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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-GPC-MSB

**DECLARATION OF ALEX YUAN IN
SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

This Document Relates to All Actions

Judge: Hon. Gonzalo P. Curiel

1 I, ALEX YUAN, declare as follows:

2 1. I am one of the named Plaintiffs in this case. I am submitting this
3 declaration in support of Plaintiffs' Motion for Class Certification. I have personal
4 knowledge of the facts in this declaration, and if called upon to do so, I could and would
5 testify to these facts.

6 2. In May 2020, I began receiving EDD unemployment insurance benefits
7 that were paid through a Bank of America EDD debit card ("EDD debit card") that was
8 directly linked to a Bank of America EDD debit card account ("EDD debit card
9 account") in my name.

10 3. My Bank of America EDD debit card had a magnetic stripe. There was no
11 EMV chip in the card.

12 4. In September 2020, I discovered that two separate unauthorized ATM
13 withdrawals of \$900 each, totaling \$1,800, were made from my EDD debit card
14 account, one on August 24, 2020, in Los Angeles, CA, and another on September 7,
15 2020, in Pasadena, CA. At the time of the unauthorized ATM withdrawals, I was more
16 than 300 miles away from Los Angeles and Pasadena in San Jose, CA.

17 5. On September 10, 2020, I called Bank of America's (the "Bank") customer
18 service number to report these unauthorized ATM withdrawals and to ask the Bank to
19 credit my EDD debit card account for the \$1,800 that was stolen from me.

20 6. I spent more than an hour on hold before I was able to get through to
21 anyone in the Bank's claims department. When I finally spoke with a Bank
22 representative, I identified the two unauthorized ATM withdrawals totaling \$1,800,
23 informed the Bank representative that I had never used an ATM anywhere near the one
24 used for the withdrawals, and confirmed that I had my card in my possession at all
25 relevant times and had not authorized anyone else to make the withdrawals. The Bank
26 representative confirmed that my claim had been filed and would be investigated.

27 7. On or about September 13, 2020, the Bank provisionally credited my
28 account \$1,800.

1 8. On September 28, 2020, the Bank froze my account and the freeze
2 remained in effect until October 4, 2020.

3 9. The Bank subsequently mailed me a letter dated October 3, 2020,
4 informing me that it had closed my claim and would be rescinding the \$1,800 credit.
5 The letter provided no explanation of the Bank's findings or decision, stating only:
6 "Your claim has been closed because we believe the account or the claim have been the
7 subject of fraud or suspicious activity" and that the credit applied to my account "has
8 been or will be debited from [my] account."

9 10. Beginning on October 4, 2020, I called the Bank on multiple occasions
10 seeking to have my \$1,800 unauthorized transaction claim reconsidered. I experienced
11 long wait times, dropped calls, and elusive responses concerning why the credit had
12 been rescinded from my account, why my claim was denied, and when and how the
13 matter would be resolved.

14 11. After I made multiple calls to the Bank seeking reconsideration of my
15 claim, the Bank sent a letter dated November 9, 2020, stating that the Bank had
16 "completed an additional review" of my claim and, "[a]s a result of [the Bank's]
17 research" had credited me with the \$1,800 that had been stolen from me. I received this
18 credit approximately 60 days after I submitted my unauthorized transaction claim to the
19 Bank and 36 days after the Bank rescinded the \$1,800 credit.

20 12. Between September 10 and November 15, 2020, I called the Bank for
21 assistance on at least seven separate occasions, sometimes making multiple calls and
22 getting shuffled between multiple agents on the same day. I waited on hold for at least
23 an hour each time I called trying to resolve these issues. Despite these consistently long
24 wait times every time I called the Bank, the Bank did not offer me any option to receive
25 a call back when the next agent became available. Calling the Bank's toll-free number
26 was the only option the Bank provided me for reaching a customer service
27 representative as I was told that there were no options for reaching a customer service
28 representative other than using this toll free number.

