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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

JENNIFER YICK,
ROLAND OOSTHUIZEN,
ROSEMARY MATHEWS,
CARLOS RODRIGUEZ,
J. MICHAEL WILLRICH,
LINDSAY MCCLURE,
ROBERT L. WILSON,
CHRISTOPHER MOSSON,
CLARA CAJAS,
STEPHANIE SMITH,
ALAN KARAM,
AZURI MOON,
VANESSA RIVERA,
CANDACE KOOLE, and
LUIS PEREZ, on behalf of themselves
and all others similarly situated,

Plaintiffs,

vs.

BANK OF AMERICA, N.A.; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 3:21-cv-00376-VC

CLASS ACTION

**DECLARATION OF MEIRIELY
AMARAL IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION AND
PROVISIONAL CLASS
CERTIFICATION**

Date: May 13, 2021

Time: 2:00 p.m.

Crtm: 4, 17th Floor

Judge: Hon. Vince Chhabria

I, Meiriely Amaral, declare as follows:

1. I am over 18 years of age and have personal knowledge of the matters set forth in this declaration. I am a paralegal at the law firm Altshuler Berzon LLP (“Altshuler Berzon”), which has been appointed interim co-lead counsel for Plaintiffs in the above-captioned consolidated putative class action against Defendant Bank of America, N.A. (“Bank of America” or “BANA”). I make this declaration in support of Plaintiffs’ Motion for Preliminary Injunction and Provisional Class Certification. If called as a witness, I could and would testify competently thereto.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Bank of America’s California Employment Development Department Debit Card Account Agreement (“Cardholder Agreement”), available at <https://www.visaprepaidprocessing.com/eddcard/Program/Terms> (last accessed March 31, 2021).

3. Attached hereto as **Exhibit 2** is a true and correct copy of Bank of America’s EDD Debit Card “Cardholder Frequently Asked Questions,” available at <https://www.visaprepaidprocessing.com/eddcard/program/faq> (last accessed March 31, 2021).

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Bank of America’s website homepage for EDD Debit Card account holders, available at <https://www.visaprepaidprocessing.com/EDDCard/home/index> (last accessed April 1, 2021).

5. Attached hereto as **Exhibit 4** is a true and correct copy of a webpage on the California Employment Development Department’s (“EDD”) website titled, “Guide to applying for unemployment benefits,” explaining how to “Receive your benefits,” available at <https://unemployment.edd.ca.gov/guide/receive-benefits> (last accessed March 29, 2021).

6. Attached hereto as **Exhibit 5** is a true and correct copy of a webpage on the EDD’s website titled, “Unemployment Insurance – After You File a Claim,” explaining how to “Receive Your Benefit Payments,” available at https://www.edd.ca.gov/unemployment/After_you_Filed.htm#receive (last accessed March 29, 2021).

7. Attached hereto as **Exhibit 6** is a true and correct copy of a webpage on the EDD's website titled "Debit Card," with additional information about "Frozen Cards" displayed, available at https://www.edd.ca.gov/about_edd/The_EDD_Debit_Card.htm (last accessed March 29, 2021).

8. Attached hereto as **Exhibit 7** are my transcriptions, transcribed to the best of my ability and cleaned up for readability (e.g., by omitting "um" and other verbal ties), of excerpts of the California State Assembly Budget Subcommittee No. 4 on State Administration's ("Assembly Budget Subcommittee No. 4") Informational Hearing on "Employment Development Department: Unemployment Insurance," held January 26, 2021, a video of which is available at <https://www.assembly.ca.gov/media/assembly-budget-subcommittee-4-state-admin-20210126/video> (last accessed March 29, 2021).

9. Attached hereto as **Exhibit 8** is a true and correct copy of a letter dated February 5, 2021 from the Assembly Budget Subcommittee No. 4 to Brian Putler, State and Local Government Relations, Western Region for Bank of America, setting forth the Subcommittee's follow up questions to Bank of America, available at <https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/Feb%209%20%20BOFA%20EDD%20Hearing%20Follow%20Up%20Ltr.pdf>.

