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11 *Co-Lead Counsel for Plaintiffs and the Class*

12
13 **UNITED STATES DISTRICT COURT**
14 **SOUTHERN DISTRICT OF CALIFORNIA**
15

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

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

19 **PLAINTIFFS' NOTICE OF**
20 **MOTION AND *DAUBERT***
21 **MOTION TO EXCLUDE**
22 **TESTIMONY OF CARL PRY**

23 This document relates to All Actions

Judge: Hon. Gonzalo P. Curiel
Ctm: 12A
Date: April 17, 2026
Time: 1:30 pm

1 **NOTICE OF MOTION AND MOTION**

2 PLEASE TAKE NOTICE that on April 17, 2025 at 1:30 pm, in Courtroom 2D,
3 2nd Floor, of the United States Courthouse located at 333 West Broadway, San Diego,
4 CA 92101, Plaintiffs will and hereby do move this Court for an Order excluding the
5 Expert Report of Carl Pry and any testimony based on the same.

6 The motion is made on the ground that the testimony identified above does not
7 meet the requirements of Federal Rule of Evidence 702 under *Daubert v. Merrell Dow*
8 *Pharm, Inc.*, 509 U.S. 579 (1993). As explained in the attached memorandum of
9 points and authorities, the expert opinions and testimony of Bank expert Carl Pry
10 should be excluded on the dual grounds that: (1) they are not based on reliable
11 principles and methods, and (2) Mr. Pry has not otherwise explained why his
12 experience supports his opinions absent a reliable methodology. Mr. Pry's report and
13 testimony merely restates factual assertions made by various defense witnesses, all of
14 which the trier of fact can weigh for itself.

15 Plaintiffs' motion is based upon this notice of motion, the accompanying
16 memorandum of points and authorities, the supporting declaration of Brian Danitz
17 and all exhibits thereto, any reply memorandum or other memorandum Plaintiffs may
18 file, all filings in this action, and such other filings and arguments as may be presented
19 to the Court.

20 Respectfully submitted,

21 Dated: October 17, 2025

COTCHETT, PITRE & McCARTHY, LLP

22 By: /s/ Brian Danitz
23 JOSEPH W. COTCHETT
24 BRIAN DANITZ
25 KARIN B. SWOPE
26 VASTI S. MONTIEL
27 CAROLINE A YUEN
28

1 Dated: October 17, 2025

ALTSHULER BERZON LLP

2
3 By: /s/ Michael Rubin

MICHAEL RUBIN

4 STACEY M. LEYTON

5 CONNIE K. CHAN

6 JAMES BALTZER

7 *Co-Lead Counsel for Plaintiffs and the Class*

SIGNATURE ATTESTATION

Pursuant to section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I, Brian Danitz, attest that the other signatories listed, and on whose behalf this filing is submitted, concur in the filing content and have authorized this filing.

Dated: October 17, 2025

/s/ Brian Danitz

Brian Danitz