as overly broad and not proportional to the needs of the case. Plaintiff further objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff further objects to this Interrogatory to the extent that it seeks information that is equally available to Defendant or is in Defendant's possession, custody, or control. Accordingly, Plaintiff will provide information relating to whether Plaintiff requested to receive EDD BENEFITS by check from January 1, 2020 to present.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: On December 30, 2020, Plaintiff tried to use her Bank of America EDD debit card at a grocery store to buy food for herself and her infant son, and her card was repeatedly declined at the checkout stand. Confused, Plaintiff left the groceries at the store and went home to check her account balance. In doing so, Plaintiff found the account had $8.37 in it, down from over $9,000 the week before. Her online account statement showed that someone had withdrawn $1,000 per day at several different locations around Southern California until Plaintiff's account was nearly drained. Plaintiff did not authorize these withdrawals, and her card was in her possession when they occurred.

That same day, Plaintiff called Bank of America and submitted a claim disputing the fraudulent transactions. The Bank of America representative Plaintiff spoke with informed her over the phone that her account would be frozen as a result of Plaintiff reporting fraud, and her account was frozen that day. The Bank representative also told Plaintiff that she was responsible for proving that she had not committed the fraud on her own account and advised her to file a police report in support of my claim.

After submitting her initial claim on December 30, 2020, Plaintiff repeatedly called Bank of America looking for updates. Plaintiff would get a different status on her claim with every different Bank of America representative she spoke with. Some said the status is pending, some said she needed to communicate with EDD, and some said that her account was completely closed. On a different occasion, a Bank representative accused Plaintiff of having committed fraud and now unjustly requesting reimbursement. Other times, Bank of America representatives told her that she needed to contact EDD to tell the agency to communicate with Bank of America to unfreeze her account. However, Plaintiff called EDD and was told that their system does not show any issues with her account.

Finally, on January 6, 2021, Plaintiff sent a fax to EDD asking them to distribute her unemployment benefits via paper checks, and in late February, she began receiving her benefits by check. The Claim event number on the fax is 201230006779.

INTERROGATORY NO. 4:

State the principal facts RELATING TO whether YOU, or PERSONS acting on YOUR behalf, have ever authorized another PERSON to access or make TRANSACTIONS on YOUR ACCOUNT (including YOUR CARD), including IDENTIFYING that PERSON, the date(s) authority was given to that PERSON, the duration of their authority (i.e., whether that authority was ever revoked), the reason YOU gave that PERSON authority to use YOUR CARD, the intended purchase and/or purchase amount by the PERSON using YOUR CARD, and whether YOU disclosed YOUR pin to any other PERSON identified in response to this Interrogatory.

RESPONSE TO INTERROGATORY NO. 4:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as vague and ambiguous to the extent it asks for the principal facts "RELATING TO" whether YOU, or a PERSON acting on YOUR behalf, have ever "authorized" another person to "access . . . YOUR ACCOUNT." Plaintiff also objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff further objects to this Interrogatory as overly broad and unduly burdensome because it is not limited as to time and to the extent it seeks information that is neither relevant to any claim or defense in this action, nor proportional to the needs of this case.

Accordingly, Plaintiff will limit their response to the period from January 1, 2020, to present.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff did not authorize a third party to access their account in connection with the transactions at issue in this case.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:

Pursuant to Judge Berg's direction at the December 5 hearing, Plaintiff will supplement the following interrogatories to provide: (a) a list of the devices Plaintiff used to access Plaintiff's online Bank of America EDD debit card account; (b) a list of who had access to those devices; and (c) a list of who had access to Plaintiff's Bank of America EDD debit card account. Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff used her laptop computer and phone to access her online Bank of America EDD debit card accounts. Only Plaintiff had access to her laptop and only Plaintiff had access to her phone. Only Plaintiff had access to her Bank of America and EDD Accounts.

INTERROGATORY NO. 5:

If you allege that any TRANSACTIONS on YOUR ACCOUNT were unauthorized or made in error, state the principal facts RELATING TO each distinct TRANSACTION that YOU allege was unauthorized or made in error, including IDENTIFYING the TRANSACTION, the type of error (including whether the error was an "error" under EFTA Regulation E (15 U.S.C. § 1693 *et seq.*) and if so, which type of error), any fees YOU allege were improperly assessed RELATING TO the TRANSACTION (including the amount of the fee(s) and the date(s) of assessment), and the basis for YOUR belief that each TRANSACTION was an error.

RESPONSE TO INTERROGATORY NO. 5:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as unduly burdensome to the extent that it seeks information that is more readily accessible to or already in the possession, custody, or control of Defendant, including because to the extent any portion of these Requests are relevant, the information requested has been or may be incorporated into the payment schedules required by the CFPB/OCC Remediation Plan. Plaintiff further objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff also objects that it calls for a legal conclusion, premature disclosure of expert opinions and conclusions and it is overbroad in that it requests information that is subject to the attorney-client and attorney work-product privilege.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff did not authorize a third party to access their account in connection with the transactions at issue in this case. Several transactions from different ATMs across Southern California were made by an unknown individual and/or unknown individuals that was not Plaintiff. Each withdrawal was in increments of $1000 each day. Plaintiff's online Account statement showed that $8,760 had been fraudulently taken out of her Account by unauthorized ATM withdrawals. Plaintiff did not authorize these withdrawals, and her Card was in her possession when they occurred. She also had never disclosed her Card PIN to anyone and had never authorized anyone to use her Card.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: On December 30, 2020, Plaintiff tried to use her EDD Debit Card at a grocery store to buy food for her and her young son, and the Card was repeatedly declined at the checkout stand. She left the groceries at the store and went home to check her Account balance. She was shocked to find her Account had just approximately $7 in it, down from approximately $9,000 the week before. Her online Account statement showed that $8,760 had been fraudulently taken out of her Account by ATM withdrawals—mostly withdrawals of the daily maximum of $1,000 per day at several different ATM locations around Southern California until her Account was nearly empty. *See e.g.* BANA_EDD_MDL-00000757, BANA_EDD_MDL-00043566. She did not authorize these withdrawals, and her

Card was in her possession when they occurred. She also had never disclosed her Card PIN to anyone and had never authorized anyone to use her Card.

