

**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

**NOTICE OF LEAD PLAINTIFFS' MOTION  
FOR APPROVAL OF DISTRIBUTION PLAN**

**PLEASE TAKE NOTICE** that, upon the accompanying Declaration of Stephen J. Cirami in Support of Lead Plaintiffs' Motion for Approval of Distribution Plan (the "Cirami Declaration")<sup>1</sup>, submitted on behalf of the Court-appointed Claims Administrator, Garden City Group, LLC ("GCG")<sup>2</sup>, and the Memorandum in Support of Lead Plaintiffs' Motion for Approval of Distribution Plan, and pursuant to Federal Rule of Civil Procedure 23(e), Lead Plaintiffs, the State Teachers Retirement System of Ohio; the Ohio Public Employees Retirement System; the Teacher Retirement System of Texas; Stichting Pensioenfonds Zorg en Welzijn, represented by PGGM Vermogensbeheer B.V.; and Fjärde AP-Fonden, will move this Court, before the Honorable P. Kevin Castel, United States District Judge, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, for entry of the accompanying [Proposed] Order Approving Distribution Plan, which will, *inter alia*: (i) approve GCG's administrative recommendations accepting and rejecting Proofs of Claim submitted herein; (ii) direct an Initial

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<sup>1</sup> All terms with initial capitalization not otherwise defined herein shall have the meanings ascribed to them in the Cirami Declaration or in the Stipulation and Agreement of Settlement dated November 30, 2012 (ECF No. 767-1).

<sup>2</sup> GCG was formerly known as The Garden City Group, Inc.

Distribution of the Net Settlement Fund to Claimants whose Proofs of Claim have been accepted as valid and approved by the Court, while maintaining a Reserve for any contingencies that may arise; (iii) direct that Initial Distribution checks state that the check must be cashed within 120 days after the issue date; (iv) direct that Authorized Claimants will forfeit all recovery from the Settlement if they fail to cash their distribution checks in a timely manner; (v) provide for notice to Class Members that the Initial Distribution has occurred; (vi) establish a procedure for Authorized Claimants to challenge the calculation of their Claims; (vii) adopt the recommended plan for any funds remaining following the Initial Distribution; (viii) release claims related to the claims administration process; (ix) approve GCG's fees and expenses incurred and estimated to be incurred in connection with the administration of the Settlement; (x) authorize the destruction of Proofs of Claim and supporting documents at an appropriate time; and (xi) provide that the Court retains jurisdiction to consider any further applications concerning the administration of the Settlement, and such other and further relief as the Court deems appropriate.

The [Proposed] Order Approving Distribution Plan is attached hereto as Exhibit A.

Dated: April 13, 2015

Respectfully submitted,

**BERNSTEIN LITOWITZ  
BERGER & GROSSMANN LLP**

By: */s/ John Rizio-Hamilton*

Max W. Berger

Hannah G. Ross

John Rizio-Hamilton

1285 Avenue of the Americas

New York, NY 10019

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*Co-Lead Counsel*

#860256

# **EXHIBIT A**

**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

**[PROPOSED] ORDER APPROVING DISTRIBUTION PLAN**

Lead Plaintiffs, on notice to Defendants' Counsel, moved this Court for an order approving a distribution plan for the Net Settlement Fund in the above-captioned class action (the "Action"), and 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 Distribution Plan (the "Cirami Declaration"), and the Memorandum in Support of Lead Plaintiffs' Motion for Approval of Distribution Plan, submitted therewith;

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

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated November 30, 2012 (ECF No. 767-1) (the "Stipulation") and in the Cirami Declaration and all capitalized terms used herein and not otherwise defined shall have the same meanings as ascribed to them in the Stipulation or in the Cirami 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' plan for distribution of the Net Settlement Fund to Authorized Claimants is **APPROVED**. Accordingly:

(a) The administrative recommendations of the Court-approved Claims Administrator, Garden City Group, LLC (“GCG”)<sup>1</sup>, to accept the Timely Eligible Claims set forth in Exhibit C-1 to the Cirami Declaration and the Late But Otherwise Eligible Claims set forth in Exhibit C-2 to the Cirami Declaration, are adopted.

