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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

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IN RE: BANK OF AMERICA |
|
CALIFORNIA UNEMPLOYMENT | Case Number:
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BENEFITS LITIGATION | 21-MD-02992-GPC-MSB
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This document relates |
to All Actions |
- - - - - +

CORRECTED TRANSCRIPT
CONFIDENTIAL
Video Deposition of
J. DANIEL KREIS
in Washington, D.C.
Monday, May 5, 2025
9:31 a.m.

Veritext 7304174
Reported by: Laurie Donovan, RPR, CRR, CLR

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May 5, 2025

9:31 a.m.

Confidential Video Deposition of J. DANIEL
KREIS, held in person, with the witness and some
parties participating in person, others participating
via Zoom, pursuant to the Rules of the United States
District Court for the Southern District of
California, San Diego Division subject to such
stipulations as may be recited herein or attached
hereto, before Laurie Donovan, a Registered
Professional Reporter and notary public of the
District of Columbia, who officiated in administering
the oath to the witness.

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFFS:

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ALSO PRESENT:

Orson Braithwaite, videographer

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P R O C E E D I N G S

9:31 a.m.

THE VIDEOGRAPHER: Good morning. We are going on the record at 9:31 a.m. on May 5, 2025. Please note that the microphones are sensitive and may pick up whispering and private conversations. Please mute your phones at this time. Audio and video recording will continue to take place unless all parties agree to go off the record.

This is media unit 1 of the video-recorded deposition of Mr. J. Daniel Kreis in the matter of In Re Bank of America California Unemployment Benefits Litigation filed in the United States District Court, Southern District of California, San Diego division, case number 21-MD-02992-GPC-MSV. The location of this deposition is Goodwin Procter LLP, located in Washington, D.C.

My name is Orson Braithwaite, representing Veritext Legal Solutions, and I'm the videographer. The court reporter is Laurie Donovan from the firm Veritext Legal Solutions.

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1 Counsel will now state their appearances and
2 affiliations for the record, beginning with the
3 noticing attorney.

4 MS. HAGGANS: Good morning. Valerie Haggans
5 with Goodwin Procter for Bank of America.

6 MS. BUCK: I'm Bayly Buck, also with Bank of
7 America.

8 MR. DANITZ: Brian Danitz, Cotchett, Pitre &
9 McCarthy, for the plaintiffs and the witness.

10 MS. YUEN: Caroline Yuen, Cotchett, Pitre &
11 McCarthy, for plaintiffs.

12 MS. MONTIEL: Vasti Montiel with Cotchett,
13 Pitre & McCarthy, for the class plaintiffs.

14 (Discussion was held off the record.)

15 MS. KOSSAR: Dylan Kossar.

16 THE VIDEOGRAPHER: Thank you. Will the
17 Court reporter please swear in the witness.

18 * * * * *

19 Whereupon,

20 J. DANIEL KREIS,
21 having been first duly sworn, testified
22 upon his oath as follows:

23 EXAMINATION BY COUNSEL FOR DEFENDANT BOA

24 BY MS. HAGGANS:

25 Q Good morning, Mr. Kreis.

1 A Good morning.

2 Q So we, we met before in the breakout room,
3 but my name is Valerie Haggans, and I'm going to be
4 taking your deposition today.

5 We -- actually, before we get started, we
6 will designate the transcript confidential,
7 tentatively.

8 All right. Mr. Kreis, have you ever been
9 deposed before?

10 A Yes.

11 Q Okay. When was that?

12 A I've been deposed several times. I think
13 the most recent was on a case probably ten, 15 years
14 ago. It was at the -- case at the -- before the High
15 Court of London, and I believe I was deposed in that.
16 I'm not 100 percent. I testified. I don't recall
17 whether there was a formal deposition, but I testified
18 before the court.

19 Q Okay, and you said that you have sat for
20 several depositions?

21 A Yes.

22 Q Approximately how many?

23 A I can remember three.

24 Q Okay, and was that deposition or trial
25 testimony, if you know?

1 A The, the one with the High Court of London
2 was definitely trial. I don't recall exactly whether
3 there was a deposition. It's, it's very different in
4 London where, you know, I'm actually working for the
5 court, so I don't, I don't know if I was deposed, but
6 I was -- I testified on the stand.

