

PX 230

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

IN RE: BANK OF AMERICA)
CALIFORNIA UNEMPLOYMENT) NO. 21-MD-029920
LITIGATION) LAB-SMB
-----)

DEPOSITION OF:

AZURI MOON

TUESDAY, FEBRUARY 27, 2024

9:39 A.M.

REPORTED BY:

Sari M. Knudsen

CSR No. 13109

Deposition Of AZURI MOON, taken on behalf
of the DEFENDANT, at 520 Broadway,
Suite 500, Santa Monica, California, on
TUESDAY, FEBRUARY 27, 2024, before Sari M.
Knudsen, CSR No. 13109.

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFFS:

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AND

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10 AND

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1 APPEARANCES OF COUNSEL: (CONTINUED)

2

3 FOR THE DEFENDANT BANK OF AMERICA, N.A.:

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16

17 ALSO PRESENT:

18 NICHOLAS GLANTZ, VIDEOGRAPHER

19

20

21

22

23

24

25

1 SANTA MONICA, CALIFORNIA

2 TUESDAY, FEBRUARY 27, 2024; 9:39 A.M.

3

4

5

6 THE VIDEOGRAPHER: Good morning. We are going 9:39:44

7 on the record at 9:39 A.M Pacific Time on 9:39:49

8 February 27, 2024. 9:39:51

9 This is the beginning of the video recorded 9:39:54

10 deposition of Azuri Moon, taken by counsel for 9:39:57

11 defendant, in the matter of "Bank of America 9:40:00

12 California Unemployment Benefits Litigation," filed 9:40:06

13 in the United States District Court, Southern 9:40:09

14 District of California, San Diego Division. Case 9:40:13

15 No. 21-MD-02992-LAB-MSB. 9:40:20

16 The location of the deposition is 9:40:23

17 520 Broadway, Santa Monica, California. 9:40:27

18 My name is Nicholas Glantz representing 9:40:29

19 Veritext, and I'm the videographer. The court 9:40:33

20 reporter is Sari Knudsen from the firm Veritext. 9:40:36

21 I'm not related to any party in this action 9:40:39

22 nor am I financially interested in the outcome. 9:40:42

23 If there are any objections to the 9:40:45

24 proceeding, please state them at the time of your 9:40:46

25 appearance. 9:40:48

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1 Counsel and all present including remotely 9:40:49
2 will now state their appearances and affiliations 9:40:51
3 for the record, beginning with the noticing 9:40:54
4 attorney. 9:40:56
5 MS. HAGGANS: Good morning. I'm Valerie Haggans 9:40:58
6 with the law firm of Goodwin Procter representing 9:41:01
7 the defendant. 9:41:03
8 MR. SHUCHART: Good morning. My name is Ethan 9:41:04
9 Shuchart. I'm with the law firm Goodwin & Procter 9:41:07
10 representing the defendant. 9:41:10
11 MS. BRYs: Good morning. Laura Brys also 9:41:12
12 appearing for defendant. 9:41:16
13 MS. SWOPE: Good morning. I'm Karin Swope with 9:41:18
14 the law firm Cotchett, Pitre & McCarthy representing 9:41:21
15 the plaintiff class action -- the plaintiffs' class. 9:41:26
16 MS. MONTIEL: Good morning. Vasti Montiel with 9:41:29
17 Cotchett, Pitre and McCarthy representing the 9:41:31
18 plaintiff class. 9:41:34
19 THE REPORTER: We have more people joining as we 9:41:36
20 speak. This is the reporter. 9:41:37
21 I'm going to now state who is on the Zoom 9:41:42
22 so we have a record of it. 9:41:48
23 Michael Rubin, Brian Danitz, Colin Jones, 9:41:53
24 Daniel Shay, Jessica Huang, Kate Bass, Stacy Leyton 9:41:59
25 and Joshua Swigart. 9:42:03

