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Co-Lead Counsel for Plaintiffs and the Class

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**IN RE BANK OF AMERICA
CALIFORNIA UNEMPLOYMENT
BENEFITS LITIGATION**

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

**PLAINTIFFS' NOTICE OF
MOTION AND *DAUBERT*
MOTION TO EXCLUDE
CERTAIN TESTIMONY OF
VICTOR STANGO**

This document relates to All Actions

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

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that on April 17, 2025 at 1:30 pm, in Courtroom 2D, 2nd Floor, of the United States Courthouse located at 333 West Broadway, San Diego, CA 92101, Plaintiffs will and hereby do move this Court for an Order excluding paragraphs 31-35, 71-74, 82-83, 85-86, 89-90, 95-96 of the April 4, 2025 Expert Report of Victor Stango and any testimony based on those paragraphs.

The motion is made on the ground that the testimony identified above does not meet the requirements of Federal Rule of Evidence 702 under *Daubert v. Merrell Dow Pharm, Inc.*, 509 U.S. 579 (1993). As explained in the attached memorandum of points and authorities, the challenged testimony does not draw upon any economic or financial expertise but instead impermissibly offers a legal conclusion that is contrary both to Ninth Circuit precedent and to this Court's ruling on class certification. Further, the challenged testimony is not supported by the sources Dr. Stango cites and is not based on a reliable application of reliable principles to the facts of this case.

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

Respectfully submitted,

Dated: October 17, 2025

COTCHETT, PITRE & McCARTHY, LLP

By: /s/ Brian Danitz
JOSEPH W. COTCHETT
BRIAN DANITZ
KARIN B. SWOPE
VASTI S. MONTIEL
CAROLINE A YUEN

1 Dated: October 17, 2025

ALTSHULER BERZON LLP

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3 By: /s/ Michael Rubin
4 MICHAEL RUBIN
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8 *Co-Lead Counsel for Plaintiffs and*
9 *the Class*
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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 October 17, 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: October 17, 2025

/s/ Brian Danitz

BRIAN DANITZ