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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**
18 **BENEFITS LITIGATION**

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

**BANK OF AMERICA, N.A.'S
UNOPPOSED MOTION TO
CONTINUE THE MAY 1, 2026
MOTIONS HEARING DATE AND
TO AMEND THE SCHEDULING
ORDER**

22
23 This Document Relates to All Actions
24

Courtroom: 12A – 12th Floor
Judge: Hon. Gonzalo P. Curiel

1 WHEREAS, on July 17, 2025, the Court issued an Amended Scheduling Order
2 (ECF 521), setting deadlines for pretrial motions, including those addressing *Daubert*
3 issues related to dispositive motions (“Pretrial Motions”), and the final Pretrial
4 Conference on June 5, 2026;

5 WHEREAS, on October 14, 2025, the Court issued its Amended Order re:
6 Joint Motion to Set a Briefing Schedule and to Extend Page Limits for Defendant’s
7 Motion for Partial Summary Judgment (“Amended Order,” ECF 560), which set
8 April 17, 2026 as the hearing on Pretrial Motions;

9 WHEREAS, on October 17, 2025, pursuant to the Amended Order, Bank of
10 America, N.A. (“BANA”) filed its Motion for Partial Summary Judgment (ECF 589)
11 and five Motions to Exclude (ECF 563-67), and Plaintiffs filed their Motion to
12 Exclude (ECF 571);

13 WHEREAS, on March 29, 2026, the Court vacated the April 17, 2026 hearing
14 on the Pretrial Motions and rescheduled it for May 1, 2026;

15 WHEREAS, counsel for BANA, including its lead counsel who will be
16 arguing its summary judgment motion, are unavailable to appear for a hearing on
17 May 1, 2026 due to pre-planned business travel and mandatory business meetings on
18 that date that cannot be rescheduled, and are also unavailable on other Fridays in May
19 2026 due to preexisting professional conflicts (including previously scheduled court
20 hearings, mediations, and work-related travel) and personal conflicts (including
21 family graduations and a commencement speech);

22 WHEREAS, the parties have met and conferred regarding their mutual
23 availability and confirmed that they can be available on May 21 or June 5 for a
24 rescheduled Pretrial Motions hearing, and on July 24, 2026 for a rescheduled final
25 Pretrial Conference;

26 WHEREAS, Plaintiffs’ preference is to proceed with the hearing on BANA’s
27 Motion for Partial Summary Judgment and the Motions to Exclude on May 1, or as
28 soon thereafter as the Court is available (including any of the following three Fridays

1 in May 2026), but as a professional courtesy, Plaintiffs do not oppose the Bank's
2 request to continue the Pretrial Motions hearing to May 21 or, if the Court is not
3 available on May 21, to June 5, or the Court's next available date, and to continue
4 the final Pretrial Conference to July 24, 2026, with pretrial disclosures to be due June
5 26, 2026;

6 NOW THEREFORE, BANA hereby moves to and respectfully requests that
7 the Court reschedule the hearing on Pretrial Motions currently scheduled for May 1,
8 2026 and the Pretrial Conference currently scheduled for June 5, 2026, and issue an
9 Amended Scheduling Order as follows:

- 10 1. The Pretrial Motions shall be heard on May 21, 2026 or June 5, 2026 at
11 1:30 p.m. as determined by the Court, or the Court's next available date
12 when counsel for both parties can be available;
 - 13 2. Counsel shall comply with the pre-trial disclosure requirements of Fed.
14 R. Civ. P. 26(a)(3) by June 26, 2026;
 - 15 3. Counsel shall meet and take the action required by Local Rule 16.1(f)(4)
16 by July 6, 2026;
 - 17 4. By July 10, 2026, Plaintiffs' counsel must provide opposing counsel
18 with the proposed pretrial order for review and approval;
 - 19 5. The Proposed Final Pretrial Conference Order, including objections to
20 any other parties' Fed. R. Civ. P. 26(a)(3) Pretrial Disclosures, shall be
21 prepared, served, and lodged with the Court by July 17, 2026; and
 - 22 6. The Pretrial Conference shall be continued to July 24, 2026 at 1:30 p.m.
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1 Dated: April 15, 2026

Respectfully submitted,

2 By:

3 /s/ Matthew L. Riffie

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Attorneys for Defendant
BANK OF AMERICA, N.A.

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 April 15, 2026. 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: April 15, 2026 /s/ Matthew L. Riffie