1 AZURI MOON, 9:42:03
2 having first been duly sworn, was 9:42:03
3 examined and testified as follows: 9:42:03
4 9:42:03
5 THE REPORTER: You may begin, counsel. 9:42:16
6 9:42:16
7 EXAMINATION 9:42:16
8 9:42:16
9 BY MS. HAGGANS: 9:42:16
10 Q Good morning, Mr. Moon. 9:42:18
11 A Good morning. 9:42:19
12 Q We met before we went on the record. But 9:42:21
13 I'm Valerie Haggans. I'm going to be taking your 9:42:24
14 deposition today. 9:42:25
15 Can you please state your full name for the 9:42:27
16 record. 9:42:27
17 A My name is Azuri Moon. 9:42:29
18 Q And have you ever gone by any other name? 9:42:32
19 A I have never gone by another name. 9:42:34
20 Q Are you represented by counsel today? 9:42:36
21 A I am represented by counsel today. 9:42:38
22 Q And who is that counsel? 9:42:40
23 A Karin and Vasti from AB and CPM. 9:42:45
24 Q Have you ever been deposed before? 9:42:47
25 A I have not. 9:42:50

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1 Q Okay. 11:51:15

2 A But even at the time period of trying to 11:51:17

3 communicate between all of this, that was already 11:51:20

4 confusing who is responsible for what. And it may 11:51:22

5 be continuing to be confusing when you ask me 11:51:24

6 questions about who is responsible and -- 11:51:28

7 MS. SWOPE: For the record, maybe you can 11:51:29

8 explain it again to him. 11:51:30

9 MS. HAGGANS: No problem. 11:51:31

10 Q And if there is any question that's 11:51:32

11 confusing, please let me know and -- 11:51:35

12 A I don't think it's so much in your 11:51:37

13 description of the distinctions between the two. 11:51:39

14 It's that I, during the process of dealing 11:51:43

15 with these companies, wasn't sure who was 11:51:45

16 responsible for what. They were always telling me 11:51:47

17 the other person was. 11:51:48

18 So whenever I called for assistance from 11:51:50

19 EDD, I had to call Bank of America, and they told me 11:51:54

20 to call EDD. 11:51:56

21 I'm just saying there may be some confusion 11:51:58

22 me understanding the distinctions between those. 11:52:00

23 Q Completely understand. 11:52:00

24 MS. SWOPE: I'm confused by the three. I 11:52:03

25 thought there were two. 11:52:04

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1 understanding? 1:06:18

2 MS. SWOPE: Objection. Form. 1:06:18

3 THE WITNESS: Again, this seems like a weirdly 1:06:22

4 nonspecific question. 1:06:24

5 Unemployment is paid into by employers. So 1:06:29

6 basic unemployment insurance would have been 1:06:33

7 compensated by one of my past employers. If I'm not 1:06:35

8 mistaken, I think when I got the report, it was 1:06:38

9 either Central Casting or Universal Studios who had 1:06:42

10 been the liable party for my unemployment. 1:06:44

11 And -- and regarding the additional 1:06:47

12 assistance because of the pandemic, I'm just a 1:06:54

13 normal American. I didn't have any clarity of the 1:06:59

14 logistics where that money was coming from or who 1:07:02

15 was specifically supposed to be funding it. 1:07:04

16 BY MS. HAGGANS: 1:07:04

17 Q Did you know that you could have received 1:07:08

18 your unemployment benefits via a check from the 1:07:11

19 State of California rather than on a prepaid card? 1:07:15

20 MS. SWOPE: Objection. Time period? 1:07:18

21 THE WITNESS: At the time that I applied to 1:07:20

22 benefits, I was either unaware or, like I said, it 1:07:24

23 wasn't really something that they suggested. 1:07:26

24 I do know that later when Bank of America 1:07:35

25 just decided to send me checks, that nobody had told 1:07:38

1 me that, that that was going to happen. There had 1:07:42
2 been no correspondence about that change. 1:07:45
3 BY MS. HAGGANS: 1:07:45
4 Q Do you know when Bank of America started 1:07:48
5 sending you checks? 1:07:50
6 A After my account was unfrozen after the 1:07:53
7 fraud. And it was unprompted. They didn't tell me. 1:08:02
8 Q You didn't ask to receive your benefits by 1:08:06
9 check? 1:08:07
10 MS. SWOPE: Objection. Form. 1:08:08
11 THE WITNESS: I didn't even know my account had 1:08:10
12 been unfrozen. They just started sending me checks 1:08:13
13 again without disclosing how I was going to be 1:08:16
14 receiving those benefits. 1:08:18
15 And they never contacted me to update me on 1:08:22
16 anything. I always had to reach out to them. 1:08:25
17 BY MS. HAGGANS: 1:08:25
18 Q So focusing on your EDD account -- so 1:08:33
19 that's the account with EDD -- how did you typically 1:08:37
20 access it? 1:08:39
21 MS. SWOPE: Objection. Form. 1:08:39
22 THE WITNESS: Online. 1:08:41
23 BY MS. HAGGANS: 1:08:41
24 Q Online. 1:08:41
25 What devices did you use to access it 1:08:48

1 option. 1:33:51

2 BY MS. HAGGANS: 1:33:51

3 Q What about your stepfather? 1:33:53

4 MS. SWOPE: Objection. Form. 1:33:54

■ [REDACTED] [REDACTED] [REDACTED]

■ [REDACTED] [REDACTED] [REDACTED]

■ [REDACTED] [REDACTED]

