

*LA SEC, S.*

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DATE FILED: 4-13-12

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: BANK OF AMERICA CORP. :  
SECURITIES, DERIVATIVE, AND :  
EMPLOYEE RETIREMENT INCOME : Master File No. 09 MD 2058  
SECURITY ACT (ERISA) LITIGATION : (PKC)  
:

This document relates to:

All Derivative Actions

9 **[PROPOSED] ORDER TO SHOW CAUSE**

Upon the annexed Affidavit of Paul O. Paradis dated April 13, 2012, and the exhibits annexed thereto; the annexed Declarations of Nancy Rothbaum and Ann B. Houx dated April 12, 2012; and the accompanying Petition for an Order to Show Cause dated April 13, 2012, and sufficient cause appearing thereto, it is

**ORDERED**, that the Director Defendants, the Louisiana Municipal Police Employees Retirement System and the Hollywood Police Officers' Retirement System appear before the Honorable P. Kevin Castel, United States District Judge for the Southern District of New York at the United States Courthouse, 500 Pearl Street, New York, New York, at Room 12C, on ~~April 27~~ <sup>May 4</sup>, 2012 at ~~\_\_\_\_\_~~ <sup>on written submission</sup> or as soon thereafter as counsel ~~may be heard~~, to show cause why they should not be enjoined from consummating a proposed \$20 million derivative settlement;

**ORDERED**, that Saxena White P.A. and Kahn Swick & Foti LLC appear before the Honorable P. Kevin Castel, United States District Judge for the Southern District of New York at the United States Courthouse, 500 Pearl Street, New York, New York, at Room ~~\_\_\_\_\_~~ <sup>on written submission</sup>

✓ *May 4, 2012*  
12C, on ~~April~~, 2012 at ~~\_\_\_\_\_~~ or as soon thereafter as counsel may be heard, to show cause why these two firms should not be removed as Interim Co-Lead Counsel in this action; and

**ORDERED**, the Louisiana Municipal Police Employees Retirement System and the Hollywood Police Officers' Retirement System to appear before the Honorable P. Kevin Castel, United States District Judge for the Southern District of New York at the United States Courthouse, 500 Pearl Street, New York, New York, at Room 12C, on ~~April~~, *May 4, 2012* *on written submission* 2012 at ~~\_\_\_\_\_~~ or as soon thereafter as counsel may be heard, to show cause why they should not be removed as Co-Lead Plaintiffs in this action; and

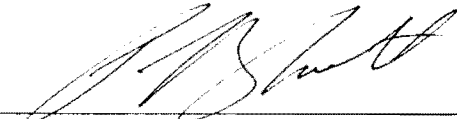
**ORDERED**, the Director Defendants and the Louisiana Municipal Police Employees Retirement System and the Hollywood Police Officers' Retirement System appear before the Honorable P. Kevin Castel, United States District Judge for the Southern District of New York at the United States Courthouse, 500 Pearl Street, New York, New York, at Room 12C, on ~~April~~, *May 4, 2012 on written submission* 2012 at ~~\_\_\_\_\_~~ or as soon thereafter as counsel may be heard, to show cause why Nancy Rothbaum and Ann. B. Houx should not be permitted to intervene and to seek appointment as Lead Plaintiff, and their counsel not be permitted to seek appointment as Co-Lead Counsel in this action in order to protect nominal defendant Bank of America Corporation's interests in this litigation; and

**ORDERED**, that the service of a copy of the Proposed Order to Show Cause, together with all supporting papers, which were effectuated by electronic mail upon counsel of record in this proceeding on April 13, 2012, shall be deemed good and sufficient service thereof; and

✓ **ORDERED**, answering papers, if any, shall be served by hand delivery or electronic mail upon counsel for Petitioners, Horwitz, Horwitz & Paradis, Attorneys At Law, 570 7th Ave, 20th Floor, New York, NY 10018, attention Paul O. Paradis (pparadis@hhplawny.com), on or before April <sup>27</sup>, 2012; and it is

✓ **ORDERED**, that reply papers, if any, shall be served by hand delivery or electronic mail on counsel of record in this proceeding on or before <sup>May 4</sup> April ~~4~~, 2012.

✓ DATED: New York, New York  
April <sup>13</sup>, 2012

  
United States District Judge

