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14 Attorneys for Defendant
15 BANK OF AMERICA, N.A.

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**
18 **SAN DIEGO DIVISION**

19 IN RE: BANK OF AMERICA
20 CALIFORNIA UNEMPLOYMENT
21 BENEFITS LITIGATION

Case No. 21-MD-02992-GPC-MSB

22 **DECLARATION OF DUSTIN**
23 **ANDERSON IN SUPPORT OF**
24 **DEFENDANT'S OPPOSITION TO**
25 **PLAINTIFFS' OBJECTIONS TO**
26 **AND MOTION TO REVERSE IN**
27 **PART MAGISTRATE JUDGE'S**
28 **APRIL 24, 2024 DISCOVERY**
ORDER

Date: July 19, 2024
Time: 1:30 p.m.
Ctrm: 2D
Judge: Hon. Gonzalo P. Curiel

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Filed/Lodged Concurrently with:
1. Mem. of Points and Auth. ISO
Opp. to Obj. and Mot. to Rev.
Discovery Order
2. Declaration of Michelle L. Briggs

1 I, Dustin Anderson, state and declare as follows:

2 1. I am employed by Bank of America, N.A. (“BANA”) as Senior Vice
3 President and Group Operations Manager within eDiscovery Legal. In my role, my
4 responsibilities include overseeing Electronic Discovery data collection requests.

5 2. I have personal knowledge of the facts stated herein and, if called upon
6 to do so, I could and would competently testify thereto.

7 3. I make this declaration in support of BANA’s Opposition to Plaintiffs’
8 Objections to and Motion to Reverse in Part Magistrate Judge’s April 24, 2024
9 Discovery Order.

10 4. In connection with the parties’ previous agreement regarding ESI
11 discovery and the Court’s direction, BANA has produced more than 275,000
12 documents to date.

13 5. To complete the prior ESI review in compliance with the schedule set
14 by the Court, BANA’s ESI discovery vendor hired more than 400 contract reviewers
15 and expended \$7.150 million to date in the processing, hosting, review, redaction,
16 production and privilege log costs. This does not include outside counsel expenses.

17 6. BANA is currently in the process of reviewing and producing ESI from
18 three additional senior executive custodians, including BANA’s former Chief
19 Operations and Technology Officer, Catherine Bessant, BANA’s President of
20 Regional Banking, Dean Athanasia, and BANA’s Head of Client Services and Credit
21 Assistance, Christine Channels.

22 7. BANA requested cost estimates from its ESI vendor, Consilio, for the
23 total vendor costs, including processing, hosting, review, redaction, production and
24 privilege log costs, associated with ESI discovery from these three custodians.

25 8. I understand from counsel that, among other things, Plaintiffs in this
26 litigation continue to seek ESI from two additional top executive custodians,
27 including BANA’s CEO Brian Moynihan and former President of Global Banking
28

1 and Markets and COO Thomas Montag.

2 9. BANA also requested cost estimates Consilio for the total vendor costs,
3 including processing, hosting, review, redaction, production and privilege log costs,
4 associated with ESI discovery from these two custodians.

5 10. For purposes of preparing the requested estimates, BANA instructed
6 Consilio to consider BANA's preliminary review of Bessant, Athanasia, and
7 Channels' ESI identified by BANA's reasonable search terms. Based on this
8 preliminary review, BANA anticipates a smaller review population than for prior
9 custodians—both due to de-duplication and fewer documents identified by search
10 terms—and fewer documents to redact and log for privilege than for prior custodians.

11 11. Based on these considerations, Consilio estimates a cost of between
12 \$150,000 and \$210,000 to perform the hosting, review, redactions, productions and
13 privilege logs associated with ESI from Bessant, Athanasia, and Channels.

14 12. Based on these considerations, Consilio estimates a cost of between
15 \$135,000 and \$170,000 to perform the hosting, review, redactions, productions and
16 privilege logs associated with ESI from Moynihan and Montag.

17
18 I declare under penalty of perjury under the laws of the United States that the
19 foregoing is true and correct. Executed on May 31, 2024, in Charlotte, North
20 Carolina.

21
22
23 By: 

DUSTIN ANDERSON