1 13. On or about October 26, 2020, I experienced yet another \$900
2 unauthorized ATM withdrawal from my EDD debit card account. This unauthorized
3 withdrawal occurred in North Hills, CA bringing the total amount of unauthorized
4 withdrawals from my account to \$2,700.

5 14. On or about November 11, 2020, I called the Bank's customer service to
6 inquire about my \$1,800 unauthorized transaction claim and also whether I could
7 amend that claim to add a claim regarding the \$900 unauthorized ATM withdrawal or
8 whether I had to make a new claim for the October 26, 2020, \$900 unauthorized
9 transaction.

10 15. While on the call, the Bank's customer service representative informed me
11 that the Bank had very recently reimbursed the \$1,800 claim. After addressing the
12 \$1,800 reimbursement, I was given a new claim number for the October 26, 2020, \$900
13 unauthorized transaction. The Bank's customer service representative informed me that
14 once the investigation into my claim was complete, I would receive a letter in the mail
15 with my results.

16 16. On November 18, 2020, I again called the Bank's customer service to
17 follow up on my \$900 unauthorized transaction claim and to ask the Bank to credit my
18 EDD debit card account for the \$900 that was stolen from me.

19 17. After waiting on hold, I finally spoke with a Bank representative and
20 identified the unauthorized ATM withdrawal totaling \$900 and confirmed that I had the
21 card in my possession at all relevant times and did not authorize anyone to make the
22 withdrawals.

23 18. A short time thereafter, I received a letter from the Bank dated November
24 19, 2020—just one business day after I followed up on my claim disputing the
25 unauthorized withdrawal—stating that the Bank had closed my claim and would not be
26 reimbursing me for the \$900 taken from my account. The letter provided no explanation
27 of the Bank's investigation or findings, stating only: "Your claim has been closed
28

1 because we believe the account or the claim have been the subject of fraud or suspicious
2 activity.”

3 19. In December 2020, I received a letter from the Bank notifying me that it
4 had again frozen my account due to fraud. I have since learned, through documents
5 concerning my EDD debit card account that the Bank produced in this litigation, that
6 the Bank froze my account on December 17, 2020. The freeze remained in effect for 28
7 days until January 15, 2021. During that period, I could not receive or access any new
8 periodic EDD benefits payments that I would have received and would have been able
9 to use if the Bank had not frozen my account.

10 20. After I made multiple calls to the Bank seeking reconsideration of my
11 October 26, 2020, \$900 unauthorized transaction claim, I received a letter from the
12 Bank dated January 13, 2021, stating that the Bank had once again “completed an
13 additional review” of my claim and, based on that research, had credited me with the
14 \$900 that had been stolen from me the previous October. I received this credit 56 days
15 after I submitted my unauthorized transaction claim to the Bank.

16 21. In this case, I seek to be appointed as a class representative.

17 22. Since becoming involved in this case, I have had many communications with
18 my attorneys regarding discovery, case updates, case filings, and other matters. I have also
19 searched for and produced documents and have responded to written discovery requests
20 and verified my responses. I intend to continue working with my attorneys. If appointed
21 by the Court as a class representative, I intend to continue to pursue this case by, among
22 other things, reviewing important case filings, participating in the discovery and trial
23 process, and staying informed and participating in discussions with my attorneys
24 regarding significant developments in the case. I am committed to working with my
25 attorneys to obtain the best possible result for the class consistent with good faith and
26 sound judgment.

27 23. I understand that if I am appointed as a class representative, I will be
28 responsible for overseeing the prosecution of this case by my attorneys. My interests in

1 this matter are consistent with, and not antagonistic to, the interests of the members of
2 each of the classes that I seek to represent. I understand and will fulfill the duties of a class
3 representative, including the duties to prosecute this case on behalf of each class as a
4 whole, and to consider the interests of each class as a whole just as I consider my own
5 interests.

6 I declare under penalty of perjury that the foregoing is true and correct. Executed on
7 August 20, 2024, at San Jose, California.

8
9 Alex Yuan

Alex Yuan (Aug 20, 2024 22:23 PDT)

ALEX YUAN