(b) The Claims Administrator’s administrative recommendations to reject wholly Ineligible Claims, as set forth in Exhibit C-3 to the Cirami Declaration, including the Disputed Claims discussed in paragraphs 58-65 and Exhibit B to the Cirami Declaration, are adopted.

(c) GCG is directed to conduct an initial distribution (the “Initial Distribution”) of the Net Settlement Fund, after deducting the payments previously allowed and those currently payable as authorized herein, and after deducting payment of any estimated taxes, the costs of preparing appropriate tax returns, and any escrow fees, as set forth in paragraph 81(a) of the Cirami Declaration. Specifically, as set forth in paragraph 81(a) of the Cirami Declaration, (1) any Authorized Claimant whose Distribution Amount based on the total amount of the Net Settlement Fund after the deduction of all currently payable allowed costs and expenses calculates to less than \$20.00 shall not receive any payment from the Net Settlement Fund and he, she or it will be so notified by a postcard substantially in the form attached hereto as Exhibit 1 (any such Claimant who or which does not submit his, her or its objection to the calculation of his, her or its Claim in the manner and by the date set forth in the postcard notice shall have waived all objections to the calculation); (2) Authorized Claimants whose calculated Distribution Amount (after removing from the calculation all Claims that fall under the \$20.00 minimum payment threshold) is less than \$200.00 shall be

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<sup>1</sup> At the time GCG was approved as Notice and Claims Administrator for this Action, it was known as The Garden City Group, Inc.

paid their full Distribution Amount (“Claims Paid in Full”) and shall not be eligible for payment in subsequent distributions of the Net Settlement Fund; and (3) after deducting the payments to the Claims Paid in Full, 90% of the remaining balance of the Net Settlement Fund shall be distributed on a *pro rata* basis to Authorized Claimants whose calculated Distribution Amount (after removing from the calculation all Claims that fall under the \$20.00 minimum payment threshold) is \$200.00 or more, with the remaining 10% held in reserve (the “Reserve”) to address any contingencies that may arise.

(d) In order to encourage Authorized Claimants to cash their checks promptly, and to avoid or reduce future expenses relating to unpaid checks, all Initial Distribution checks shall bear the following notation: “CASH PROMPTLY. VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT CASHED BY [DATE 120 DAYS AFTER ISSUE DATE].” Co-Lead Counsel and GCG are authorized to take appropriate action to locate and/or contact any Authorized Claimant who has not cashed his, her, or its check within said time as detailed in paragraph 81(a)(6) footnote 15 of the Cirami Declaration.

(e) Each Authorized Claimant who receives a distribution from the Net Settlement Fund in connection with the Initial Distribution shall simultaneously receive notice informing the Authorized Claimant that should he, she or it disagree with the calculation of his, her or its Recognized Claim or the amount of the Initial Distribution check, the Authorized Claimant must send a written statement detailing the disagreement to GCG, postmarked no later than 30 days from the date of such notice. The notice to be sent to Claims Paid in Full shall be substantially in the form attached hereto as Exhibit 2, and the notice to be sent to all other Authorized Claimants who receive a distribution shall be substantially in the form attached hereto as Exhibit 3. Any Authorized Claimant who does

not submit his, her or its objection in the manner described in the notices and by the date set forth above shall have waived all objections to the calculation of his, her or its Claim or the amount of his, her or its distribution(s) from the Net Settlement Fund.

(f) Co-Lead Counsel shall cause to be published notice to the Class of the Initial Distribution once in the national editions of *The Wall Street Journal* and *The New York Times* and once in the *Financial Times*, and to be transmitted once over the *PR Newswire*, substantially in the form set forth in Exhibit 4 hereto, within three weeks after the date the Initial Distribution checks are mailed. The amount necessary to pay the costs of such notice shall be paid from the Settlement Fund.