The same day, Plaintiff called the Bank and submitted a claim disputing the fraudulent transactions. The unauthorized transactions reported to Bank of America were recorded by Defendant as Claim No. 201230304711 on or about December 30, 2020. *See e.g.* Defendant's Second Supplemental Responses to Plaintiffs' First Set of Interrogatories, Revised Exhibit 1.During that call, a Bank representative told Plaintiff that her EDD Debit Card Account would be frozen as a result of her reporting fraud, and Plaintiff's Account was frozen that day. The Bank representative told Plaintiff that she was responsible for proving that she had not committed the fraud on her Account and advised her to file a police report in support of her fraud claim.

Immediately after speaking with the Bank, Plaintiff attempted to file a police report with the Riverside County Sheriff's Department. She could not complete the report, however, because she did not know the "terminal ID numbers" corresponding to the ATMs where money had been fraudulently withdrawn from her Account. And because Plaintiff's Account was frozen, she could not access her Account online and, thus, could not access any details about the fraudulent transactions, including the information necessary to complete the police report. *See e.g.* PLFF00000221, PLFF00000223.

In early January 2021, Plaintiff received a letter from the Bank dated December 31, 2020—just one day after she submitted her claim disputing the fraudulent transactions—denying her claim. The Bank provided the following generic explanation for denying her claim: "Your claim has been closed because we believe the account or the claim have been the subject of fraud or suspicious activity." *See e.g.* BANA_EDD_MDL-00411205.

In the months after the Bank rejected Plaintiff's fraud claim and froze her Account, Plaintiff repeatedly called the Bank to address these issues. Some Bank representatives said the status of her claim was pending, others that she needed to communicate with EDD, and others that her Account was completely closed. On a different occasion, a Bank representative accused Plaintiff of having committed fraud and now unjustly requesting reimbursement. Other times, Bank representatives told Plaintiff that she needed to contact EDD to tell the agency to communicate with the Bank to unfreeze her Account. But when Plaintiff called EDD she was told by EDD that their system did not show any issues with her Account. Plaintiff spent approximately 100 hours on the phone trying to resolve the issues relating to her Account. *See e.g.* BANA_EDD_MDL-00001045, BANA_EDD_MDL-00001044, BANA_EDD_MDL-00001043, Koole_C_0000001, Koole_C_0000004, Koole_C_0000006, Koole_C_0000007, Koole_C_0000008.

Plaintiff is a single mother with a young son. She was forced to live week to week, rationing out food for her child. She also had no way to get a job because of the COVID-19 pandemic, and every day she wondered if she would soon be homeless. Therefore, Bank of America's failure to conduct a proper investigation and timely respond to Plaintiff's report of fraudulent activity on her account was injurious to Plaintiff.

Plaintiff reserves the right to Supplement this Interrogatory Response as discovery continues.

INTERROGATORY NO. 6:

State the principal facts RELATING TO why YOU believe that BANA should have identified the allegedly unauthorized TRANSACTIONS as suspicious, including IDENTIFYING the allegedly unauthorized TRANSACTIONS YOU claim BANA should have identified as suspicions, the facts that form the basis for YOUR belief, such as the location of the merchant and YOUR location on that date, and whether BANA did in fact identify the TRANSACTION as suspicious.

RESPONSE TO INTERROGATORY NO. 6:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff objects to this Interrogatory as unduly burdensome to the extent that it seeks information that is more readily accessible to or already in the possession, custody, or control of Defendant, including because to the extent any portion of these Requests are relevant, the information requested has been or may be incorporated into the payment schedules required by the CFPB/OCC Remediation Plan. Plaintiff further objects to this Interrogatory because Defendant and Plaintiff's experts have superior knowledge as to best practices for identifying unauthorized transactions as suspicious.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff notified the Defendant that the transaction at issue in this matter was unauthorized. Plaintiff also refers Defendant to the documents in Defendant's possession and control, Plaintiffs' First Amended Master Consolidated Complaint, the Preliminary Injunction in this case and the facts and evidence supporting the Preliminary Injunction, the Consumer Financial Protection Bureau Consent Order of July 14, 2022, and Plaintiffs' document production.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiffs' Supplemental Interrogatory Answer No. 5, which is hereby fully incorporated herein.

INTERROGATORY NO. 7:

State the principal facts RELATING TO whether YOUR PERSONAL INFORMATION was compromised, including whether YOUR PERSONAL INFORMATION, wallet, CARD, or cellphone were ever stolen, and whether YOU were notified by a THIRD PARTY (e.g. government agency, employer, merchant, website) that YOUR PERSONAL INFORMATION may have been compromised.

RESPONSE TO INTERROGATORY NO. 7:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as vague and ambiguous to the extent it asks "whether YOUR PERSONAL INFORMATION was compromised" and on the ground that it is overbroad, not proportional to the needs of this case, and ambiguous as to the included time period. Plaintiff further objects to this Interrogatory on the ground that it requests information regarding cell phones, wallets and notifications by a THIRD PARTY about potential compromises of Plaintiff's PERSONAL INFORMATION that is unrelated to the claims made by Plaintiff and it is therefore overbroad and not proportional to the needs of this case. Plaintiff further objects to this Interrogatory as compound and counting as multiple distinct interrogatories.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: On December 30, 2020, Plaintiff tried to use her Bank of America EDD debit card at a grocery store to buy food for herself and her infant son, and her card was repeatedly declined at the checkout stand. Confused, Plaintiff left the groceries at the store and went home to check her account balance. In doing so, Plaintiff found the account had $8.37 in it, down from over $9,000 the week before. Several transactions from different ATMs across Southern California were made by an unknown individual and/or unknown individuals that was not Plaintiff. Each withdrawal was in increments of $1000 each day. Plaintiff's online Account statement showed that $8,760 had been fraudulently taken out of her Account by unauthorized ATM withdrawals. Plaintiff did not authorize these withdrawals, and her Card was in her possession when they occurred. She also had never disclosed her Card PIN to anyone and had never authorized anyone to use her Card. Plaintiff was completely unaware of any transactions that were being made without her consent. Plaintiff was not notified by Bank of America even though there was very unusual activity occurring in her account daily.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiff's Supplemental Response to Interrogatory No. 5, which is hereby fully incorporated herein.