7 Q Okay, and then the other two cases; were
8 those depositions or trial?

9 A One of them had both, and one of them was
10 just the deposition.

11 Q Okay. Do you recall how long ago the
12 depositions were?

13 A Maybe 15, 20 years ago. I mean they have
14 been a while.

15 Q Okay. Did you testify as an expert witness
16 in those cases?

17 A In two of them I did. One of them I don't
18 think -- I think I might have been a fact witness.
19 I'm not real sure. I can explain the circumstances,
20 but it's not clear to me why I was called in and
21 nothing happened, so I don't know.

22 Q Okay. Why don't you explain the
23 circumstances.

24 A Okay. So it was a case where a large
25 organization had had some fraud issues, and I was

1 called in at one point to help them deal with their
2 fraud management issues, and then a couple months
3 later, I was deposed. I don't believe I was an
4 expert. I think I was a fact -- so saying you went in
5 there, you saw stuff, what did you see, I wasn't
6 acting as their expert, I don't believe.

7 Q And that was the London case that we talked
8 about?

9 A No, no. That, that was a separate case in
10 the U.S.

11 Q Okay. What was the nature of the London
12 case?

13 A The London case was a case between Household
14 Financial and British Gas where they were having a
15 dispute over the ownership and what that meant to
16 ownership in a transfer of, of accounts from one
17 entity to another.

18 Q Okay, and that was expert witness testimony?

19 A Yes.

20 Q Okay. Well, since it's been a few years, I
21 think we'll just go over some ground rules for the
22 deposition today.

23 The most important one is that we try not to
24 talk over each other, because Laurie will be trying to
25 take everything down. I tend to speak quickly, so I'm

1 going to try really hard to slow down, and I would
2 just ask that you do the same.

3 The second is that it's really important
4 that you answer questions verbally, because it's hard
5 for her to take down for the record a nod or, or a
6 shake of the head.

7 A Yes.

8 Q And if, and if any of my questions are
9 unclear, just let me know that you think that they're
10 unclear, and I will try to do a better job at asking
11 the question, because if you do answer one of my
12 questions, I'm going to assume that you understood it.

13 Is that fair?

14 A Understood.

15 Q Okay. We can take a break whenever you
16 want. I like to take a break about every hour or so.
17 The only thing I ask is that if there's a question
18 pending, that you answer the question, and, and then
19 we'll take a break.

20 Is that fair?

21 A That is fair.

22 Q Okay. Your attorney may object at some
23 point during the deposition, and that's another reason
24 why it's important for us to not talk over each other,
25 so that we can finish the question, leave a little

1 space in case there's an objection; and unless he
2 specifically instructs you not to answer, you do need
3 to answer the question even if he raises an objection.

