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MAR 30 2011

PLAINTIFFS

ANCHORAGE POLICE & FIRE RETIREMENT SYSTEM,
Individually and on Behalf of all Others Similarly Situated

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

LABATON SUCHAROW LLP, 140 Broadway,
New York NY 10005, 212-907-0700

DEFENDANTS

BANK OF AMERICA CORPORATION, BRIAN T. MOYNIHAN,
CHARLES H. NOSKI, KENNETH D. LEWIS, and JOSEPH L. PRICE

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 [15 U.S.C. §§ 78j(b) and 78t(a)]

Has this or a similar case been previously filed in SDNY at any time? No? ☐ Yes? ☒ Judge Previously Assigned William H. Pauley

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

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PERSONAL INJURY

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Check if demanded in complaint:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

to be determined

DEMAND \$ at trial _____ OTHER _____

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

JUDGE William H. Pauley

DOCKET NUMBER 11-cv-733

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANCHORAGE POLICE & FIRE RETIREMENT
SYSTEM, Individually and on Behalf of all Others
Similarly Situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION, BRIAN
T. MOYNIHAN, CHARLES H. NOSKI,
KENNETH D. LEWIS, and JOSEPH L. PRICE,

Defendants.

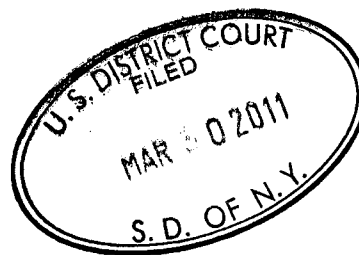
Case No.

11 CIV 2216

CLASS ACTION

**COMPLAINT FOR VIOLATION
OF THE FEDERAL SECURITIES
LAWS**

JURY TRIAL DEMANDED



Plaintiff Anchorage Police & Fire Retirement System ("Plaintiff") makes the following allegations based upon the investigation of Plaintiff's counsel, which included a review of U.S. Securities and Exchange Commission ("SEC") filings by Bank of America Corporation ("Bank of America" or the "Company"), as well as regulatory filings and reports, securities analysts' reports and advisories about the Company, press releases and other public statements issued by the Company, and media reports about the Company. Plaintiff believes that substantial additional evidentiary support will exist for the allegations set forth herein after a reasonable opportunity for discovery.

NATURE OF THE ACTION

1. This is a federal securities fraud class action brought on behalf of purchasers of the publicly-traded securities of Bank of America (the "Class") between July 23, 2009 and October 19, 2010, inclusive (the "Class Period"), seeking to pursue remedies under the Securities Exchange Act of 1934 (the "Exchange Act") against Bank of America and certain of its officers and directors.

2. This action alleges that Defendants concealed material information and made false and misleading statements relating to the Company's exposure to several forms of risk, including: (1) Bank of America's financial exposure to faulty mortgages that were originated by Countrywide Financial Corporation ("Countrywide"); (2) Bank of America's exposure to mortgages upon which it could not legally foreclose; (3) Bank of America's exposure to systemic mortgage servicing problems; and (4) Bank of America's "dollar rolling" practice, through which the Company artificially reduced reported leverage ratios while taking on more risk than it disclosed to the market and federal regulators. As a result of Defendants' false and misleading

statements and omissions, Bank of America's securities traded at artificially-inflated prices during the Class Period.

3. With the July 1, 2008 acquisition of Countrywide (the "Merger"), Bank of America became one of the largest mortgage lenders in the United States. In fact, as of October 2010, Bank of America was servicing 14 million mortgages, or one out of every five mortgages in the United States, and the Company's loan-servicing portfolio exceeded \$2.1 trillion.

4. Soon after the Merger, Bank of America learned that it faced exposure to tens of billions of dollars of repurchase demands from investors who had purchased residential mortgage-backed securities ("RMBS") backed by Countrywide home mortgages because of numerous instances of improper underwriting by Countrywide when originating and servicing mortgage loans. Compounding this exposure, Bank of America learned of numerous deficiencies in Countrywide loan servicing procedures, including lost or misplaced documents, predatory lending and servicing practices, and improper foreclosures. Rather than attempting to address these issues or disclose them to investors, Defendants chose to cover them up.

5. Throughout the Class Period, Defendants repeatedly assured investors that Bank of America's exposure to repurchase demands was manageable and that the Company had adequately reserved for this exposure. On numerous occasions, Defendants claimed that repurchase demands were unjustified and that the Company would contest them.

