

PX 41

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

IN RE: BANK OF AMERICA)
CALIFORNIA UNEMPLOYMENT) 21-MD-02992-LAB-MSB
BENEFITS LITIGATION) CONFIDENTIAL
_____)

VIDEO DEPOSITION OF LINDSAY McCLURE
MARCH 12, 2024

Reported by: Rosalie A. Kramm, CSR No. 5469, RPR, CRR

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1 MARCH 12, 2024 TUESDAY 10:00 A.M. SAN DIEGO, CALIFORNIA

2 THE VIDEOTAPE OPERATOR: Good morning. We're 10:09:17

3 going on the record at 10:09 a.m. on Tuesday, March 12th, 10:09:18

4 2024. Please note this -- the microphones are sensitive 10:09:24

5 and may pick up whispering and private conversations. 10:09:29

6 Please mute your phones at this time. Audio and video 10:09:33

7 recording will continue to take place unless all parties 10:09:37

8 agree to go off the record. 10:09:40

9 This is Media Unit 1 of the Video Recorded 10:09:42

10 Deposition of Lindsay McLure, testifying in the matter of 10:09:42

11 En Re Bank of America California Unemployment Benefits 10:09:45

12 Litigation, filed in the United States District Court, 10:09:47

13 Southern District of California, San Diego Division, Case 10:09:52

14 No. 21-MD-02992. This deposition is being held at Meyers 10:09:54

15 Nave, 600 "B" Street, Suite 1650, San Diego, California. 10:10:01

16 My name is Gregg Eisman, representing Veritext, 10:10:07

17 I'm the videographer. The court reporter today is 10:10:10

18 Rosalie Kramm, also from the firm Veritext. 10:10:12

19 I'm not related to any party in this action, 10:10:15

20 nor am I financially interested in the outcome. 10:10:17

21 If there are any objections to the proceeding, 10:10:20

22 please state them at the time of your appearance. 10:10:22

23 Counsel will now state their appearances and affiliations 10:10:24

24 for the record, beginning with the noticing attorney. 10:10:28

25 MS. HAGGANS: Good morning. Valerie Haggans 10:10:30

1 from the law firm Goodwin Procter for Defendant Bank of 10:10:32
2 America, N.A. 10:10:35
3 MS. RANKINS: Angelica Rankins from Goodwin 10:10:38
4 Procter for Bank of America. 10:10:38
5 MS. MONTIEL: Vasti Montiel from Cotchett, 10:10:41
6 Pitre & McCarthy for the Class Plaintiffs. 10:10:42
7 MS. BLATT: Gayle Blatt, Casey Gerry, on behalf 10:10:46
8 of the Class Plaintiffs. 10:10:49
9 MR. ARNZEN: Aaron Arnzen, Bottini & Bottini, 10:10:51
10 on behalf of Ms. McClure. 10:10:51
11 THE VIDEOTAPE OPERATOR: And we have counsel 10:10:56
12 remote, also. 10:10:57
13 MS. HAGGANS: Yes. In our previous depositions 10:10:59
14 the court reporter has read in the remote participants, 10:11:00
15 just so that we have a record of who had attended. 10:11:04
16 THE COURT REPORTER: They should announce their 10:11:07
17 appearances. 10:11:07
18 Counsel appearing remotely, please give your 10:11:07
19 appearance now. 10:11:07
20 MR. SHUCHART: Hi. This is Ethan Shuchart with 10:11:37
21 Goodman Procter representing Bank of America, N.A. 10:11:39
22 MR. RENDINO: This is Katahdin Rendino with 10:11:45
23 Goodman Procter for Bank of America, N.A. 10:11:45
24 MS. SWOPE: Karin Swope with Cotchett, Pitre & 10:11:51
25 McCarthy for Class Plaintiffs. 10:11:52