4 Does that make sense?

5 A Yes, it does.

6 Q Okay. So, Mr. Kreis, you understand that
7 you're testifying under oath today, correct?

8 A Correct.

9 Q Okay. Is there any reason that you cannot
10 give truthful and accurate testimony today?

11 A No.

12 Q Okay. Have you taken any medication that
13 might interfere with your ability to answer questions
14 today?

15 A No.

16 Q Okay. Did you receive a deposition notice
17 in connection with your appearance today?

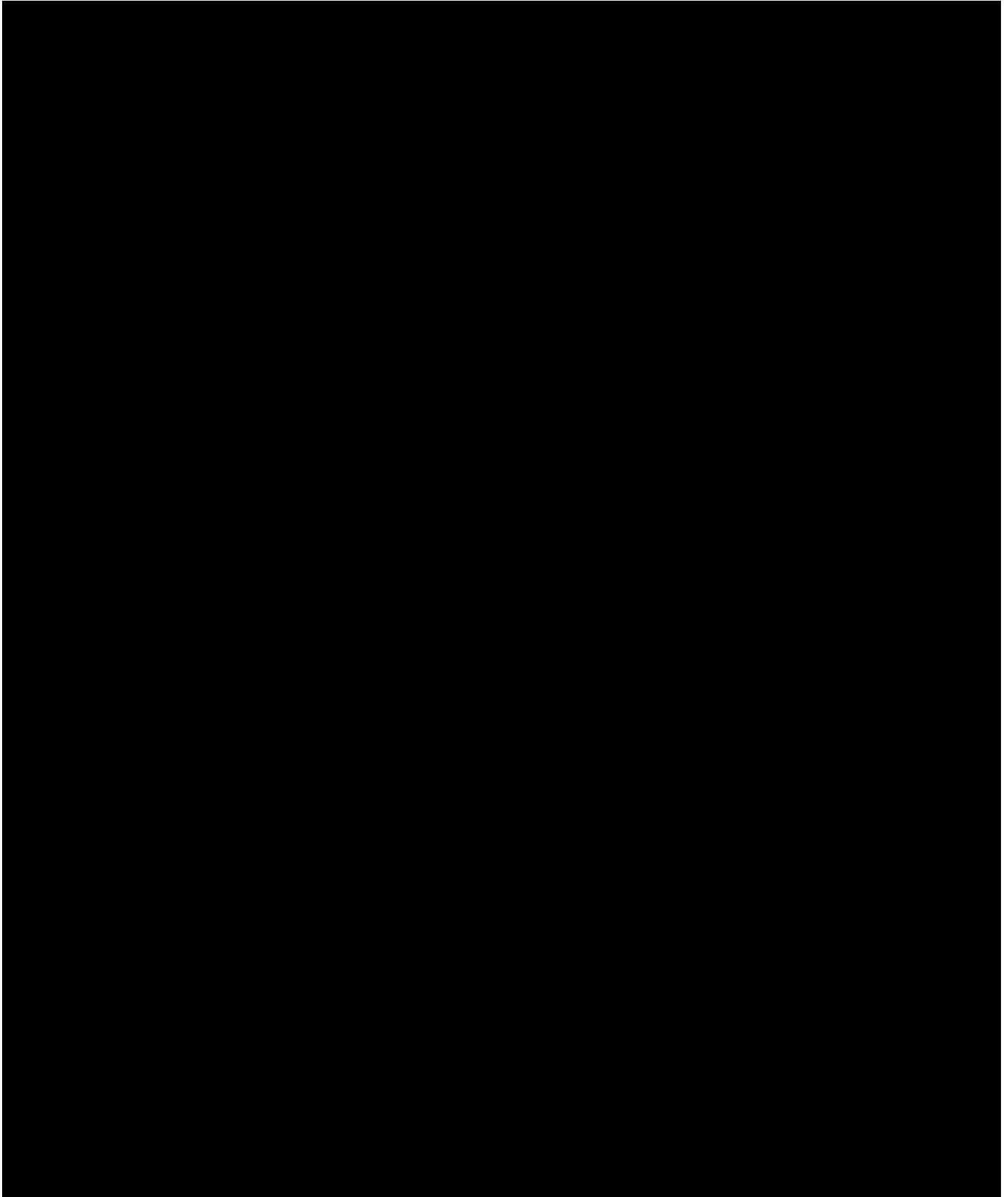
18 A I believe I received an email from the
19 attorneys about being here. I don't --

