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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: BANK OF AMERICA CORP.
SECURITIES, DERIVATIVE, AND
EMPLOYEE RETIREMENT INCOME
SECURITY ACT (ERISA) LITIGATION

Master File No. 09 MD 2058 (PKC)

ORDER

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THIS DOCUMENT RELATES TO:


THE CONSOLIDATED DERIVATIVE
ACTIONS

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CASTEL, District Judge:

The Court has scheduled a hearing on the settlement of the derivative action for January 11, 2013 at 11 a.m. and is in the process of reviewing all submissions by proponents and objectors of the settlement. Without deciding any issue and only by way of example, the Court has not yet been persuaded of the fairness, reasonableness and adequacy of a settlement of the derivative claims against defendant Lewis in exchange for corporate governance reforms of unquantifiable value and \$20 million in cash, some, most or all of which will be consumed by plaintiffs' attorneys' fees.

Counsel for the lead derivative plaintiffs, the individual defendants and the Delaware objectors are directed to meet at 2 p.m. on January 7, 2013 at the offices of counsel for the individual defendants to discuss revisions to the proposed settlement.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
January 4, 2013