INTERROGATORY NO. 8:

State the principal facts RELATED TO all YOUR CLAIMS, including the date of the CLAIM, the manner in which the CLAIM was submitted or communicated to BANA, IDENTIFYING all TRANSACTIONS included in the CLAIM, the interest YOU believe YOU are entitled to and the basis for that belief, IDENTIFYING the PERSON YOU believe made the transaction, whether YOU knew a TRANSACTION subject to a CLAIM was authorized by YOU or by someone with authority to use YOUR CARD or ACCOUNT, and the information provided to BANA about the disputed TRANSACTION (including but not limited to any DOCUMENTS or COMMUNICATIONS provided to BANA).

RESPONSE TO INTERROGATORY NO. 8:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as overbroad. Plaintiff further objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff also objects to this Interrogatory to the extent it seeks information that is unknown to Plaintiff or outside of Plaintiff's possession, custody, or control. Plaintiff also objects to this Interrogatory to the extent that the Interrogatory calls for information within Defendant's own possession, custody, or control, or readily obtainable by Defendant, including because to the extent any portion of these Requests are relevant, the information requested has been or may be incorporated into the payment schedules required by the CFPB/OCC Remediation Plan. Plaintiff further objects to this Interrogatory on the grounds that it calls for premature disclosure of expert opinions and conclusions.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: On December 30, 2020, Plaintiff tried to use her Bank of America EDD debit card at a grocery store to buy food for herself and her infant son, and her card was repeatedly declined at the checkout stand. Confused, Plaintiff left the groceries at the store and went home to check her account balance. In doing so, Plaintiff found the account had $8.37 in it, down from over $9,000 the week before. Her online account statement showed that someone had withdrawn $1,000 per day at several different locations around Southern California until Plaintiff's account was nearly drained. Plaintiff did not authorize these withdrawals, and her card was in her possession when they occurred.

That same day, Plaintiff called Bank of America and submitted a claim disputing the fraudulent transactions. The Bank of America representative Plaintiff spoke with informed her over the phone that her account would be frozen as a result of Plaintiff reporting fraud, and her account was frozen that day. The Bank representative also told Plaintiff that she was responsible for proving that she had not committed the fraud on her own account and advised her to file a police report in support of my claim.

Immediately after speaking with the Bank, Plaintiff attempted to file a police report with the Riverside County Sheriff's Department. She could not complete the report, however, because she did not know the "terminal ID numbers" corresponding to the ATMs where money had been fraudulently withdrawn from her Account. And because Plaintiff's Account was frozen, she could not access her Account online and, thus, could not access any details about the fraudulent transactions, including the information necessary to complete the police report.

In early January 2021, Plaintiff received a letter from the Bank dated December 31, 2020—just one day after she submitted her claim disputing the fraudulent transactions—denying her claim. The Bank provided the following generic explanation for denying her claim: "Your claim has been closed because we believe the account or the claim have been the subject of fraud or suspicious activity." Therefore, the Bank failed to conduct a good-faith investigation of Plaintiff's fraud claim and did not have a reasonable basis for its determination that Plaintiff had authorized or benefitted from the transaction.

In the months after the Bank rejected Plaintiff's fraud claim and froze her Account, Plaintiff repeatedly called the Bank to address these issues. Some Bank representatives said the status of her claim was pending, others that she needed to communicate with EDD, and others that her Account was completely closed. On a different occasion, a Bank representative accused Plaintiff of having committed fraud and now unjustly requesting reimbursement. Other times, Bank representatives told Plaintiff that she needed to contact EDD to tell the agency to communicate with the Bank to unfreeze her Account. But when Plaintiff called EDD she had been told by EDD that their system did not show any issues with her Account. Plaintiff spent approximately 100 hours on the phone trying to resolve the issues relating to her Account.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiffs' Supplemental Interrogatory Answer No. 5, which is hereby fully incorporated herein.

INTERROGATORY NO. 9:

If YOU contend any part of any of YOUR CLAIMS was wrongly denied, state the principal facts RELATING TO YOUR allegations in the COMPLAINT that YOUR CLAIMS were wrongly denied, including IDENTIFYING the CLAIMS, or which parts of which CLAIMS, that YOU believe were wrongly denied and any evidence or information that YOU believe was not considered by BANA.

RESPONSE TO INTERROGATORY NO. 9:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff further also objects to this Interrogatory to the extent that the Interrogatory calls for information within Defendant's own possession, custody, or control, or readily obtainable by Defendant, including because to the extent any portion of these Requests are relevant, the information requested has been or may be incorporated into the payment schedules required by the CFPB/OCC Remediation Plan. Plaintiff also objects to this Interrogatory on the grounds that it is premature insofar as it seeks "contention" discovery to which Defendant is not entitled at this time.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff resides in [redacted] She is a [redacted] who found herself out of work during the COVID-19 pandemic. She applied for and was found eligible by EDD to receive unemployment benefits. Soon thereafter, she received an EDD Debit Card with a magnetic stripe (but no EMV chip) to access her benefits. In December 2020, she was then the victim of unauthorized transactions on her EDD Debit Card Account. Plaintiff promptly reported the unauthorized transaction to Bank of America, which failed to comply with its legal obligations causing Plaintiff to suffer immediate and irreparable injury.

Plaintiff started receiving EDD unemployment benefits through a Bank of America EDD Debit Card during the COVID-19 pandemic. She generally used her Card to pay for essentials like food, rent, medicine, and toiletries. She also used it to pay for hospital visits and dental work.

On December 30, 2020, Plaintiff tried to use her EDD Debit Card at a grocery store to buy food for her and her young son, and the Card was repeatedly declined at the checkout stand. She left the groceries at the store and went home to check her Account balance. She was shocked to find her Account had just $7 in it, down from approximately $9,000 the week before. Her online Account statement showed that $8,760 had been fraudulently taken out of her Account by ATM withdrawals—mostly withdrawals of the daily maximum of $1,000 per day at several different ATM locations around Southern California until her Account was nearly empty. She did not authorize these withdrawals, and her Card was in her possession when they occurred. She also had never disclosed her Card PIN to anyone and had never authorized anyone to use her Card.