8 BY MS. HAGGANS: 1:34:09

9 Q Okay. 1:34:12

10 Okay. We looked earlier today at the 1:34:17

11 e-mail from EDD saying that your account was 1:34:19

12 activated in May of 2021. 1:34:22

13 Do you remember that? 1:34:23

14 A I do. 1:34:24

15 MS. SWOPE: Objection. Form. 1:34:24

16 BY MS. HAGGANS: 1:34:24

17 Q About how long after that did you receive 1:34:30

18 your Bank of America prepaid card in the mail? 1:34:33

19 MS. SWOPE: Objection. Form. 1:34:34

20 THE WITNESS: I don't recall at this time. 1:34:37

21 BY MS. HAGGANS: 1:34:37

22 Q But you did at some point receive your Bank 1:34:41

23 of America prepaid card in the mail. Is that right? 1:34:43

24 MS. SWOPE: Objection. Form. 1:34:44

25 THE WITNESS: I did. 1:34:45

1 MS. HAGGANS: The claim number? 2:34:59

2 MS. SWOPE: Uh-huh. 2:35:00

3 MS. HAGGANS: Understood. 2:35:00

4 THE WITNESS: I do. 2:35:02

5 BY MS. HAGGANS: 2:35:02

6 Q Okay. And what is this document? 2:35:06

7 A This is the completed additional review 2:35:09

8 that I did not receive until April of 2021. 2:35:14

9 Q Okay. 2:35:15

10 A And I believe my last document showed my 2:35:20

11 correspondence was in October with them initially. 2:35:23

12 So that's, what, nearly six months. 2:35:26

13 Q Okay. Did you receive the \$1,800 credit 2:35:38

14 that's referenced in this letter? 2:35:41

15 A In April, I did, yes. 2:35:42

16 Q You did. Okay. 2:35:43

17 And do you agree that the credit referenced 2:35:47

18 in this letter covers the full amount of the two ATM 2:35:51

19 transactions -- 2:35:52

20 MS. SWOPE: Objection. 2:35:53

21 BY MS. HAGGANS: 2:35:53

22 Q -- that you called about? 2:35:55

23 A I do submit that, yes. 2:35:56

24 Q Okay. 2:35:56

25 All right. Can we please look at No. 21. 2:36:13

1 compensation for my specific damages outside of the 3:34:03
2 class claim, it didn't seem relevant at the time. 3:34:06
3 BY MS. HAGGANS: 3:34:06
4 Q Okay. If this case goes to trial, would 3:34:10
5 you be expecting to introduce evidence about the 3:34:13
6 back problems that you suffered as a result of 3:34:16
7 sleeping in your car? 3:34:17
8 MS. SWOPE: Objection. Asking him what evidence 3:34:20
9 is going to be used at trial requires a legal 3:34:22
10 conclusion. 3:34:26
11 THE WITNESS: I'm not sure. 3:34:28
12 BY MS. HAGGANS: 3:34:28
13 Q In the third paragraph here in the 3:34:36
14 supplemental response to interrogatory 14, you write 3:34:43
15 about the fact that while you were -- 3:34:46
16 "While living with his possessions in 3:34:49
17 his car, his Paul Reed Smith Custom 22 3:34:52
18 artist package guitar suffered water 3:34:56
19 damage." 3:34:56
20 How did the guitar suffer water damage? 3:35:03