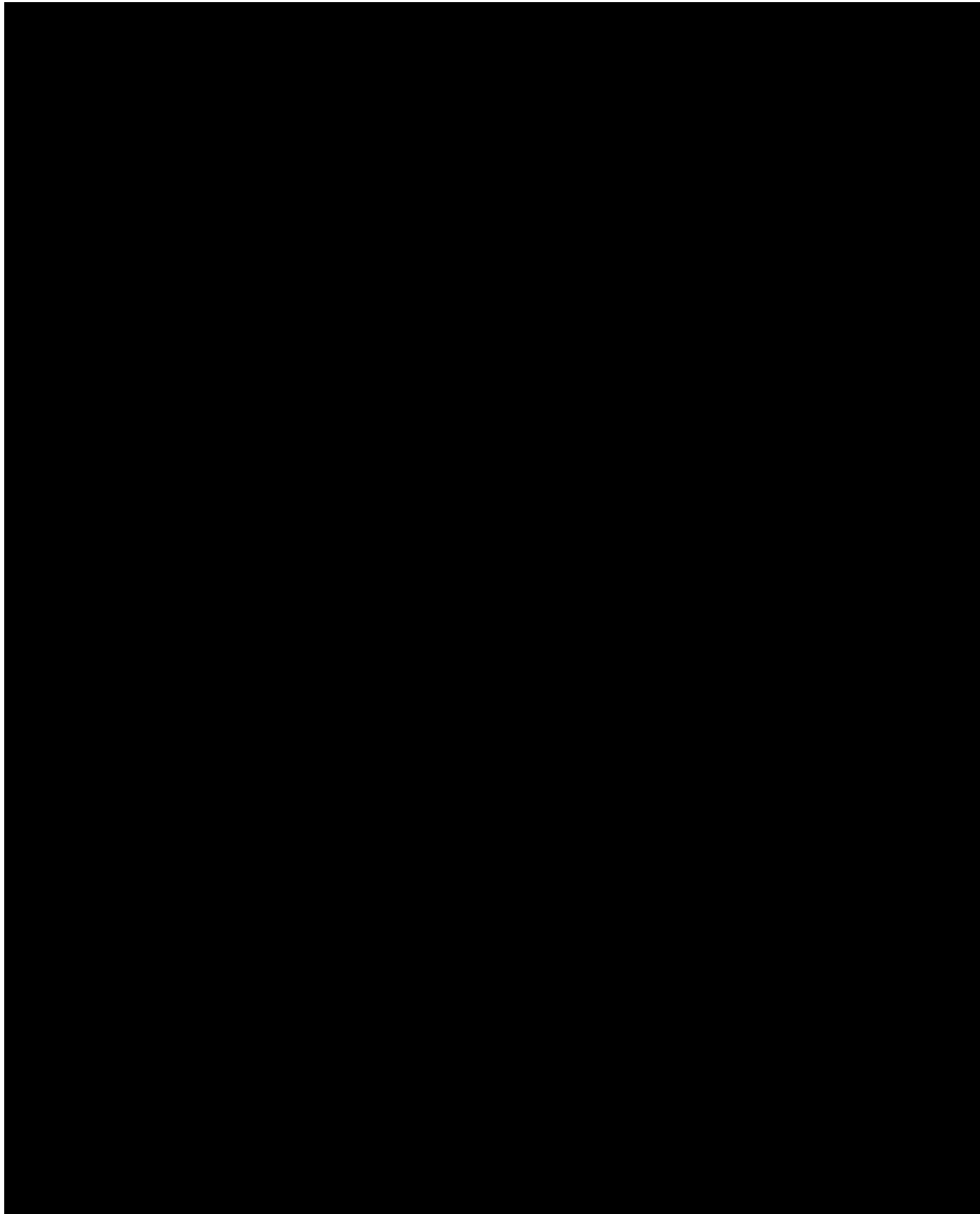
20 Q Okay.