6. Furthermore, Defendants made numerous false and misleading statements about the Company's commitment to being a leader in responsible home lending practices. In fact, Defendants' actions demonstrated just the opposite: As home foreclosures rose, Defendants sought to foreclose on mortgages for which they lacked proper documentation through the use of

“robo-signers” who improperly attested to Bank of America’s ownership of the mortgages in question.

7. In September 2010, however, reports began to surface about the use by lenders, including Bank of America, of improper mortgage servicing practices and, in particular, the use of “robo-signers” to fraudulently push foreclosure actions through to judgment. By October 2010, several of the United States’ most prominent lenders, including Bank of America, suspended foreclosures, and state and federal government entities opened investigations into bank lending and servicing practices.

8. On October 8, 2010, Bank of America announced a nationwide foreclosure halt pending an internal review of its foreclosure processes to determine whether irregularities were present in its already completed foreclosures. In a speech at the National Press Club in Washington, Bank of America’s Chief Executive Officer (“CEO”), Defendant Brian T. Moynihan, attempted to downplay the foreclosure freeze, explaining, “We just want to clear the air.” See Michael J. Moore, Lorraine Woellert & Dakin Campbell, *BofA Freezes All U.S. Foreclosures to ‘Clear the Air’*, Bloomberg BusinessWeek, Oct. 8, 2010.

9. Soon thereafter, on October 13, 2010, the Attorneys General of all 50 states announced that they had opened coordinated investigations into bank lending and servicing practices.

10. Upon this disclosure, on October 13, 2010, Bank of America’s stock fell \$0.23 per share, or 1.7 percent, to close at \$13.29 per share on October 13, 2010. The following day, October 14, 2010, Bank of America’s stock fell an additional \$0.69, or 5.19 percent to close at \$12.60.

11. After the markets closed on October 18, 2010, a group of investors holding more than \$47 billion in Countrywide RMBS sent Bank of America a notice of non-performance, *i.e.*, a buyback demand, that identified alleged failures by Countrywide Home Loan Servicing to perform covenants and agreements in connection with those securities.

12. On October 19, 2010, Bank of America announced its third quarter 2010 financial results, reporting a net loss of \$7.3 billion and a diluted earnings per share (“EPS”) loss of \$0.77. Bank of America further reported receiving \$18 billion in claims concerning faulty home loans that it might be obligated to repurchase.

13. As a result of these revelations, Bank of America stock dropped \$0.54 per share, or 4.38 percent, to close at \$11.80 per share on October 19, 2010.

14. In addition to concealing the risks posed by the Company’s improper foreclosure practices and buyback demands from RMBS holders, during the Class Period Bank of America concealed its use of “dollar rolling” and other tactics in order to conceal the risky nature of its investments and present artificially low leverage levels for reporting purposes.

15. On April 9, 2010, *The Wall Street Journal* reported that data from the Federal Reserve Bank of New York indicated that major banks, including Bank of America, had masked their risk levels for the previous five quarters by temporarily lowering their debt just before they reported their results to the public. See Kate Kelly, Tom McGinty, & Dan Fitzpatrick, *Big Banks Mask Risk Levels*, Wall. St. J., Apr. 9, 2010 (the “WSJ Article”). The WSJ Article explained that a group of 18 banks, including Bank of America, understated the debt levels reported at each quarter’s end by lowering them an average of 42 percent at the end of each of the previous five quarterly periods; the banks then boosted their debt levels in the middle of successive quarters.

Id.

16. On May 20, 2010, Bank of America filed its quarterly report for the first quarter of 2010 on Form 10-Q in which it disclosed aspects of its “repo-to-maturity,” *i.e.* dollar rolling, transactions and asserted that the transactions did not have a material impact on the Company’s balance sheet.

17. Just days later, on May 26, 2010, *The Wall Street Journal* reported that Bank of America had hidden billions of dollars in debt from investors when reporting its financial results over the previous three years. *See* Michael Rapoport & Tom McGinty, *Banks Trim Debt, Obscuring Risks*, Wall St. J., May 26, 2010.

18. Thus, the Company’s quarterly and annual financial statements filed during the Class Period contained materially false and misleading statements as to the Company’s levels of debt.