10. Attached hereto as **Exhibit 9** is a true and correct copy of a letter dated February 19, 2021 from Brian Putler of Bank of America to the Assembly Budget Subcommittee No. 4 responding to the Subcommittee's February 5 follow up letter, available at <https://abgt.assembly.ca.gov/sites/abgt.assembly.ca.gov/files/BOFA%20Follow%20Up%20Response.pdf>.

11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts of the California State Auditor's Report 2020-128/628.1 titled, "Employment Development Department: EDD's Poor Planning and Ineffective Management Left It Unprepared to Assist Californians Unemployed by COVID-19 Shutdowns," dated January 2021 and issued to the

public on January 26, 2021, available at <https://www.bsa.ca.gov/pdfs/reports/2020-128and628.1.pdf>.

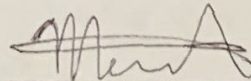
12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts of Bank of America's Opposition to Plaintiff Yick's Motion to Transfer Actions to the Northern District of California Pursuant to 28 U.S.C. §1407 for Coordinated or Consolidated Pretrial Proceedings, filed March 18, 2021 and docketed as Document No. 29 in *In re Bank of America California Unemployment Benefits Litigation*, MDL Case No. 2992.

13. Attached hereto as **Exhibit 12** is a true and correct copy of a news article by Kenny Choi, "Victims of Bank Of America EDD Debit Card Fraud Tell Stories Of Fake Charges, Long Waits, Closed Claims," dated December 22, 2020, available at <https://sanfrancisco.cbslocal.com/2020/12/22/victims-of-bank-of-america-edd-debit-card-fraud-tell-stories-of-closed-claims-frustration-loss/> (last accessed March 30, 2021).

14. Attached hereto as **Exhibit 13** is a true and correct copy of a news article by Kenny Choi, "'Your Claim Is Closed': Victims Of EDD Debit Card Scam Fighting Bank Of America To Get Money Back," dated December 1, 2020, available at <https://sanfrancisco.cbslocal.com/2020/12/01/your-claim-is-closed-victims-of-edd-debit-card-scam-fighting-bank-of-america-to-get-their-money-back/> (last accessed March 30, 2021).

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of April 2021, at San Francisco, California.



Meiriely Amaral

Exhibit 3

BANK OF AMERICA  EDD Debit Card

Username

Sign In

☐ Remember Username ?

[Need Username?](#) | [Forgot Username?](#)

Home

Sign In

Activate My Card

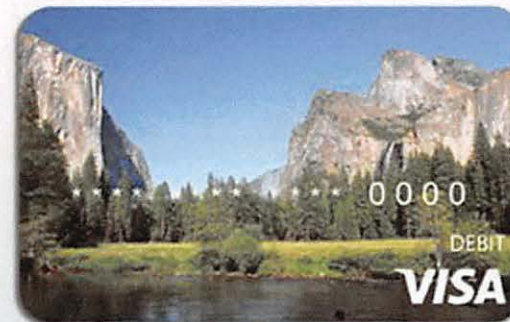
Please note your website username and password may be different than what you use for the Mobile App.

Your Employment Development Department Debit Card from Bank of America

- Faster, easier and more secure benefit payments
- Just received a card? Activate it now and get started!

Activate my card

Visit the EDD website at www.edd.ca.gov for more information



EDD Debit Card - Home Page x + Case 3:21-cv-00376-VC Document 64-4 Filed 04/01/21 Page 3 of 4

visaprepaidprocessing.com/EDDCard/home/index

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locator >



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If you have questions regarding your claim certification process or benefits payment amount, please go to www.edd.ca.gov for assistance.

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[DIGITAL TERMS & CONDITIONS AND FEES](#) | [ATM LOCATOR](#) | [BANK OF AMERICA, N. A.](#)

LANGUAGE: [ENGLISH](#) | [ESPAÑOL](#)

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Your funds are eligible for FDIC Insurance. Your funds are insured up to \$250,000 by the FDIC in the event Bank of America, N.A. fails, if specific deposit insurance requirements are met. See fdic.gov/deposit/deposits/prepaid.html for details. In the event Bank of America, N.A. fails, the FDIC may require information from you, including a government identification number, to determine the amount of your insured deposits. If you do not provide this information to the FDIC access to your insured funds will be delayed.