(g) Authorized Claimants who do not cash their Initial Distribution checks within the time allotted or on the conditions set forth in paragraph 81(a)(6) footnote 15 of the Cirami Declaration or pursuant to the terms of subparagraphs 3(e) and 3(f) above, shall irrevocably forfeit all recovery from the Net Settlement Fund. The funds allocated to all such checks shall be available to be redistributed to other Authorized Claimants in the Second Distribution as described below. Similarly, Authorized Claimants who do not cash subsequent distributions within the time allotted or on the conditions set forth in footnote 15 of the Cirami Declaration shall irrevocably forfeit any further recovery from the Net Settlement Fund.

(h) After GCG has made reasonable and diligent efforts to have Authorized Claimants cash their Initial Distribution checks (as set forth in footnote 15 of the Cirami Declaration) and after any disputes that may be brought to GCG's attention pursuant to the terms of subparagraphs 3(c)(1), 3(e) and 3(f) above have been resolved, but no earlier than one year after the Initial Distribution, GCG shall conduct a second distribution (the "Second



Distribution”) of the Net Settlement Fund. Any amount remaining in the Net Settlement Fund after the Initial Distribution (including from the Reserve and the funds for all void stale-dated checks), after deducting GCG’s estimated costs of such Second Distribution, and after deducting payment of any estimated taxes, the costs of preparing appropriate tax returns, and any escrow fees, shall be distributed to all Authorized Claimants from the Initial Distribution who (1) were not Claims Paid in Full; (2) cashed their Initial Distribution check; and (3) would receive at least \$20.00 from such distribution.

(i) After the Second Distribution and after the follow-up efforts described in footnote 15 of the Cirami Declaration have been completed, but not less than six (6) months after the Second Distribution is conducted, to the extent funds remain in the Net Settlement Fund, GCG shall be paid any unpaid costs incurred in conducting the Second Distribution as well as the Deferred Payment Amount.

(j) To the extent funds remain in the Net Settlement Fund after the payments referred to in subparagraph (i) are made, Claimants who or which submitted Proofs of Claim received after November 5, 2014 up through and including five (5) business days after the date of entry of this Order that would have been eligible for payment under the Plan of Allocation if timely received, at the discretion of Co-Lead Counsel, may be paid their distribution amounts on a *pro rata* basis that would bring them into parity with other Authorized Claimants who have cashed all their prior distribution checks to the extent possible.

(k) In order to allow a final distribution of any funds remaining in the Net Settlement Fund after completion of the Second Distribution and the payments referred to in

subparagraphs (i) and (j) above are made, whether by reason of uncashed checks, returned funds, tax refunds, or otherwise:

(1) If cost effective, not less than six (6) months after the payments referred to in subparagraph (j) are made, GCG shall conduct a further distribution of the Net Settlement Fund, pursuant to which the funds remaining in the Net Settlement Fund after deducting GCG's costs incurred in connection with administering the Settlement for which it has not yet been paid (including the costs incurred in connection with the payments made pursuant to subparagraph (j) above and the estimated costs of such distribution), and after deducting payment of any estimated taxes, the costs of preparing appropriate tax returns, and any escrow fees, shall be distributed to Authorized Claimants who cashed their most recent distribution checks and who would receive at least \$20.00 from such redistribution. Additional redistributions, after deduction of costs as described above and subject to the same conditions, may occur thereafter in six-month intervals until Co-Lead Counsel, in consultation with GCG, determine that further redistribution is not cost effective; and

(2) At such time as Co-Lead Counsel, in consultation with GCG, determine that further redistribution of funds remaining in the Net Settlement Fund is not cost effective, the remaining balance of the Net Settlement Fund, after payment of any unpaid costs incurred in connection with administering the Net Settlement Fund and after the payment of any estimated taxes, the costs of preparing appropriate tax returns, and any escrow fees, shall be contributed to non-sectarian, not-for-profit

501(c)(3) organization(s) recommended by Co-Lead Counsel and approved by the Court.

(l) Proofs of Claim received after November 5, 2014 up through and including five (5) business days after the date of entry of this Order, shall be eligible for payment on the terms set forth in subparagraph (j) above. No further Proofs of Claim may be accepted after five (5) business days after entry of this Order.

