PX 296

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 AZURI MOON IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**
This Document Relates to All Actions	Judge: Hon. Gonzalo P. Curiel

I, AZURI MOON, declare as follows:

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

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

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

4. On or around October 20, 2020, I tried to buy lunch at a restaurant with my EDD debit card, but the transaction was declined for insufficient funds. I checked my EDD debit card account and saw two recent ATM withdrawals totaling $1,800 that I had not authorized.

5. On October 23, 2020, after several previous attempts to reach someone at the Bank of America (the "Bank") by calling the number listed on the back of my card, I was finally able to get through to the Bank's customer service department to report these unauthorized transactions and to ask the Bank to credit my EDD debit card account for the $1,800 that was stolen from me. Across many calls between October 20 and October 23, 2020, I spent approximately eleven hours on the phone before I was able to get through to anyone in the Bank's claims department.

6. When I finally reached the claims department, I spoke with a Bank representative and made a claim concerning the two unauthorized ATM withdrawals totaling $1,800. I explained to the Bank representative that I had never given or disclosed the PIN for my EDD debit card to anyone, had never authorized anyone to use my EDD debit card, and did not authorize the two ATM withdrawals. The Bank's representative told me that the Bank had opened my claim and would investigate and make a decision on my claim within 30-45 days.

7. In mid-November 2020, nearly a month after making my claim, I had not received any communication from the Bank, so I contacted the Bank to get an update on his claim. During the call, the Bank representative told me that I was liable for the disputed transactions and that the Bank would not be returning the money. During that same phone call, the Bank representative told me I should file a police report, write a detailed description of what happened, and fax it to the Bank with my name, case number, and card number. Having received no written communications from the Bank, and thus forced to rely only on my notes, it was difficult for me to file a police report. Regardless, I complied with everything the Bank requested and faxed my police report.

8. I eventually learned through discovery in this case that the Bank mailed me a letter dated October 28, 2020, which I did not receive, informing me that it had closed my claim and would not be reimbursing me for the $1,800 taken from my account. The letter did not provide an explanation for the denial, stating only: "Your claim has been closed because we believe the account or the claim have been the subject of fraud or suspicious activity."

9. Between October 20, 2020, and November 15, 2020, I repeatedly called the Bank's customer service to obtain assistance with issues related to my unauthorized transaction claim. During this period, I would estimate I spent over an hour on hold each time I called and several more hours on the phone with the Bank's representatives trying to resolve these issues. Despite these consistently long wait times every time I called the Bank, the Bank did not offer me any option to receive a call back when the next agent became available. Calling the Bank's toll-free number was the only option the Bank provided me for reaching a customer service representative. I am not aware of any communication from the Bank advising me, or other EDD debit cardholders, of any other options for reaching a customer service representative, such as by email or online.

10. In mid-December 2020, nearly a month after faxing to the Bank the police report and other documents the Bank had requested, and having received no communication from the Bank, I called the Bank again to get an update. A representative

told me that the Bank never received my fax. It turned out that a Bank representative had provided me with my *claim* number but mistakenly told me it was my *case* number, and the information in my fax reflected this mistake, derailing my fraud claim. I was told the Bank would not be able to process my claim until this was corrected. I then re-faxed everything with the information the Bank requested.

11. On or about December 17, 2020, I discovered that I could no longer access the unemployment insurance benefits in my EDD debit card account, which at the time were in the amount of about $600 biweekly.

12. Shortly after I discovered that my account had been frozen, I again called the Bank's customer service department. After calling multiple times and waiting on hold for more than an hour each time, I finally reached a customer service representative who said that my account had been frozen. The Bank's representative also told me that, because my account was frozen, the Bank could not do anything further either to address my earlier unauthorized transaction claim or to enable me to access my frozen benefits funds.

13. The Bank froze my account without giving me any notice that my account would be frozen. The Bank never explained to me why it had frozen my account. However, I later learned, through documents concerning my EDD debit card account that the Bank produced in this litigation, that the Bank froze my account on December 17, 2020, based on the Bank's application of its Claim Fraud Filter.

14. My EDD debit card account remained frozen for 91 days, from December 17, 2020, to March 18, 2021. During that period, I could not access any of the EDD benefits that were in my account as of the time of the freeze, and I could not receive or access any new periodic EDD benefits payments that I would have received and would have been able to use if the Bank had not frozen my account. Through documents concerning my EDD debit card account that the Bank produced in this litigation, I have since learned that on March 18, 2021, the Bank converted my account status from frozen to blocked and I was still not able to access any of the EDD benefits that were in my account. The Bank finally unblocked my account on April 15, 2021, after I filed this lawsuit.

15. On April 5, 2021, four days after the Consolidated Class Action Complaint was filed and 164 days after I submitted my unauthorized transaction claim to the Bank, the Bank finally credited to my EDD debit card account the $1,800 that had been stolen from me the previous October.

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

17. Since becoming involved in this case, I have had many communications with my attorneys regarding discovery, case updates, case filings, and other matters. I have also searched for and produced documents and have responded to written discovery requests and verified my responses. I was deposed by the Bank's attorneys in February 2024. I intend to continue working with my attorneys, and if appointed by the Court as a class representative, I intend to continue to pursue this case by, among other things, reviewing important case filings, participating in the discovery and trial process, staying informed and participating in discussions with my attorneys regarding significant developments in the case. I am committed to working with my attorneys to obtain the best possible result for the class consistent with good faith and sound judgment.

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

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 26, 2024, at 7pM Los Angeles, California.

AZURI MOON