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12 *[ADDITIONAL COUNSEL LISTED IN SIGNATURE BLOCK]*

13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**
15 **SAN DIEGO DIVISION**

16 IN RE: BANK OF AMERICA
17 CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION

Case No. 3:21-MD-02992-GPC-MSB

**DEFENDANT'S NOTICE OF
MOTION AND MOTION TO
STAY PENDING SUPREME
COURT REVIEW**

Date: April 25, 2025
Time: 1:30 P.M.
Ctrm: 2D – 2nd Floor
Judge: Hon. Gonzalo P. Curiel

NOTICE OF MOTION AND MOTION TO STAY PROCEEDINGS

PLEASE TAKE NOTICE that, on April 25, 2025 at 1:30 P.M., or as soon thereafter as counsel may be heard,¹ in Courtroom 2D, Second Floor, of the United States District Court for the Southern District of California, located at 221 West Broadway, San Diego, California, before the Honorable Judge Gonzalo P. Curiel, counsel for Defendant Bank of America, N.A. (“Defendant” or “BANA”) will, and hereby does, move to stay proceedings in this action, including the issuance of the Court’s order on Plaintiffs’ Motion for Class Certification, pending the issuance of the United State Supreme Court’s opinion in *Laboratory Corp. of America Holdings v. Davis*, No. 24-0304.

This Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities in support thereof, all papers from this case on file with the Court, all other matters of which the Court may take judicial notice, any further evidence or argument offered to the Court at the hearing on this Motion, and any other evidence and argument the Court may consider.

Dated: February 7, 2024

Respectfully submitted,

By: s/ James W. McGarry

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¹ BANA met and conferred with Plaintiffs on this Motion and agreed to expedite the briefing of this Motion as follows: Plaintiffs would file their Opposition within fourteen (14) days, i.e., no later than February 21, 2025, and BANA would file its Reply within seven (7) days, i.e., no later than February 28, 2025. Given the proximity of the expert and dispositive motion deadlines in this matter, BANA is amenable to a hearing on this Motion at the Court’s convenience after it is fully briefed.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the clerk of the court for the United States District Court for the Southern District of California by using the CM/ECF system on February 7, 2025. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system. I certify under penalty of perjury that the foregoing is true and correct.

Executed: February 7, 2025

s/ James W. McGarry