(m) All persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the Proofs of Claim submitted herein, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund, are hereby released and discharged from any and all claims arising out of such involvement, and all Class Members, whether or not they receive payment from the Net Settlement Fund, are hereby barred from making any further claims against the Net Settlement Fund, Lead Plaintiffs, Plaintiffs' Counsel, the Claims Administrator, the Escrow Agent or any other agent retained by Lead Plaintiffs or Co-Lead Counsel in connection with the administration or taxation of the Settlement Fund or the Net Settlement Fund beyond the amounts allocated to such Class Members pursuant to this Order.

(n) All of GCG's fees and expenses incurred in connection with the provision of notice and the administration of the Settlement and estimated to be incurred in connection with the Initial Distribution of the Net Settlement Fund as set forth in the invoices attached as Exhibit D to the Cirami Declaration are approved. Co-Lead Counsel are directed to now pay \$9,141,559.15 out of the Settlement Fund to GCG against the unpaid balance of \$13,059,370.22 with the remaining \$3,917,811.07 to be paid in accordance with the terms of subparagraph (i) above. And,

(o) Unless otherwise ordered by the Court, one year after the Second Distribution, GCG shall destroy the paper copies of the Proofs of Claim and all supporting documentation and, one year after all funds in the Net Settlement Fund have been distributed, GCG shall destroy electronic copies of the same.

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

\_\_\_\_\_, 2015

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The Honorable P. Kevin Castel  
United States District Judge

#860254

# **EXHIBIT 1**

**Notice of No Payment on Claim**

We have received and processed Claim No. [Claim Number] that you filed, or that was filed on your behalf, in connection with the Settlement in the *In re Bank of America Corp. Securities Litigation*. This Claim was processed in accordance with the Court-approved Plan of Allocation set forth in the Settlement Notice you previously received (and which is available for review at [www.boasecuritieslitigation.com](http://www.boasecuritieslitigation.com)), and the Claim's proportionate share of the Net Settlement Fund calculates to a distributable amount of less than \$20.00. The Plan of Allocation provides that: "[i]f the prorated payment to any Authorized Claimant calculates to less than \$20.00, . . . no distribution will be made to that Authorized Claimant." Settlement Notice ¶ 93. Accordingly, the above-referenced Claim will not receive a distribution from the Net Settlement Fund.

A list of all Claims which reflects the Claim number and the Recognized Claim Amount for each as well as the total Recognized Claim Amount for all such Claims and the amount of the Net Settlement Fund used for purposes of determining your proportionate share, is posted on the above-referenced website.

If you dispute the calculation of your Claim, you must send a written statement detailing your disagreement postmarked no later than 30 days from the date of this notice, that is by \_\_\_\_\_, 2015, to the return address noted on this postcard. If you do not submit an objection in the manner described and by that date, you shall have waived all objections to the calculation of your Claim.

Very truly yours,

Garden City Group, LLC  
The Claims Administrator

# **EXHIBIT 2**

Exhibit 2

KAPLAN FOX &  
KILSHEIMER LLP

BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP

KESSLER TOPAZ MELTZER  
& CHECK, LLP

Dear Authorized Claimant:

The attached check represents your *pro rata* share of the *In re Bank of America Corp. Securities Litigation* Settlement Fund. Your payment was calculated in accordance with the Plan of Allocation set forth in the Notice of (I) Proposed Settlement and Plan of Allocation; (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses, which you previously received, and the Court's Order Approving Distribution Plan dated \_\_\_\_\_, 2015 (the "Distribution Order"), both of which can be found at [www.boasecuritieslitigation.com](http://www.boasecuritieslitigation.com).

Under the Court-approved Plan of Allocation, the distribution to each Authorized Claimant is his, her or its *pro rata* share of the available funds which is calculated by dividing the Claimant's Recognized Claim by the total Recognized Claims of all Authorized Claimants, and then multiplying by the amount of available funds. The amount of your Recognized Claim is shown on your check stub. The total Recognized Claims for all Authorized Claimants eligible to participate in the distribution of the Net Settlement Fund is approximately \$\_\_\_\_ billion and the total amount of the Net Settlement Fund is approximately \$\_\_\_\_ billion, resulting in a *pro rata* percentage of approximately \_\_\_\_\_%.