19. The following true facts were known by the Defendants but concealed from the Bank of America’s shareholders during the Class Period: (1) Bank of America did not have adequate resources to process the huge numbers of loans in its portfolio that were subject to foreclosure; (2) Bank of America had not properly recorded many of its mortgages when originated or acquired, which delayed, if not entirely prevented, the Company from foreclosing upon those loans; (3) Defendants failed to maintain proper internal controls related to the processing of foreclosures; (4) Bank of America’s failure to properly process both mortgages and foreclosures would impair the Company’s ability to dispose of loans upon which borrowers had defaulted; and (5) Bank of America had engaged in leverage manipulation through a practice known as “dollar rolling” to remove billions of dollars of debt from its balance sheet before it filed its annual and quarterly financial statements.

20. As a result of Defendants' false and misleading statements, the Company's stock price traded as high of \$19.86 per share on April 15, 2010, and closed as high as \$19.48 per share on April 15, 2010. By the time the truth was revealed, the Company's stock price dropped to \$11.80 per share.

JURISDICTION AND VENUE

21. The claims asserted herein arise under and pursuant to Sections 10(b) and 20(a) of the Exchange Act [15 U.S.C. §§ 78j(b) and 78t(a)] and Rule 10b-5 promulgated thereunder by the SEC [17 C.F.R. § 240.10b-5].

22. This Court has jurisdiction over the subject matter of this action pursuant to Section 27 of the Exchange Act, 28 U.S.C. § 1331 [15 U.S.C. § 78a(a)].

23. Venue is proper in this District pursuant to Section 27 of the Exchange Act, 28 U.S.C. § 1391(b), because many of the acts and practices complained of herein occurred in substantial part in this District.

24. In connection with the acts alleged in this complaint, Defendants, directly or indirectly, used the means and instrumentalities of interstate commerce, including but not limited to the mails, interstate telephone communications, and the facilities of the national securities markets.

PARTIES

25. Plaintiff Anchorage Police & Fire Retirement System purchased the publicly-traded securities of Bank of America at artificially inflated prices during the Class Period, as set forth in the accompanying Certification and incorporated by reference herein, and has been damaged thereby.

26. Defendant Bank of America Corporation is a Delaware corporation with headquarters in Charlotte, North Carolina. The Company's stock is listed on the New York Stock Exchange (the "NYSE") under the ticker symbol "BAC," and its stock is a component of the Dow Jones Industrial Average. With more than 6,000 banking offices in all 50 states and the District of Columbia, Bank of America has transacted, and continues to transact, business in this District.

27. Defendant Brian T. Moynihan has served as President, CEO, and as a director of Bank of America since January 2010.

28. Defendant Charles H. Noski has served as Bank of America's Chief Financial Officer ("CFO") and Executive Vice President since May 2010.

29. Defendant Kenneth D. Lewis ("Lewis") served as Bank of America's CEO since April 2001, President since July 2004, and Chairman of the Board of Directors since February 2005. Lewis retired from these positions on December 31, 2009.

30. Defendant Joseph L. Price served as Bank of America's CFO from January 2007 through January 2010.

31. The Defendants named in paragraphs 27 through 30 are referred to as the "Individual Defendants."

32. During the Class Period, the Individual Defendants, as senior executive officers and/or directors of Bank of America, were privy to confidential and proprietary information concerning Bank of America, its operations, finances, financial condition, and present and future business prospects. The Individual Defendants also had access to material-adverse, non-public information concerning Bank of America, as discussed in detail below. Because of their positions with Bank of America, the Individual Defendants had access to non-public information

about the Company's business, finances, and future business prospects through access to internal corporate documents, conversations and connections with other corporate officers and employees, attendance at management and/or board of directors meetings and committees thereof, and through reports and other information provided to them in connection therewith. Because of their possession of such information, the Individual Defendants knew, or recklessly disregarded, that the adverse facts specified herein had not been disclosed to, and were being concealed from, the investing public.

33. The Individual Defendants are liable as direct participants in the wrongs complained of herein. In addition, the Individual Defendants, by reason of their status as senior executive officers and/or directors, were "controlling persons" within the meaning of Section 20(a) of the Exchange Act, and had the power and influence to cause the Company to engage in the unlawful conduct complained of herein. Because of their positions of control, the Individual Defendants were able to, and did, directly or indirectly, control the conduct of Bank of America's business.

34. The Individual Defendants, because of their positions with the Company, controlled and/or possessed the authority to control the contents of Bank of America's reports, press releases, and presentations to securities analysts and, through them, to the investing public. The Individual Defendants were provided with copies of the Company's reports and press releases alleged herein to be misleading, prior to or shortly after their issuance, and had the ability and opportunity to prevent their issuance or cause them to be corrected. Thus, the Individual Defendants had the opportunity to commit the fraudulent acts alleged herein.