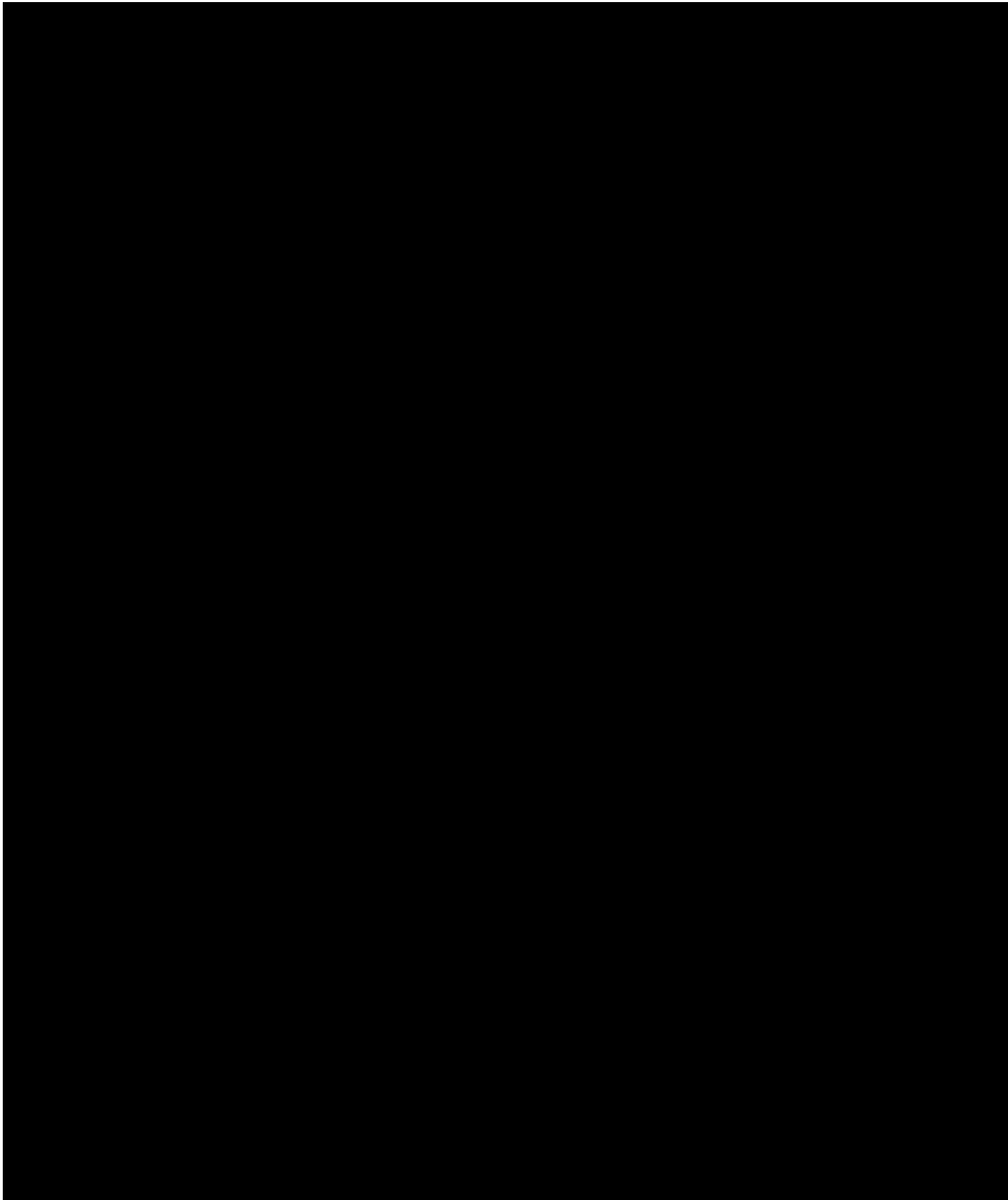
21 A I don't know if that was a formal court
22 thing or from the attorneys.

23 MS. HAGGANS: Okay. Bayly, can you look at
24 the first tab.

25 Can you mark this as Kreis Exhibit 1.





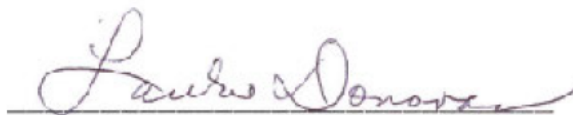


CERTIFICATE OF SHORTHAND REPORTER -- NOTARY PUBLIC

I, Laurie Donovan, Registered Professional Reporter, Certified Realtime Reporter, and notary public for the District of Columbia, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 24th day of JUNE 2025.

My commission expires: July 14, 2027



LAURIE DONOVAN
NOTARY PUBLIC IN AND FOR
THE DISTRICT OF COLUMBIA