Because your payment amount calculated to under \$200, under the terms of the Distribution Order, you are now being paid in full. You will not receive any further distributions in connection with the Settlement of this Action. Please deposit this check promptly as it becomes void and subject to re-distribution if not cashed by [DATE].

**PLEASE NOTE:** Under the terms of the Distribution Order, **if you do not agree with the calculation of your Recognized Claim or the amount of your check, you must send a written statement detailing your disagreement postmarked no later than 30 days from the date of this letter, that is by \_\_\_\_\_, 2015, to: *In re Bank of America Corp. Securities Litigation*, c/o Garden City Group, LLC, P.O. Box 9876, Dublin, OH 43017-5776.** If you do not submit an objection in the manner described and by that date, you shall have waived all objections to the calculation of your Claim or the amount of your distribution.

The Settlement Fund is a "Qualified Settlement Fund," as defined in Treas. Reg. Section 1.468B-1 through 5. Under those regulations "whether a distribution from a Qualified Settlement Fund is included in the claimant's gross income is generally determined by reference to the claim in respect of which the distribution is made and as if the distribution were made directly by the transferor." The claims upon which this litigation was based involved allegations of violations of the federal securities laws. The tax treatment of this distribution varies based upon the recipient's tax status and treatment of his, her or its investments. Therefore, we cannot determine the appropriate tax reporting for recipients and we cannot provide individual tax advice. The tax treatment of distributions from the Settlement Fund is the responsibility of each recipient. You should consult your tax advisor to determine the tax consequences, if any, of this distribution to you.

If you have changed your address from the address on the attached check stub or if you have any questions concerning this distribution, please contact the Claims Administrator by calling the toll-free number 1-855-733-8308 or by writing to the Claims Administrator at the address noted above.

Very truly yours,

Max W. Berger  
Bernstein Litowitz Berger  
& Grossmann LLP

Frederic S. Fox  
Kaplan Fox & Kilsheimer LLP

David Kessler  
Kessler Topaz Meltzer  
& Check, LLP



# **EXHIBIT 3**

Exhibit 3

**KAPLAN FOX &  
KILSHEIMER LLP**

**BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP**

**KESSLER TOPAZ MELTZER  
& CHECK, LLP**

Dear Authorized Claimant:

The attached check represents your *pro rata* share of the initial distribution from the *In re Bank of America Corp. Securities Litigation* Settlement Fund. Your payment was calculated in accordance with the Plan of Allocation set forth in the Notice of (I) Proposed Settlement and Plan of Allocation; (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses, which you previously received, and the Court's Order Approving Distribution Plan dated \_\_\_\_\_, 2015 (the "Distribution Order"), both of which can be found at [www.boasecuritieslitigation.com](http://www.boasecuritieslitigation.com).

Under the Court-approved Plan of Allocation, the distribution to each Authorized Claimant is his, her or its *pro rata* share of the available funds which is calculated by dividing the Claimant's Recognized Claim by the total Recognized Claims of all Authorized Claimants, and then multiplying by the amount of available funds. The amount of your Recognized Claim is shown on your check stub. The total Recognized Claims for all Authorized Claimants eligible to participate in the distribution of the Net Settlement Fund is approximately \$\_\_\_\_ billion and the amount of the Net Settlement Fund available for calculating the amount you are receiving in this initial distribution, under the Distribution Order, is approximately \$\_\_\_\_ billion, resulting in a *pro rata* percentage of approximately \_\_\_\_%. Please deposit this check promptly as it becomes void and subject to re-distribution if not cashed by [DATE].

**PLEASE NOTE:** Under the terms of the Distribution Order, **if you do not agree with the calculation of your Recognized Claim or the amount of your initial distribution check, you must send a written statement detailing your disagreement postmarked no later than 30 days from the date of this letter, that is by \_\_\_\_\_, 2015, to: *In re Bank of America Corp. Securities Litigation*, c/o Garden City Group, LLC, P.O. Box 9876, Dublin, OH 43017-5776.** If you do not submit an objection in the manner described and by that date, you shall have waived all objections to the calculation of your Claim or the amount of your distribution.

