

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re BANK OF AMERICA CORP.  
SECURITIES, DERIVATIVE, AND  
EMPLOYEE RETIREMENT INCOME  
SECURITY ACT (ERISA) LITIGATION

Master File No. 09 MD 2058 (PKC)

ECF CASE

This Document Relates To:

Consolidated Securities Action

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/17/2017
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[PROPOSED] ORDER REGARDING CALCULATION DISPUTES

WHEREAS, Lead Plaintiffs, on notice to Defendants' Counsel, moved this Court for an order approving the recommendations of the Claims Administrator with respect to Post-Distribution Issues and for a limited modification of the Order Approving Distribution Plan (ECF No. 1002) (the "Distribution Order") entered by the Court in the above-captioned class action (the "Action");

WHEREAS, pursuant to the terms of the Distribution Order, each Authorized Claimant who received a distribution from the Net Settlement Fund in connection with the Initial Distribution simultaneously received notice that should he, she or it disagree with the calculation of his, her or its Recognized Claim or the amount of their Initial Distribution check they must send a written statement detailing the disagreement to Garden City Group, LLC ("GCG") the Court-approved Claims Administrator, postmarked no later than thirty (30) days from the date of such notice;

WHEREAS, there are seventeen Unresolved Calculation Disputes for which Court review had been requested;

WHEREAS the Court having considered all the materials and arguments submitted in support of the motion, including the Declaration of Stephen J. Cirami in Support of Lead Plaintiffs' Motion for Approval of Recommendations Regarding Post-Distribution Issues and Modification of Distribution Order to Allow the Acceptance of Late Claims (the "Cirami Post-Distribution Issues Declaration"), the Memorandum in Support of Lead Plaintiffs' Motion for Approval of Recommendations Regarding Post-Distribution Issues and Modification of Distribution Order to Allow the Acceptance of Late Claims ("Post-Distribution Issues Memorandum"), and the supplemental submissions received from two Claimants with Unresolved Calculation Disputes for which Court review had been requested;

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. This Order incorporates by reference the definitions contained in the Stipulation and Agreement of Settlement dated November 30, 2012 (ECF No. 767-1) (the "Stipulation"), the Declaration of Stephen J. Cirami in Support of Lead Plaintiffs' Motion for Approval of Distribution Plan (ECF No. 1001) (the "Cirami Declaration"), and the Cirami Post-Distribution Issues Declaration and all capitalized terms used herein and not otherwise defined herein shall have the same meanings as ascribed to them in the Stipulation, the Cirami Declaration, or the Cirami Post-Distribution Issues Declaration.

2. This Court has jurisdiction over the subject matter of the Action and over all parties to the Action, including all Class Members.

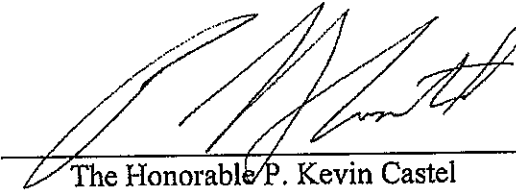
3. Lead Plaintiffs' motion for approval of the Claims Administrator's recommendations regarding the Unresolved Calculation Disputes is **APPROVED**. Accordingly: The Claims Administrator's administrative determinations with respect to Unresolved Calculation Disputes Nos. 1-17 are adopted.

4. This Court retains jurisdiction to consider any further applications concerning the administration of the Settlement, and such other and further relief as this Court deems appropriate.

SO ORDERED:

Dated: New York, New York

1-13-17



The Honorable P. Kevin Castel  
United States District Judge

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