The same day, Plaintiff called the Bank and submitted a claim disputing the fraudulent transactions. During that call, a Bank representative told Plaintiff that her EDD Debit Card Account would be frozen as a result of her reporting fraud, and Plaintiff's Account was frozen that day. The Bank representative told Plaintiff that she was responsible for proving that she had not committed the fraud on her Account and advised her to file a police report in support of her fraud claim.

Immediately after speaking with the Bank, Plaintiff attempted to file a police report with the Riverside County Sheriff's Department. She could not complete the report, however, because she did not know the "terminal ID numbers" corresponding to the ATMs where money had been fraudulently withdrawn from her Account. And because Plaintiff's Account was frozen, she could not access her Account online and, thus, could not access any details about the fraudulent transactions, including the information necessary to complete the police report.

In early January 2021, Plaintiff received a letter from the Bank dated December 31, 2020—just one day after she submitted her claim disputing the fraudulent transactions—denying her claim. The Bank provided the following generic explanation for denying her claim: "Your claim has been closed because we believe the account or the claim have been the subject of fraud or suspicious activity."

In the months after the Bank rejected Plaintiff's fraud claim and froze her Account, Plaintiff repeatedly called the Bank to address these issues. Some Bank representatives said the status of her claim was pending, others that she needed to communicate with EDD, and others that her Account was completely closed. On a different occasion, a Bank representative accused Plaintiff of having committed fraud and now unjustly requesting reimbursement. Other times, Bank representatives told Plaintiff that she needed to contact EDD to tell the agency to communicate with the Bank to unfreeze her Account. But when Plaintiff called EDD she had been told by EDD that their system did not show any issues with her Account. Plaintiff spent approximately 100 hours on the phone trying to resolve the issues relating to her Account.

Plaintiff is a single mother with a young son. She was forced to live week to week, rationing out food for her child. She also had no way to get a job because of the COVID-19 pandemic, and every day she wondered if she would soon be homeless. Therefore, Bank of America's failure to conduct a proper investigation and timely respond to Plaintiff's report of fraudulent activity on her account was injurious to Plaintiff.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiff's Supplemental Interrogatory Answer No. 5, which is hereby fully incorporated herein.

INTERROGATORY NO. 10:

If YOU believe that YOUR PERSONAL INFORMATION was compromised or accessed by an unauthorized PERSON in connection with a SECURITY BREACH at BANA, during the time period from August 1, 2016 to the present, then state the principal facts RELATING TO YOUR belief, including all facts that form the basis for YOUR belief, such as when and how YOUR PERSONAL INFORMATION was accessed.

RESPONSE TO INTERROGATORY NO. 10:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory to the extent the Interrogatory calls for information within Defendant's own possession, custody, or control or is well known to or readily obtainable by Defendant. Plaintiff further objects to this Interrogatory because Defendant has superior knowledge of "a SECURITY BREACH at BANA." Plaintiff also objects to this Interrogatory that the time period from August 1, 2016 to present is overly broad for the purposes of this litigation and the information requested is not relevant to the claims in this action or proportional to the needs of the litigation at issue. Plaintiff further objects to this Interrogatory on the ground that it calls for the premature disclosure of expert opinions and conclusion.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Defendant's lax security practices, including its failure to include EMV chips on EDD Debit Cards and its failure to vet, train, and monitor contractors and employees to whom it gave access to Plaintiff's PII resulted in the unauthorized transaction on Plaintiff's account that is at issue in this lawsuit. Plaintiff's investigation into this issue is ongoing.

INTERROGATORY NO. 11:

If YOU contend that any unauthorized TRANSACTIONS could have been avoided if YOUR CARD had an EMV chip, during the time period from August 1, 2016 to the present, then state the principal facts RELATING TO and that form the basis of YOUR belief, including IDENTIFYING the TRANSACTIONS that YOU believe could have been avoided and whether and when your card was "skimmed."

RESPONSE TO INTERROGATORY NO. 11:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory on the grounds that it is premature insofar as it seeks "contention" discovery to which Defendant is not entitled at this time. Plaintiff also objects to this Interrogatory on the ground that it is overbroad in that it requests information for the time period from August 1, 2016, to present which is not relevant to the claims in this action or proportional to the needs of the litigation. In addition, this Interrogatory is overbroad as it calls for premature disclosure of expert opinions and conclusions and information subject to the attorney client and attorney work product privileges. Plaintiff further objects to this Interrogatory on the grounds that it requests information that is equally available to and/or in the possession of Defendant.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: The Bank was well aware, long before issuing an EDD Debit Card to Plaintiff, that EMV chips were the industry standard, that limiting security measures to a magnetic stripe was insufficient to protect the PII and other account information of the cardholder, and that Plaintiff was a member of a class of particularly vulnerable individuals to which the Bank owed a duty to protect from fraudulent account transactions using readily available technology that was already widely in use by the Bank.

INTERROGATORY NO. 12:

If YOU contend that YOUR ACCOUNT was improperly frozen or blocked, then state the principal facts RELATING TO each instance YOU believe YOUR ACCOUNT was improperly frozen or blocked, including the time period(s) of each instance, whether the ACCOUNT was frozen or blocked, why YOU believe the freeze or block was improper, how YOU learned of the freeze or block, the amount of funds YOU were unable to access, and the amount of funds that were not deposited because of the freeze or block.

RESPONSE TO INTERROGATORY NO. 12:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff also objects to this Interrogatory as unduly burdensome to the extent that the Interrogatory calls for information within Defendant's own possession, custody, or control, and well known to or readily obtainable by Defendant, including because to the extent any portion of these Requests are relevant, the information requested has been or may be incorporated into the payment schedules required by the CFPB/OCC Remediation Plan. Plaintiff further objects to this Interrogatory because it requests information that is not relevant to this litigation, including how Plaintiff learned of the freeze or block.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff resides in [redacted] She is a [redacted] who found herself out of work during the COVID-19 pandemic. She applied for and was found eligible by EDD to receive unemployment benefits. Soon thereafter, she received an EDD Debit Card with a magnetic stripe (but no EMV chip) to access her benefits. In December 2020, she was the victim of unauthorized transactions on her EDD Debit Card Account. Plaintiff promptly reported the unauthorized transaction to Bank of America, which failed to comply with its legal obligations causing Plaintiff to suffer immediate and irreparable injury.