35. As senior executive officers and/or directors and as controlling persons of a publicly-traded company whose common stock is registered with the SEC, traded on the NYSE,

and governed by the federal securities laws, the Individual Defendants had a duty to promptly disseminate accurate and truthful information with respect to Bank of America's financial condition and performance, growth, operations, financial statements, business, products, markets, management, earnings, and present and future business prospects, and to correct any previously issued statements that had become materially misleading or untrue so that the market price of Bank of America's securities would be based upon truthful and accurate information. The Individual Defendants' misrepresentations and omissions during the Class Period violated these specific requirements and obligations.

SUBSTANTIVE ALLEGATIONS

A. Background

(1) The Countrywide Merger

36. On July 1, 2008, Bank of America acquired Countrywide by issuing 107 million shares of Bank of America common stock for 583 millions shares of Countrywide common stock. The Merger dramatically increased the number of home mortgage loans serviced by Bank of America—from 4 million pre-Merger to 14 million post-Merger. Because of Countrywide's lending practices, a much higher proportion of Countrywide's loans were likely to be subject to foreclosure than the loans Bank of America had previously serviced.

37. Prior to the Merger, Countrywide had utilized a company called Mortgage Electronic Registration Systems, Inc. ("MERS") to record the vast number of mortgage loans it had originated while using extremely aggressive lending practices. In order to save time and money on registering the mortgage liens in the public records of the various counties in which Countrywide originated the loans, Countrywide used MERS to track the movement of the loans through the securitization process. However, the process led to a great deal of confusion. MERS

was to be a nominee of Countrywide but not necessarily the mortgagee and not entitled to payments, nor to foreclose. Through the process of working with MERS, the mortgages—the document that provides the security for a note, *i.e.*, a lien—became separated from the notes—the payment due pursuant to a mortgage, including repayment terms, interest, and duration. Thus, MERS might be the mortgage holder but not the note-holder. Countrywide continued to be the servicer but did not retain the right to payments or the right to foreclose.

38. Following the Merger, Bank of America discovered that information was missing from many Countrywide loan files, making it difficult to deal with borrowers. The deficiencies were particularly pronounced when loans went into foreclosure because the paperwork and recording problems made it difficult if not impossible to foreclose on loans.

39. By year-end 2009, Bank of America found itself saddled with non-performing loans worth billions of dollars, and the Company was attempting to foreclose upon thousands of homes. In order to prevent a collapse in Bank of America's stock price and prevent borrowers from objecting to foreclosures based upon faulty procedures, Defendants concealed the paperwork and recording problems associated with the loans that would inhibit, if not altogether prevent, foreclosures.

(2) Risk Manipulation

40. During the same time frame, Bank of America engaged in “dollar rolling” transactions, which were designed to artificially lower the Company's leverage ratios—a key indicator of the Company's risk levels. As a result of these practices, Bank of America understated the levels of risk the Company had experienced during a given financial reporting period on quarterly and annual financial statements. The Company concealed its risk manipulation practices from its shareholders during the Class Period.

B. Defendants' Materially False and Misleading Statements

41. As the Class Period began, it appeared that the Company was putting many of Countrywide's foreclosure origination and documentation problems behind it. On July 23, 2009, Bank of America announced that notifications would begin to be sent to Countrywide borrowers in connection with the foreclosure relief program. *See* P.R. Newswire, Bank of Am. Press Release, July 23, 2009. The program was part of an agreement with 40 State Attorneys General that was announced in October 2008, pursuant to which the Company was to allocate up to \$150 million "nationally to provide assistance for certain borrowers who experienced a foreclosure . . . on their mortgage originated by Countrywide." *Id.*

42. In an August 3, 2009 press release announcing management changes at Bank of America, then-CEO Lewis made false and misleading statements regarding the Company's then current and future business prospects. For example, Lewis stated that the Company had "greatly enhanced its position as the leading consumer bank in the world," and that Bank of America had "all the pieces of the puzzle in place to be the leading financial services firm in the world." Bank of Am. Press Release, Aug. 3, 2009.

43. In a September 30, 2009 press release announcing then-CEO Lewis' retirement, Lewis made false and misleading statements concerning the Countrywide acquisition and the Company's business prospects. For example, Lewis stated that Bank of America was "well positioned to meet the continuing challenges of the economy and markets." Bank of Am. Press Release, Sept. 30, 2009.