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1 Q. When you received hard copy mail from EDD, what 12:50:57
2 address did that mail come to? 12:51:05
3 [REDACTED] [REDACTED] [REDACTED]
4 Q. Did you keep the hard copy mail that you 12:51:20
5 received from EDD? 12:51:22
6 MS. MONTIEL: Objection. Vague. 12:51:25
7 THE WITNESS: Which copies? 12:51:27
8 BY MS. HAGGANS: 12:51:29
9 Q. Any of the documents that came to you from EDD 12:51:29
10 via hard copy mail. 12:51:33
11 A. I would say most of them, yes. 12:51:36
12 Q. And where did you keep those? 12:51:38
13 A. Stored under my bed. 12:51:40
14 Q. In the box that we talked about earlier today. 12:51:42
15 A. Yes. 12:51:44
16 Q. Did you ever receive information from EDD about 12:51:51
17 the different ways that you could receive your 12:51:57
18 unemployment benefits? 12:52:00
19 MS. MONTIEL: Objection. Vague as to time. 12:52:02
20 THE WITNESS: No. 12:52:03
21 BY MS. HAGGANS: 12:52:04
22 Q. Prior to receiving -- strike that. 12:52:10
23 When you submitted your application to EDD in 12:52:20
24 early 2020, were you aware that your EDD benefits would 12:52:24
25 be sent to you on a prepaid card? 12:52:29

1 A. Not until they sent it to me. 12:52:34

2 Q. When you received the card, did you have an 12:52:39

3 understanding of who it was issued from? 12:52:42

4 A. Yes. 12:52:45

5 MS. MONTIEL: Objection. Speculation. 12:52:46

6 BY MS. HAGGANS: 12:52:47

7 Q. Did you understand that it would be coming from 12:52:48

8 Bank of America? 12:52:51

9 A. From what it stated on the card, yes. 12:52:52

10 Q. Did you have an understanding about where the 12:52:57

11 money on the prepaid card would be coming from? 12:53:00

12 MS. MONTIEL: Objection. Speculation. 12:53:04

13 THE WITNESS: My understanding was that it was 12:53:07

14 the unemployment benefits that were deposited to the 12:53:09

15 card. 12:53:13

16 BY MS. HAGGANS: 12:53:14

17 Q. Did you ever consider receiving your 12:53:17

18 unemployment benefits via checks rather than via the 12:53:19

19 prepaid card? 12:53:24

20 MS. MONTIEL: Objection. Vague as to time. 12:53:25

21 THE WITNESS: Not until it was offered to me. 12:53:27

22 BY MS. HAGGANS: 12:53:30

23 Q. Okay. And when was that offered to you? 12:53:30

24 A. After I was a victim of fraud. 12:53:33

25 Q. Can you put a month and year on that? 12:53:39

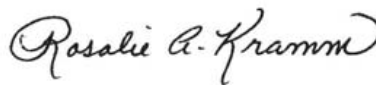
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REPORTER'S CERTIFICATE

I, Rosalie A. Kramm, Certified Shorthand Reporter for the State of California, do hereby certify:

That the witness named in the foregoing deposition was by me duly sworn; that the deposition was then taken before me at the time and place herein set forth; that the testimony and proceedings were reported stenographically by me and were transcribed through computerized transcription by me; that the foregoing is a true record of the testimony and proceedings taken at that time; and that I am not interested in the event of the action.

Witness my hand dated March 22, 2024.



ROSALIE A. KRAMM

CSR 5469, RPR, CRR

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1 I declare under penalty of perjury that the
2 foregoing is true and correct. Subscribed at
3 San Diego, California, this 26th day of
4 April, 2024.

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10 LINDSAY MCCLURE
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In re Bank Of America CA Unemployment Benefits Litigation
LINDSAY MCCLURE (#6489508)

E R R A T A S H E E T

PAGE 10 LINE 10 CHANGE McLure to McClure

REASON Spelling Error of Last Name

PAGE 37 LINE 7 CHANGE February or March of 2021

REASON I retained in January of 2021

PAGE 27 LINE 22 CHANGE Worked to Work

REASON Present Tense not past tense

PAGE 29 LINE 6-11 CHANGE Salary to Salary & Commission

REASON Correction

PAGE _____ LINE _____ CHANGE _____

REASON _____

PAGE _____ LINE _____ CHANGE _____

REASON _____

LMCM

26 April 2024

WITNESS

Date