

PX 40

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
-----)

C O N F I D E N T I A L

VIDEOTAPED DEPOSITION OF:

VANESSA RIVERA

THURSDAY, FEBRUARY 29, 2024

9:32 A.M.

REPORTED BY:

Sari M. Knudsen

CSR No. 13109

1 Deposition of VANESSA RIVERA, taken on
2 behalf of the DEFENDANT, at 520 Broadway,
3 Suite 500, Santa Monica, California, on
4 THURSDAY, FEBRUARY 29, 2024, before Sari M.
5 Knudsen, CSR No. 13109.

6
7 APPEARANCES OF COUNSEL:

8
9 FOR THE PLAINTIFFS:

10 COTCHETT, PITRE & MCCARTHY LLP
11 BY: KARIN SWOPE, ESQ.
12 AND VASTI MONTIEL, ESQ. (VIA ZOOM)
13 999 N. Northlake Way, Suite 215
14 Seattle, Washington 98103
15 206-802-1272

16 AND

17 ALTSHULER BERZON LLP
18 BY: MICHAEL RUBIN, ESQ.
19 AND STACEY LEYTON, ESQ.
20 AND CONNIE CHAN, ESQ.
21 177 Post Street, Suite 300
22 San Francisco, California 94108
23 (VIA ZOOM)
24
25

1 APPEARANCES OF COUNSEL: (CONTINUED)

2

3 FOR THE INDIVIDUAL PLAINTIFFS:

4 SWIGART LAW GROUP, APC

5 BY: ILANA PLATKIEWICZ, ESQ.

6 2221 Camino Del Rio S, Suite 308

7 San Diego, California 92108

8 866-219-3343

9 (VIA ZOOM)

10 AND

11 LAW OFFICES OF DANIEL SHAY

12 BY: DANIEL SHAY, ESQ.

13 2221 Camino Del Rio S, Suite 308

14 San Diego, California 92108

15 619-222-7429

16 (VIA ZOOM)

17

18

19

20

21

22

23

24

25

1 APPEARANCES OF COUNSEL: (CONTINUED)

2

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

4 GOODWIN PROCTER, LLP

5 BY: JESSICA HUANG, ESQ.

6 AND VALERIE HAGGANS, ESQ.

7 AND ETHAN SHUCHART, ESQ.

8 AND MARIE MCCUNE, ESQ. (VIA ZOOM)

9 620 8th Avenue

10 New York, New York 10018

11 212-813-8800

12

13 ALSO PRESENT:

14 NICHOLAS GLANTZ, VIDEOGRAPHER

15

16

17

18

19

20

21

22

23

24

25

SANTA MONICA, CALIFORNIA

THURSDAY, FEBRUARY 29, 2024; 9:32 A.M.

THE VIDEOGRAPHER: Good morning. We are going 9:32:17
on the record at 9:32 A.M. Pacific Time on 9:32:21
February 29, 2024. 9:32:24

This is the beginning of the video recorded 9:32:26
deposition of Vanessa Rivera, taken by counsel for 9:32:31
defendant, in the matter of "Bank of America 9:32:32
California Unemployment Benefits Litigation," filed 9:32:38
in the United States District Court, Southern 9:32:40
District of California, San Diego Division. Case 9:32:44
No. 21MD02992LABMSB. 9:32:53

The location of the deposition is 9:32:55
520 Broadway, Santa Monica, California. 9:32:59

My name is Nicholas Glantz representing 9:33:01
Veritext and I'm the videographer. The court 9:33:04
reporter is Sari Knudsen from the firm Veritext. 9:33:07

I'm not related to any party in this action 9:33:11
nor am I financially interested in the outcome. 9:33:14

If there are any objections to the 9:33:16
proceeding, please state them at the time of your 9:33:18
appearance. 9:33:19

Page 8

1 Counsel and all present, including 9:33:20
2 remotely, will now state their appearances and 9:33:22
3 affiliations for the record, beginning with the 9:33:25
4 noticing attorney. 9:33:27

5 MS. HUANG: Jessica Huang, Goodwin Procter, for 9:33:29
6 Defendant Bank of America. 9:33:32

7 MR. SHUCHART: Ethan Shuchart, Goodwin Procter, 9:33:35
8 for Defendant Bank of America. 9:33:38

9 MS. HAGGANS: Valerie Haggans, Goodwin Procter, 9:33:39
10 for the Defendant Bank of America. 9:33:43

11 MS. SWOPE: Karin Swope, the Cotchett firm, for 9:33:45
12 the class plaintiffs. 9:33:47

13 THE REPORTER: Okay. This is the reporter. I'm 9:33:49
14 now going to state who is appearing remotely via 9:33:53
15 Zoom. 9:33:54

16 Connie Chan, Michael Rubin, Daniel Shay, 9:33:58
17 Vasti Montiel, Stacy Leyton, Ilana Platkiewicz, and 9:34:07
18 Marie McCune. 9:34:19

