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**REDACTED VERSION
OF DOCUMENT
SOUGHT TO BE
SEALED PURSUANT
TO STIPULATED
PROTECTIVE ORDER**

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12 **BANK OF AMERICA, N.A.**

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

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

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

19 **DECLARATION OF DON ROBERT**
20 **IN SUPPORT OF DEFENDANT**
21 **BANK OF AMERICA, N.A.'S**
22 **MOTION FOR PARTIAL SUMMARY**
23 **JUDGMENT**

24 Date: April 17, 2026

25 Time: 1:30 p.m.

26 Ctrm: 12A – 12th Floor

27 Judge: Hon. Gonzalo P. Curiel

28 FILED PROVISIONALLY UNDER SEAL
PURSUANT TO STIPULATED PROTECTIVE
ORDER

1 I, Don Robart, hereby declare as follows:

2 1. I am employed by Defendant Bank of America, N.A. (BANA), a party
3 to this action, as an Operations Executive in Claims Processing. I make this
4 declaration based upon personal knowledge and belief, upon BANA's records
5 maintained in the ordinary course and scope of business, and upon information
6 gathered from other BANA employees within the scope of their responsibilities. If
7 called to testify as to any of the matters set forth in this declaration, I could and would
8 competently testify thereto.

9 2. In my capacity as Operations Executive in Claims Processing, my
10 responsibilities include leading group operation managers and other employees
11 handling fraud and billing disputes, complaints, and correspondence with
12 cardholders, and overseeing updates to and implementation of BANA's policies,
13 procedures, trainings, and practices relating to claims review and investigation.

14 3. I am also familiar with BANA's record keeping processes and I have
15 access to the business records maintained by BANA in connection with its business
16 of managing prepaid debit card accounts opened by the California Employment
17 Development Department (EDD) (EDD Prepaid Debit Card Accounts or Accounts),
18 through which EDD disbursed unemployment benefits. This includes the systems of
19 record used for the purposes of [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 The systems, interfaces, and
25 documents described herein are all business records maintained by BANA in the
26 above-described manner (BANA Business Records).

27 4. The BANA Business Records are made in the regular or ordinary course
28 of business, at or near the time of the act, condition, or event to which they relate, by
persons employed by BANA and/or its predecessors and/or agents, who had a

1 business duty to regularly, accurately and completely take, make, and maintain such
2 records and documents. On information and belief based on my conversations with
3 my co-workers who downloaded and compiled the BANA Business Records in
4 response to Plaintiffs' Requests for Production of Documents (Plaintiffs' Requests),
5 BANA downloaded and compiled for production the responsive BANA Business
6 Records.

7 5. My testimony in this declaration is on information and belief based on
8 my knowledge of the systems described herein, my review of certain BANA Business
9 Records produced in response to Plaintiffs' Requests and my conversation with
10 coworkers who compiled the responsive BANA Business Records and who possess
11 knowledge of the operation of the systems described herein.

12 **The Systems Accessing BANA Business Records**

13 **I. Call Recordings**

14 6. Customer service calls during the relevant time period were recorded
15 pursuant to BANA's policies. [REDACTED]

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 7. [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED] Therefore, between September 13, 2020

1 and November 21, 2020, Bank of America cannot determine the individual wait or
2 hold time for a caller through a simple systematic data pull of its own records.

3 **II. VisaPAM**

4 8. During the relevant time period, BANA used [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 9. Additionally, BANA prepaid debit card call center representatives
11 would [REDACTED]
12 [REDACTED]

13 10. Upon information and belief, in response to Plaintiffs' Requests as to
14 documents relating to Plaintiffs' Accounts, [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED].

18 **III. Claims Materials and Correspondence from Wadworth**

19 11. At all relevant times, [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 **IV. Verint ATM Footage**

24 12. [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 I declare under the penalty of perjury that the foregoing is true and correct.
2 Executed on this 16th day of October, 2025.



5 DON ROBERT