Plaintiff started receiving EDD unemployment benefits through a Bank of America EDD Debit Card during the COVID-19 pandemic. She generally used her Card to pay for essentials like food, rent, medicine, and toiletries. She also used it to pay for hospital visits and dental work.

On December 30, 2020, Plaintiff tried to use her EDD Debit Card at a grocery store to buy food for her and her young son, and the Card was repeatedly declined at the checkout stand. She left the groceries at the store and went home to check her Account balance. She was shocked to find her Account had just $7 in it, down from approximately $9,000 the week before. Her online Account statement showed that $8,760 had been fraudulently taken out of her Account by ATM withdrawals—mostly withdrawals of the daily maximum of $1,000 per day at several different ATM locations around Southern California until her Account was nearly empty. She did not authorize these withdrawals, and her Card was in her possession when they occurred. She also had never disclosed her Card PIN to anyone and had never authorized anyone to use her Card.

The same day, Plaintiff called the Bank and submitted a claim disputing the fraudulent transactions. During that call, a Bank representative told Plaintiff that her EDD Debit Card Account would be frozen as a result of her reporting fraud, and Plaintiff's Account was frozen that day. The Bank representative told Plaintiff that she was responsible for proving that she had not committed the fraud on her Account and advised her to file a police report in support of her fraud claim.

Immediately after speaking with the Bank, Plaintiff attempted to file a police report with the Riverside County Sheriff's Department. She could not complete the report, however, because she did not know the "terminal ID numbers" corresponding to the ATMs where money had been fraudulently withdrawn from her Account. And because Plaintiff's Account was frozen, she could not access her Account online and, thus, could not access any details about the fraudulent transactions, including the information necessary to complete the police report.

In early January 2021, Plaintiff received a letter from the Bank dated December 31, 2020—just one day after she submitted her claim disputing the fraudulent transactions—denying her claim. The Bank provided the following generic explanation for denying her claim: "Your claim has been closed because we believe the account or the claim have been the subject of fraud or suspicious activity."

In the months after the Bank rejected Plaintiff's fraud claim and froze her Account, Plaintiff repeatedly called the Bank to address these issues. Some Bank representatives said the status of her claim was pending, others that she needed to communicate with EDD, and others that her Account was completely closed. On a different occasion, a Bank representative accused Plaintiff of having committed fraud and now unjustly requesting reimbursement. Other times, Bank representatives told Plaintiff that she needed to contact EDD to tell the agency to communicate with the Bank to unfreeze her Account. But when Plaintiff called EDD she had been told by EDD that their system did not show any issues with her Account. Plaintiff spent approximately 100 hours on the phone trying to resolve the issues relating to her Account.

Plaintiff is a single mother with a young son. She was forced to live week to week, rationing out food for her child. She also had no way to get a job because of the COVID-19 pandemic, and every day she wondered if she would soon be homeless. Therefore, Bank of America's failure to conduct a proper investigation and timely respond to Plaintiff's report of fraudulent activity on her account was injurious to Plaintiff.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiff's Supplemental Interrogatory Answer No. 5, which is hereby fully incorporated herein. According to Bank of America's records, Plaintiff's account was frozen from December 31, 2020 to April 05, 2021. and *See* Exhibit 3 of Bank of America's Second Supplemental Response to Plaintiffs' First Set of Interrogatories.

For further information, Plaintiff refers Defendant to documents produced related to Plaintiff, including but not limited to BANA_EDD_MDL-00411205,

PLFF00000217, BANA_EDD_MDL-00044180, BANA_EDD_MDL-00074328, PLFF00000221, PLFF00000223.

INTERROGATORY NO. 13:

State the principal facts RELATING TO all steps YOU took to remove any improper freeze or block on YOUR ACCOUNT, including whether YOU contacted BANA or EDD, when and how YOU contacted BANA or EDD, and what information YOU provided BANA or EDD to verify YOUR identity.

RESPONSE TO INTERROGATORY NO. 13:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff also objects to this Interrogatory as unduly burdensome to the extent that the Interrogatory calls for information within Defendant's own possession, custody, or control or is well known to or readily obtainable by Defendant. Plaintiff further objects to this Interrogatory because it requests information that is not relevant to this litigation, because Plaintiff had no legal obligation to take steps to remove any improper freeze or block imposed by the Bank on Plaintiff's account.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff Candace Koole resides in [redacted] She is a [redacted] who found herself out of work during the COVID-19 pandemic. She applied for and was found eligible by EDD to receive unemployment benefits. Soon thereafter, she received an EDD Debit Card with a magnetic stripe (but no EMV chip) to access her benefits. In December 2020, she was then the victim of unauthorized transactions on her EDD Debit Card Account. Plaintiff promptly reported the unauthorized transaction to Bank of America, which failed to comply with its legal obligations causing Plaintiff to suffer immediate and irreparable injury.

Plaintiff started receiving EDD unemployment benefits through a Bank of America EDD Debit Card during the COVID-19 pandemic. She generally used her Card to pay for essentials like food, rent, medicine, and toiletries. She also used it to pay for hospital visits and dental work.

On December 30, 2020, Plaintiff tried to use her EDD Debit Card at a grocery store to buy food for her and her young son, and the Card was repeatedly declined at the checkout stand. She left the groceries at the store and went home to check her Account balance. She was shocked to find her Account had just $7 in it, down from approximately $9,000 the week before. Her online Account statement showed that $8,760 had been fraudulently taken out of her Account by ATM withdrawals—mostly withdrawals of the daily maximum of $1,000 per day at several different ATM locations around Southern California until her Account was nearly empty. She did not authorize these withdrawals, and her Card was in her possession when they occurred. She also had never disclosed her Card PIN to anyone and had never authorized anyone to use her Card.

The same day, Plaintiff called the Bank and submitted a claim disputing the fraudulent transactions. During that call, a Bank representative told Plaintiff that her EDD Debit Card Account would be frozen as a result of her reporting fraud, and Plaintiff's Account was frozen that day. The Bank representative told Plaintiff that she was responsible for proving that she had not committed the fraud on her Account and advised her to file a police report in support of her fraud claim.