19 9:34:19

20 VANESSA RIVERA, 9:34:21

21 having first been duly sworn, was 9:34:21

22 examined and testified as follows: 9:34:21

23 9:34:21

24 EXAMINATION 9:34:21

25 9:34:21

1 A Yes. 10:47:07

2 Q Were you aware that you could receive your 10:47:09

3 unemployment benefits via check from the State of 10:47:12

4 California rather than a prepaid card? 10:47:15

5 MS. SWOPE: Objection. Time frame. 10:47:17

6 THE WITNESS: Not until this happened to me. 10:47:22

7 BY MS. HUANG: 10:47:22

8 Q Have you ever received your benefits by 10:47:35

9 check? 10:47:36

10 A Yes. 10:47:38

11 Q What time periods? 10:47:49

12 A March, 2021 and currently right now. 10:48:01

13 Q Did you ever reach out to EDD and ask if 10:48:03

14 you could receive your benefits some other way 10:48:06

15 besides a card or a check? 10:48:08

16 A Yes. 10:48:09

17 Q When? 10:48:13

18 A In February. 10:48:14

19 Q Of what year? 10:48:15

20 A 2021. 10:48:16

21 Q Did you speak with a representative? 10:48:19

22 A Yes. 10:48:21

23 Q And what were you told? 10:48:25

24 A That this has been happening to a lot of 10:48:27

25 people lately. She put me on hold and then hung up. 10:48:34

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 18th day of March, 2024.

17
18
19
20
21 

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

CONFIDENTIAL

RE: BANK OF AMERICA CA UNEMPLOYMENT BENEFITS LITIGATION
VANESSA RIVERA, JOB NO. 6489501

E R R A T A S H E E T

PAGE 15 LINE 15 CHANGE Silver Berry to
Silverberry

REASON one word not two

PAGE 15 LINE 22 CHANGE Liced to Licea

REASON wrong Spelling

PAGE 16 LINE 3 CHANGE Silver Berry to
Silverberry

REASON one word not two

PAGE 16 LINE 9 CHANGE Liced to Licea

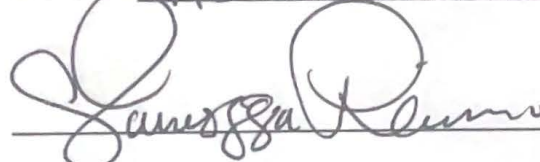
REASON wrong Spelling

PAGE 16 LINE 15 CHANGE Silver Berry to
Silverberry

REASON one word not two

PAGE 16 LINE 16 CHANGE Berry needs to
be taken out

REASON its one word not two



WITNESS

03/29/2024

Date

CONFIDENTIAL

RE: BANK OF AMERICA CA UNEMPLOYMENT BENEFITS LITIGATION
VANESSA RIVERA, JOB NO. 6489501

E R R A T A S H E E T

PAGE 16 LINE 18 CHANGE Silver Berry to
Silverberry

REASON one word not two

PAGE 22 LINE 23 CHANGE March to May

REASON I Started working in May not March

PAGE 24 LINE 10 CHANGE Lead to Lien

REASON wrong Spelling

PAGE 24 LINE 12 CHANGE Lead to Lien

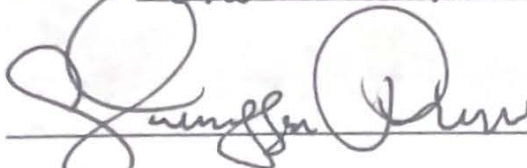
REASON wrong Spelling

PAGE 72 LINE 17 CHANGE 1900vriviera@gmail.com to
1990vriviera@gmail.com

REASON wrong Spelling

PAGE 77 LINE 15 CHANGE Silver Berry to
Silverberry

REASON one word not two



WITNESS

03/29/2024

Date

CONFIDENTIAL

RE: BANK OF AMERICA CA UNEMPLOYMENT BENEFITS LITIGATION
VANESSA RIVERA, JOB NO. 6489501

E R R A T A S H E E T

PAGE 77 LINE 18 CHANGE Silver Berry to
Silverberry

REASON one word not two

PAGE 82 LINE 19 CHANGE Silver Berry to
Silverberry

REASON One word not two

PAGE 47 LINE 6 CHANGE 1990vriv@gmail.com to
1990vriv@ gmail.com

REASON Wrong Spelling

PAGE 150 LINE 25 CHANGE B of A to BDA

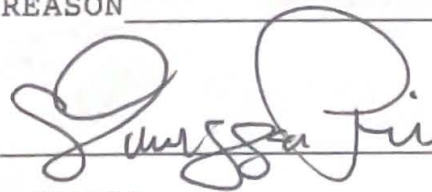
REASON Wrong Spelling.

PAGE _____ LINE _____ CHANGE _____

REASON _____

PAGE _____ LINE _____ CHANGE _____

REASON _____



WITNESS

03/29/2024

Date