21 MS. SWOPE: Objection. Form. 3:35:04
22 THE WITNESS: As we mentioned, it's been raining 3:35:07
23 a lot the last couple years in our winter seasons. 3:35:11
24 As you can see, the time period that I was in my car 3:35:14
25 was exactly that time period. 3:35:17

1 So I had had all my equipment in my trunk. 3:35:19

2 It's not the most insulated environment. A lot of 3:35:22

3 moisture gets through. And instruments are 3:35:28

4 sensitive. They are made of wood. That was enough 3:35:30

5 to do water damage to the guitar and to the metal. 3:35:37

6 BY MS. HAGGANS: 3:35:37

7 Q Are you seeking compensation from Bank of 3:35:38

8 America for the damage to your guitar? 3:35:40

9 MS. SWOPE: Objection. 3:35:42

10 THE WITNESS: As far as I'm aware, my personal 3:35:45

11 harm regarding my possessions are not included in 3:35:48

12 the class claim. 3:35:52

13 BY MS. HAGGANS: 3:35:52

14 Q Okay. You write that the guitar retailed 3:35:56

15 for approximately \$3,500 when you received it. 3:36:00

16 When did you receive it? 3:36:03

17 MS. SWOPE: Objection. Form. 3:36:04

18 THE WITNESS: I received the guitar when I was, 3:36:08

19 I want to say, 15 or 16. So that would be 2006, 3:36:14

20 2007. 3:36:14

21 BY MS. HAGGANS: 3:36:14

22 Q Did you buy it? 3:36:17

23 A It was given to me. 3:36:24

24 Q And then you write that, 3:36:26

25 "It became unsellable due to cosmetic 3:36:29

1 I, SARI M. KNUDSEN, CSR NO. 13109, in and
2 for the State of California, do hereby certify:

3 I am the deposition officer that
4 stenographically recorded the testimony in the
5 foregoing deposition;

6 Prior to being examined, the deponent was
7 first duly sworn by me;

8 The foregoing transcript is a true record of
9 the testimony given;

10 Before completion of the deposition, review
11 of the transcript was not requested. If requested,
12 any changes made by the deponent (and provided to
13 the reporter) during the period allowed are appended
14 hereto.

15
16 Dated the 1st day of March, 2024.

17
18
19 
20

21 SARI M. KNUDSEN, CSR NO. 13109
22
23
24
25

CONFIDENTIAL

CASE: IN RE: BANK OF AMERICA CALIFORNIA UNEMPLOYMENT LITIGATION

WITNESS: AZURI MOON (#JOB NO 6489486)

E R R A T A S H E E T

PAGE 13 LINE 22 CHANGE "you"
change to "she"REASON grammatically incorrectPAGE 17 LINE 18 CHANGE I -- in -- atREASON copiest mustine missed some wordsPAGE 18 LINE 20 CHANGE "happens"
change to happened.REASON mistypedPAGE 35 LINE 6 CHANGE Bartie Zador
is spelled "Batizado"REASON misspelledPAGE 37 LINE 4 CHANGE Idendant
"and" major artists.REASON syntaxPAGE 47 LINE 7 CHANGE "line" not
Line. (Live)REASON incorrect.WITNESS Azuri MoonDate 04/01/2024