Immediately after speaking with the Bank, Plaintiff attempted to file a police report with the Riverside County Sheriff's Department. She could not complete the report, however, because she did not know the "terminal ID numbers" corresponding to the ATMs where money had been fraudulently withdrawn from her Account. And because Plaintiff's Account was frozen, she could not access her Account online and, thus, could not access any details about the fraudulent transactions, including the information necessary to complete the police report.

In early January 2021, Plaintiff received a letter from the Bank dated December 31, 2020—just one day after she submitted her claim disputing the fraudulent transactions—denying her claim. The Bank provided the following generic explanation for denying her claim: "Your claim has been closed because we believe the account or the claim have been the subject of fraud or suspicious activity."

In the months after the Bank rejected Plaintiff's fraud claim and froze her Account, Plaintiff repeatedly called the Bank to address these issues. Some Bank representatives said the status of her claim was pending, others that she needed to communicate with EDD, and others that her Account was completely closed. On a different occasion, a Bank representative accused Plaintiff of having committed fraud and now unjustly requesting reimbursement. Other times, Bank representatives told Plaintiff that she needed to contact EDD to tell the agency to communicate with the Bank to unfreeze her Account. But when Plaintiff called EDD she had been told by EDD that their system did not show any issues with her Account. Plaintiff had NO WAY of contacting Bank of America through email or receiving any emails because her account was frozen, so she was cut off from receiving any updates electronically. Therefore, Plaintiff spent hours on the phone trying to get ahold of anyone at Bank of America or EDD just to speak to a representative. Plaintiff spent approximately 100 hours on the phone trying to resolve the issues relating to her Account. Plaintiff is a single mother with a young son. She was forced to live week to week, rationing out food for her child. She also had no way to get a job because of the COVID-19 pandemic, and every day she wondered if she would soon be homeless. Therefore, Bank of America's failure to conduct a proper investigation and timely respond to Plaintiff's report of fraudulent activity on her account was injurious to Plaintiff.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 13:

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiff's Supplemental Interrogatory Answer No. 12, which is hereby fully incorporated herein.

INTERROGATORY NO. 14:

State the principal facts RELATING TO the damages YOU are seeking in this case, including the total amount of damages YOU are seeking, the type or nature of damages, the basis for the damages, whether YOUR damages includes any interest or late fees, the basis for inclusion of any interest or late fees, the timeframe during which you are seeking interest, YOUR proposed interest rate, any calculations RELATED TO YOUR damages, any DOCUMENTS YOU relied upon in calculating YOUR damages, and IDENTIFYING any PERSONS who assisted YOU or whom YOU consulted in identifying or calculating YOUR damages.

RESPONSE TO INTERROGATORY NO. 14:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff also objects to this Interrogatory to the extent it requests disclosure of expert testimony that is premature or beyond the scope of Federal Rule of Civil Procedure 26(a)(2) and requests disclosure of attorney-client privileged information or attorney work-product. Plaintiff further objects to this Interrogatory to the extent it requests information within Defendant's own possession, custody, or control or is well known to or readily obtainable by Defendant, including because to the extent any portion of these Requests are relevant, the information requested has been or may be incorporated into the payment schedules required by the CFPB/OCC Remediation Plan.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is seeking compensatory, statutory, and punitive damages, as set forth in the FAMCC. Plaintiff's investigation into damages is ongoing and awaits the production of data and information concerning Plaintiff's portion of the recovery from the CFPB/OCC Remediation Plan, as well as expert analysis once pertinent discovery has been provided. Any class-wide damages analysis that includes Plaintiff's claim will be provided in a manner consistent with the Court's applicable scheduling order.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14:

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiffs are seeking class wide punitive and treble damages. Facts supporting class punitive damages include the following:

Plaintiff is a single mother with a young son. Plaintiff had just signed a new lease for $1,500 a month and moved into a new apartment when she discovered that $8,760 had been fraudulently taken out of her Account by unauthorized ATM withdrawals. Plaintiff was forced to live week to week, rationing out food for her child. She also had no way to get a job because of the COVID-19 pandemic, and every day she wondered if she would soon be homeless. As a result, Plaintiff had to borrow money from friends and family to keep up with her bills and living expenses. Plaintiff also used her tax return and money received from her wedding, which Plaintiff had been saving. Plaintiff had a separate Chase Bank account into which her friends and family would deposit funds for Plaintiff. Plaintiff experienced stress and anxiety from having to ask for loans to pay her bills and living expenses and making sure that all the money she borrowed was paid back. Plaintiff also experienced panic attacks due to concerns about her future but did not consult with a medical professional.

In the months after the Bank rejected Plaintiff's fraud claim and froze her Account, Plaintiff repeatedly called the Bank to address these issues. On one such occasion, a Bank representative accused Plaintiff of having committed the fraud and now unjustly requested reimbursement. Therefore, Plaintiff became stressed and anxious that every time she called the Bank to make additional inquiries, she would be accused of committing a felony and that Bank of America would come after her for the money that was stolen.

Plaintiff reserves the right to Supplement this Interrogatory Response as discovery continues.

INTERROGATORY NO. 15:

For all damages identified in response to Interrogatory No. 14, state the principal facts that support YOUR alleged damages theory, including which of BANA's alleged actions or inactions resulted in YOUR alleged damages, how BANA's alleged actions or inactions caused YOUR alleged damages, and the amount of money YOU were deprived of because of each of BANA's actions or inactions.

RESPONSE TO INTERROGATORY NO. 15:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as vague, ambiguous, overly broad, and unduly burdensome. Plaintiff further objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff also objects to this Interrogatory to the extent it requests disclosure of expert testimony that is premature or beyond the scope of Federal Rule of Civil Procedure 26(a)(2) and requests disclosure of attorney-client privileged information or attorney work-product. Plaintiff further objects to this Interrogatory to the extent that the Interrogatory calls for information within Defendant's own possession, custody, or control or is well known to or readily obtainable by Defendant, including because to the extent any portion of these Requests are relevant, the information requested has been or may be incorporated into the payment schedules required by the CFPB/OCC Remediation Plan.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is seeking compensatory, statutory, and punitive damages, as set forth in the FAMCC. Plaintiff's investigation into damages is ongoing and awaits the production of data and information concerning Plaintiff's portion of the recovery from the CFPB/OCC Remediation Plan, as well as expert analysis once pertinent discovery has been provided. Any class-wide damages analysis that includes Plaintiff's claim will be provided in a manner consistent with the Court's applicable scheduling order.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15:

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiff's Supplemental Interrogatory Answer No. 14, which is hereby fully incorporated herein.