The Settlement Fund is a "Qualified Settlement Fund," as defined in Treas. Reg. Section 1.468B-1 through 5. Under those regulations "whether a distribution from a Qualified Settlement Fund is included in the claimant's gross income is generally determined by reference to the claim in respect of which the distribution is made and as if the distribution were made directly by the transferor." The claims upon which this litigation was based involved allegations of violations of the federal securities laws. The tax treatment of this distribution varies based upon the recipient's tax status and treatment of his, her or its investments. Therefore, we cannot determine the appropriate tax reporting for recipients and we cannot provide individual tax advice. The tax treatment of distributions from the Settlement Fund is the responsibility of each recipient. You should consult your tax advisor to determine the tax consequences, if any, of this distribution to you.

If you have changed your address from the address on the attached check stub or if you have any questions concerning this distribution, please contact the Claims Administrator by calling the toll-free number 1-855-733-8308 or by writing to the Claims Administrator at the address noted above.

Very truly yours,

Max W. Berger  
Bernstein Litowitz Berger  
& Grossmann LLP

Frederic S. Fox  
Kaplan Fox & Kilsheimer LLP

David Kessler  
Kessler Topaz Meltzer  
& Check, LLP

# **EXHIBIT 4**

**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 MDL 2058 (PKC)

ECF CASE

THIS DOCUMENT RELATES TO:

Consolidated Securities Action

**NOTICE OF INITIAL DISTRIBUTION OF NET SETTLEMENT FUND**

**TO: ALL PERSONS AND ENTITIES WHO SUBMITTED A PROOF OF CLAIM AND  
RELEASE FORM IN CONNECTION WITH THE SETTLEMENT OF THE ABOVE-  
CAPTIONED ACTION.**

**PLEASE READ THIS NOTICE CAREFULLY.  
YOUR RIGHTS MAY BE AFFECTED.**

An initial distribution of the Net Settlement Fund in the *In re Bank of America Corp. Securities Litigation*, Master File No. 09 MDL 2058 (PKC), recently has been made to all Class Members who submitted a Claim Form to the Claims Administrator, Garden City Group, LLC, and who did not receive a notice from the Claims Administrator that (i) their Claim had been recommended for complete rejection; (ii) the amount of their Claim fell below the minimum level to receive a payment; or (iii) because their Claim had been received after November 5, 2014, it was not eligible for payment in the distribution.

If you submitted a Claim Form to the Claims Administrator and you did not receive any of the notices mentioned above, and you have not yet received an initial distribution check, **you must, within 30 days of the date of this notice**, notify the Claims Administrator, as follows:

*In re Bank of America Corp. Securities Litigation*  
c/o Garden City Group, LLC  
P.O. Box 9876  
Dublin, OH 43017-5776  
Tel: 1-855-733-8308 (toll free)

**FAILURE TO NOTIFY THE CLAIMS ADMINISTRATOR WITHIN 30 DAYS OF THE DATE OF  
THIS NOTICE THAT YOU SUBMITTED A CLAIM FORM AND DID NOT RECEIVE ANY OF THE  
NOTICES NOTED ABOVE, BUT DID NOT RECEIVE AN INITIAL DISTRIBUTION CHECK, WILL  
RESULT IN THE FORFEITURE OF YOUR ENTIRE CLAIM.**

Co-Lead Counsel identified below are available to answer questions concerning the initial distribution or other claims processing matters:

Bernstein Litowitz Berger  
& Grossmann LLP  
1285 Avenue of the Americas  
New York, NY 10019  
Rochelle Feder Hansen, Esq.  
(212) 554-1407  
David L. Duncan, Esq.  
(212) 554-1464

Kaplan Fox & Kilsheimer LLP  
850 Third Avenue, 14<sup>th</sup> Floor  
New York, NY 10022  
Robert N. Kaplan, Esq.  
(212) 687-1980  
Frederic S. Fox, Esq.  
(212) 687-1980

Kessler Topaz Meltzer  
& Check, LLP  
280 King of Prussia Road  
Radnor, PA 19087  
David Kessler, Esq.  
(610) 667-7706  
Jennifer L. Enck, Esq.  
(610) 822-0263

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.

By Order of the Court

#880607