

MANDATE

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 24th day of October, two thousand thirteen.

Present:

Robert A. Katzmann,
Chief Judge,
Amalya L. Kearse,
Richard C. Wesley,
Circuit Judges.

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: December 11, 2013

In re Bank of America Corp. Securities, Derivative,
and Employee Retirement Income Security Act
(ERISA) Litigation.

13-1573 (L), 13-1677 (Con), 13-1798 (Con),
13-1830 (Con), 13-1853 (Con)

Defendants-Appellees, through counsel, moved to dismiss the appeal of Plaintiff-Appellant Charles N. Dornfest, docketed under 13-1677, for lack of appellate jurisdiction, or, in the alternative, to unconsolidate that appeal from the appeals docketed under 13-1573, 13-1798, 13-1830, and 13-1853.

The parties have now filed a stipulation pursuant to Local Rule 42.1 to withdraw the appeal docketed under 13-1677. Upon due consideration, it is hereby ORDERED that the appeal is WITHDRAWN without costs or attorney's fees, and without prejudice to reinstatement by Plaintiff-Appellant by November 29, 2013. It is further ORDERED that, if the appeal is reinstated, the merits brief of Defendants-Appellees shall be due 11 days from the date of reinstatement, and the motion of Defendants-Appellees to dismiss the appeal shall be deemed submitted as of such date.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk
United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe
SAG:MCB



Catherine O'Hagan Wolfe

MANDATE ISSUED ON 12/11/2013