INTERROGATORY NO. 16:

For any bills, expenses, or debts that YOU allege YOU were unable to pay because of BANA's actions alleged in the COMPLAINT, state the principal facts as to why BANA's actions caused YOU to be unable to pay it, including identifying each bill, expense, or debt that was owed, when it was due, the amount of other assets or funds available to YOU at that time, and why YOU were not able to use other assets or funds to pay those bills, expenses, or debts at the time they were due.

RESPONSE TO INTERROGATORY NO. 16:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as overly broad as to scope, and therefore unduly burdensome. Plaintiff also objects to this Interrogatory on the ground that unduly violates the Plaintiff's right to privacy and is vague and ambiguous as to "unable to pay." Plaintiff further objects to this Interrogatory as compound and counting as multiple distinct interrogatories. Plaintiff further objects to this Interrogatory to the extent that the Interrogatory calls for information within Defendant's own possession, custody, or control or is well known to or readily obtainable by Defendant, including because to the extent any portion of these Requests are relevant, the information requested has been or may be incorporated into the payment schedules required by the CFPB/OCC Remediation Plan. Plaintiff also objects to this Interrogatory on the ground that some of the Requests included in this Interrogatory are not relevant to this litigation, including the amount of assets available to the Plaintiff at particular times and why Plaintiff was not able to use those assets to pay certain bills or other obligations.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is willing to meet and confer with Defendant with respect to this Interrogatory.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 16:

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiff's Supplemental Interrogatory Answer No. 14, which is hereby fully incorporated herein.

INTERROGATORY NO. 17:

If YOU claim any physical or emotional harm caused by BANA's actions alleged in the COMPLAINT, state in detail the principal facts RELATING TO the harm YOU allege was caused by BANA, including the nature of the harm and its manifestation, any medical consultation or treatment YOU received for that physical or emotional harm, and how BANA's actions caused that harm.

RESPONSE TO INTERROGATORY NO. 17:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as overly broad, unduly invasive of Plaintiff's right to privacy and unduly burdensome, as it seeks information that is not proportional to the needs of this case.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff experienced emotional distress resulting from Bank of America's actions and inactions. Plaintiff experienced emotional distress resulting from Bank of America's actions and inactions. Plaintiff is a single mother with a young son. She was forced to live week to week, rationing out food for her child. She also had no way to get a job because of the COVID-19 pandemic, and every day she wondered if she would soon be homeless. As a result, Plaintiff had to borrow money from friends and family to keep up with her bills and living expenses. Plaintiff experienced stress and anxiety from having to ask for loans to pay her bills and living expenses and making sure that all the money she borrowed was paid back.

In the months after the Bank rejected Plaintiff's fraud claim and froze her Account, Plaintiff repeatedly called the Bank to address these issues. On one such occasion, a Bank representative accused Plaintiff of having committed the fraud and now unjustly requested reimbursement. Therefore, Plaintiff became stressed and anxious that every time she called the Bank to make additional inquiries, she would be accused of committing a felony and that Bank of America would come after her for the money that was stolen.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 17:

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiff's Supplemental Interrogatory Answer No. 14, which is hereby fully incorporated herein.

INTERROGATORY NO. 18:

List all contact information used by, or registered to, YOU, including YOUR mailing address, phone number, email address, and social media usernames/handles (regardless of the names under which said contact information is registered).

RESPONSE TO INTERROGATORY NO. 18:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as overly broad and unduly burdensome as it seeks information that is neither relevant to any claim or defense in this action, and it is not proportional to the needs of this case. Plaintiff also objects to the use of "all contact information used by, or registered to YOU" as overbroad as among other things, it is not limited in scope. Plaintiff further objects to this Interrogatory in that it is vague and ambiguous and overbroad as to the scope of the term "social media" and is vague and ambiguous as to the term "registered." Plaintiff further objects on the grounds that this Interrogatory is unduly invasive of Plaintiff's right to privacy.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is willing to meet and confer with Defendant with respect to this Interrogatory.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 18:

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff's phone number is [redacted] and Plaintiff's email address is [redacted] Plaintiff resides in [redacted].

INTERROGATORY NO. 19:

IDENTIFY all bank accounts used or accessed by YOU (regardless of who created the account or who the accountholder is), including whether the accounts were personal and/or business accounts, whether the accounts were savings, checking, or other accounts, and whether YOU ever transferred EDD BENEFITS to those accounts.

RESPONSE TO INTERROGATORY NO. 19:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as overly broad and unduly invasive of Plaintiff's right to privacy as it seeks sensitive personal financial information that is neither relevant to any claim or defense in this action nor proportional to the needs of this case. Plaintiff also objects to this Interrogatory on the grounds that it is overbroad, irrelevant and unduly burdensome as to the request relating to "all bank accounts used or accessed by YOU." Plaintiff further objects to this Interrogatory on the grounds stated herein as "all" of Plaintiff's bank accounts, business and personal, checking and savings, are not at issue in this litigation and are not relevant to any issue in this litigation.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is willing to meet and confer with Defendant with respect to this Interrogatory.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 19:

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiff's Supplemental Interrogatory Answer No. 12, which is hereby fully incorporated herein.

INTERROGATORY NO. 20:

List all of YOUR ACCOUNT LOGIN CREDENTIALS, and the date(s) during which those credentials were effective.