44. In an October 16, 2009 press release announcing the Company's third-quarter 2009 earnings, the Company made false and misleading statements regarding the sufficiency of its reserves for loan losses. Specifically, the Company stated that it "strengthened its reserves, capital position, and liquidity through efficient balance sheet and capital management." Bank of

Am. Press Release, Oct. 16, 2009. Then-CEO Lewis reaffirmed these false and misleading statements about the Company's reserves in a conference call that same day to discuss the Company's quarterly earnings. Lewis claimed that the Company had a "continued high level of provision expense" and that it "substantially add[ed] to reserve levels." Bank of Am. Call Transcript, Oct. 16, 2009.

45. On January 20, 2010, Bank of America issued a press release announcing its fourth quarter and full-year 2009 financial results. The Company reported full-year 2009 net income of \$6.3 billion and a net loss for the fourth quarter of 2009 of \$5.2 billion or a diluted EPS loss of \$0.60. The press release stated in part:

"While it's disappointing to report a loss for the fourth quarter, there were a number of important accomplishments worth noting," said Chief Executive Officer and President Brian T. Moynihan. "First, we repaid the American taxpayer, with interest, for the TARP investment. Second, we have taken steps to strengthen our balance sheet through successful securities offerings. And third, all of our non-credit businesses recorded positive contributions to our results."

46. In a January 20, 2010 conference call to discuss the Company's fourth-quarter 2009 earnings, Defendants continued to make false and misleading statements about their loan loss reserves and the impact of representations and warranties in loan purchase agreements to which the Company was party. For example, then-CFO Price responded to a question about whether the Company was "well-enough reserve[d]" for mortgage loan losses stemming from Countrywide's loan portfolio by stating: "Look, I think the way to think about it is Countrywide had a reserve. We adjusted that [in] purchase accounting, we've been adding to it quarterly – or dealing with it quarterly with the expenses each quarter since then and we will continue to manage it that way. . . . [W]e feel pretty good about where we stand." Bank of Am. Conference Call, Jan. 20, 2010. Regarding the representations and warranties in the Company's loan

purchase agreements and whether the Company accounted for possible breaches of those warranties in its loss reserves, Price stated that he believed them to be “somewhat unenforceable” and advised the analyst who asked about them that he “wouldn’t put that one on your radar screen.” *Id.*

C. The Truth Is Revealed

47. On April 9, 2010, *The Wall Street Journal* published an article about large banks, including Bank of America, that had been concealing their debt levels from investors over the previous five quarters. *See Kelly, supra.* According to the WSJ Article, the Federal Reserve Bank of New York had gathered data indicating that major banks, including Bank of America, had “masked their risk levels in the [previous] five quarters by temporarily lowering their debt just before reporting it to the public” *Id.* The WSJ Article explained that, since the collapse of Bear Stearns Cos. and Lehman Brothers, banks had “become more sensitive about showing high levels of debt and risk, worried that their stocks and credit ratings could be punished.” *Id.* The WSJ Article also disclosed that the SEC was investigating banks’ uses of this form of risk manipulation. *Id.*

48. According to the WSJ Article, a Bank of America spokesperson stated that “The efforts to manage the size of our balance sheet are appropriate and our policies are consistent with all applicable accounting and legal requirements.” *Id.*

49. Finally, the WSJ Article singled out Bank of America, describing a large short-term trade that was designed to mature before the end of the Company’s first quarter of 2009:

Two Bank of America traders bought \$40 billion of mortgage-backed securities from clients for one month, while at the same time agreeing to sell the securities back before quarter’s end, according to people familiar with the matter. This “roll” trade provided the clients with cash and the bank with fees.

Robert Qutub, then Bank of America’s chief financial officer for

global markets, told Michael Nierenberg, a former Bear Stearns trader who oversaw the traders who made the roll trade, to cap the size of the short-term transaction, people familiar with the matter say.

A week later, however, the amount tied to the trade shot up to \$60 billion, these people say, before dropping to \$25 billion, one of these people said, appearing to some at headquarters that the group had defied the order to cap the trade.

A bank spokeswoman said “the team was aware of and worked within its risk limits.”

Id.

50. Thus, each of the Company’s quarterly and annual financial statements filed during the Class Period contained materially false and misleading statements as to Bank of America’s levels of debt.

