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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 CANDACE
KOOLE IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

This Document Relates to All Actions

Judge: Hon. Gonzalo P. Curiel

1 I, CANDACE KOOLE, 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 April 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, but there was
11 no EMV chip in the card.

12 4. On December 30, 2020, when I tried to use my EDD debit card to buy
13 groceries for myself and my young son, the card was repeatedly declined at the
14 checkout stand. I left the groceries at the store and went home to check my EDD debit
15 card account balance. To my surprise, I found my account had a balance of only \$8.37,
16 down from over \$9,000 the week before. My online account statement showed that
17 someone had made daily \$1,000 ATM withdrawals from December 19 to 26, 2020, and
18 an additional ATM withdrawal for \$760 on December 27, 2020, totaling \$8,760 in
19 ATM withdrawals that I had not authorized and did not know anything about.

20 5. Immediately after discovering the unauthorized ATM withdrawals, I called
21 Bank of America (the "Bank") to ask about the status of my account, confirm the
22 unauthorized transactions, and attempt to get reimbursed for the money that had been
23 taken out of my account. Later on the day that I submitted my claim disputing the
24 unauthorized ATM withdrawals, the Bank froze my account.

25 6. In early January 2021, I received a letter from the Bank dated December
26 31, 2020—just one business day after I had submitted my claim disputing the
27 unauthorized ATM withdrawals—stating that the Bank had closed my claim and would
28 not be reimbursing me for the \$8,760 taken from my account. The letter did not provide

1 an explanation for the denial, stating only: “Your claim has been closed because we
2 believe the account or the claim have been the subject of fraud or suspicious activity.”

3 7. My EDD debit card account remained frozen for 77 days, from December 31,
4 2020, to March 18, 2021. During that period, I could not access any of the EDD benefits
5 that were in my account as of the time of the freeze, and I could not receive or access any
6 new periodic EDD benefits payments that I would have received and would have been
7 able to use if the Bank had not frozen my account. Through documents concerning my
8 EDD debit card account that the Bank produced in this litigation, I have since learned that
9 on March 18, 2021, the Bank converted my account status from frozen to blocked which
10 still prevented me from being able to access any of the EDD benefits that were in my
11 account. The Bank finally unblocked my account on April 5, 2021, after I filed this
12 lawsuit.

13 8. On April 6, 2021, five days after the Consolidated Class Action Complaint
14 was filed and 96 days after I submitted my unauthorized transaction claim to the Bank,
15 the Bank finally credited to my EDD debit card account the \$8,760 that had been stolen
16 from me the previous December. I received a letter stating that the Bank had
17 “completed an additional review” of my claim and that my account would be credited in
18 the full claim amount “[a]s a result of [the Bank’s] research.”

19 9. In this case, I seek to be appointed as a class representative.

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

1 11. I understand that if I am appointed as a class representative, I will be
2 responsible for overseeing the prosecution of this case by my attorneys. My interests in
3 this matter are consistent with, and not antagonistic to, the interests of the members of
4 each of the classes that I seek to represent. I understand and will fulfill the duties of a class
5 representative, including the duties to prosecute this case on behalf of each class as a
6 whole, and to consider the interests of each class as a whole just as I consider my own
7 interests.

8 I declare under penalty of perjury that the foregoing is true and correct. Executed on
9 August 22, 2024, at Temecula, California.

10
11 
Candace Koole (Aug 22, 2024 13:56 PDT)

CANDACE KOOLE