RESPONSE TO INTERROGATORY NO. 20:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as overly broad as it seeks information that is neither relevant to any claim or defense in this action, nor is the request proportional to the needs of this case. Plaintiff further objects to this Interrogatory in that it requests Plaintiff provide "all of YOUR ACCOUNT LOGIN CREDENTIALS" which is highly personal information that could be used to log into accounts other than Plaintiff's ACCOUNT with Defendant.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is willing to meet and confer with Defendant with respect to this Interrogatory.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 20:

Pursuant to Judge Berg's direction at the December 5 hearing, Plaintiff will supplement the following interrogatories to provide: (a) a list of the devices Plaintiff used to access Plaintiff's online Bank of America EDD debit card account; (b) a list of who had access to those devices; and (c) a list of who had access to Plaintiff's Bank of America EDD debit card account. Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiff's Supplemental Response to Interrogatory No. 4, which is hereby fully incorporated herein.

INTERROGATORY NO. 21:

IDENTIFY all persons to whom YOU gave, shared, disclosed, or otherwise provided access to any of YOUR ACCOUNT LOGIN CREDENTIALS.

RESPONSE TO INTERROGATORY NO. 21:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as overly broad as it seeks information that is neither relevant to any claim or defense in this action, nor proportional to the needs of this case. Plaintiff further objects to the terms "gave," "shared," "disclosed" and "provided access to" as vague and ambiguous in the context of this litigation.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff never authorized any third party to access their account in connection with any of the transactions at issue in this case.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 21:

Pursuant to Judge Berg's direction at the December 5 hearing, Plaintiff will supplement the following interrogatories to provide: (a) a list of the devices Plaintiff used to access Plaintiff's online Bank of America EDD debit card account; (b) a list of who had access to those devices; and (c) a list of who had access to Plaintiff's Bank of America EDD debit card account. Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiff's Supplemental Response to Interrogatory No. 4, which is hereby fully incorporated herein.

INTERROGATORY NO. 22:

List all locations (including electronic locations and writings) where YOU saved any of YOUR ACCOUNT LOGIN CREDENTIALS identified in response to Interrogatory No. 20.

RESPONSE TO INTERROGATORY NO. 22:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as overly broad, unduly burdensome and unduly invasive of Plaintiff's right to privacy as it seeks sensitive information that is neither relevant to any claim or defense in this action, nor proportional to the needs of this case.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is willing to meet and confer with Defendant with respect to this Interrogatory.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 22:

Pursuant to Judge Berg's direction at the December 5 hearing, Plaintiff will supplement the following interrogatories to provide: (a) a list of the devices Plaintiff used to access Plaintiff's online Bank of America EDD debit card account; (b) a list of who had access to those devices; and (c) a list of who had access to Plaintiff's Bank of America EDD debit card account. Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiff's Supplemental Response to Interrogatory No. 4, which is hereby fully incorporated herein.

INTERROGATORY NO. 23:

List any electronic devices, by describing the type of device and providing the serial number, on which YOU have ever accessed YOUR ACCOUNT, including cell phones, tablets and computers.

RESPONSE TO INTERROGATORY NO. 23:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to this Interrogatory as overly broad, unduly burdensome and unduly invasive of Plaintiff's right to privacy as it seeks sensitive information, including device serial numbers that is neither relevant to any claim or defense in this action, nor proportional to the needs of this case and is not limited in time or scope.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is willing to meet and confer with Defendant with respect to this Interrogatory.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 23:

Pursuant to Judge Berg's direction at the December 5 hearing, Plaintiff will supplement the following interrogatories to provide: (a) a list of the devices Plaintiff used to access Plaintiff's online Bank of America EDD debit card account; (b) a list of who had access to those devices; and (c) a list of who had access to Plaintiff's Bank of America EDD debit card account. Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiff's Supplemental Response to Interrogatory No. 4, which is hereby fully incorporated herein.

INTERROGATORY NO. 24:

For each electronic device on which YOU accessed YOUR ACCOUNT, IDENTIFY all PERSONS (including children, roommates, spouses, and other relatives or acquaintances) that had access to the device and their relationship to YOU.

RESPONSE TO INTERROGATORY NO. 24:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects to the use of "accessed," as it is subject to varying interpretations and is not a defined term. Plaintiff further objects to this Interrogatory on the ground that it is not relevant to any issue in the litigation.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is willing to meet and confer with Defendant with respect to this Interrogatory.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 24:

Pursuant to Judge Berg's direction at the December 5 hearing, Plaintiff will supplement the following interrogatories to provide: (a) a list of the devices Plaintiff used to access Plaintiff's online Bank of America EDD debit card account; (b) a list of who had access to those devices; and (c) a list of who had access to Plaintiff's Bank of America EDD debit card account. Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff refers Defendant to Plaintiff's Supplemental Response to Interrogatory No. 4, which is hereby fully incorporated herein.

INTERROGATORY NO. 25:

Identify by caption, court, case number, and result, all litigation in which YOU have ever served as a class representative.

RESPONSE TO INTERROGATORY NO. 25:

Plaintiff incorporates by reference the Preliminary Statement and General Objections.

Plaintiff objects on the ground that this Interrogatory seeks information which is irrelevant to any issue in this litigation.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff is willing to meet and confer with Defendant with respect to this Interrogatory.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 25:

Subject to and without waiving the foregoing and prior objections, Plaintiff further responds as follows: Plaintiff has not filed a class action lawsuit nor requested any court to serve as a class representative prior to filing this lawsuit.

Dated: January 29, 2024

COTCHETT, PITRE & McCARTHY, LLP

By: */s/ Brian Danitz*
JOSEPH W. COTCHETT
BRIAN DANITZ
KARIN B. SWOPE
ANDREW F. KIRTLEY

Dated: January 29, 2024

ALTSHULER BERZON LLP

By: */s/ Michael Rubin*
MICHAEL RUBIN
STACEY M. LEYTON
MATTHEW MURRAY
CONNIE K. CHAN

Co-Lead Counsel for Plaintiffs and the Proposed Class

In re Bank of America California Unemployment Benefits Litigation
Case No. 3:21-md-02992-LAB-MSB (N.D. California)

VERIFICATION

I, Candace Koole, declare:

I am one of the plaintiffs in the above-entitled action. I have reviewed my Objections and *Supplemental* Responses to Bank of America, N.A.'s First Set of Interrogatories. The responses contained therein are true and correct to the best of my knowledge.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on January 3rd, 2024, at Temecula, California.
(City, State)

CANDACE KOOLE