51. On April 16, 2010, Bank of America issued a press release announcing its first quarter 2010 financial results, reporting net income of \$3.2 billion or \$0.28 diluted EPS. The press release stated in part:

Two factors primarily drove results in the first quarter:

- Provision for credit losses fell by \$3.6 billion from the same period in 2009, reflecting an improvement in credit quality.
- Strong capital markets activity, including record sales and trading driven by industry-leading corporate and investment banking positions, helped drive results for Global Banking and Markets.

“With each day that passes, the 2010 story appears to be one of continuing credit recovery, and our results reflect a gradually improving economy,” said Chief Executive Officer and President Brian T. Moynihan. “Our customers — individuals, companies, and institutional investors — increasingly see the value of our integrated capabilities. We also are seeing ample indications that those integrated capabilities hold promise for longer-term shareholder value.”

52. On May 7, 2010, Bank of America filed its quarterly report for the first quarter of 2010 on Form 10-Q, in which it disclosed aspects of its prior failure to accurately report risk on its balance sheets. The Form 10-Q stated in relevant part:

At the end of certain quarterly periods during the three years ended December 31, 2009, the [Company] had recorded certain sales of agency mortgage-backed securities (MBS) which, ***based on a more recent internal review and interpretation, should have been recorded as secured borrowings***. These periods and amounts were as follows: March 31, 2009 – \$573 million; September 30, 2008 – \$10.7 billion; December 31, 2007 – \$1.8 billion; and March 31, 2007 – \$4.5 billion. As the transferred securities were recorded at fair value in trading account assets, the change would have had no impact on consolidated results of operations. Had the sales been recorded as secured borrowings, trading account assets and federal funds purchased and securities loaned or sold under agreements to repurchase would have increased by the amount of the transactions, however, the increase in all cases was less than 0.7 percent of total assets or total liabilities. Accordingly, the [Company] believes that these transactions did not have a material impact on the [Company's] Consolidated Balance Sheet.

In repurchase transactions, typically, the termination date for a repurchase agreement is before the maturity date of the underlying security. However, in certain situations, the [Company] may enter into repurchase agreements where the termination date of the repurchase transaction is the same as the maturity date of the underlying security and these transactions are referred to as “repo-to-maturity” (RTM) transactions. The [Company] enters into RTM transactions only for high quality, very liquid securities such as U.S. Treasury securities or securities issued by government-sponsored entities. The [Company] accounts for RTM transactions as sales in accordance with GAAP, and accordingly, de-recognizes the securities from the balance sheet and recognizes a gain or loss in the Consolidated Statement of Income. At March 31, 2010 and December 31, 2009, the [Company] had outstanding RTM transactions of \$3.0 billion and \$6.5 billion that had been accounted for as sales.

53. On May 26, 2010, *The Wall Street Journal* reported that Bank of America had hidden billions of dollars in debt from investors when reporting its financial results over the previous three years. *See Rapoport, supra.*

54. On July 16, 2010, Bank of America issued a press release announcing its second quarter 2010 financial results. The Company reported net income of \$3.1 billion or \$0.27 diluted EPS. The press release stated in part:

“Our quarterly results show that we are making progress on our strategy to align around our three core customer groups – consumers, businesses, and institutional investors – and create the financial institution that customers tell us they want, built on a broad relationship of clarity, transparency, and helping them manage through challenging times,” said Chief Executive Officer and President Brian Moynihan. “We improved our capital foundation through retained earnings, and credit quality improved even faster than expected. We have the most complete financial franchise in the world, and we are focused on executing our strategy and delivering outstanding long-term value to our customers and shareholders.”

55. After releasing its second quarter 2010 results on July 16, 2010, Bank of America hosted a conference call with investors, media representatives and analysts, during which CEO Moynihan represented the following:

We did make \$3.1 billion in net income for the quarter, but importantly, with the earnings, we are continuing to move our core franchise forward. Our credit quality continues to improve, in some cases faster than we anticipated as we came into this year. As the management team and I put together the principles we’re going to operate under to make sure that we can position this company now and in the future in the way it needs to be positioned, one of the principles we’ve been focused on is to continuing [sic] to strengthen our balance sheet.

* * *

At the same time, we’re devoting a ton of effort and expense to working through defaults, short sales and modifications, and we’re attempting to help every customer we can. In spite of all that hard work, we’ll continue to see elevated foreclosures, short sales and other liquidations for the next several quarters as we clean up the legacy Countrywide portfolio.

56. On October 8, 2010, Bank of America announced a nationwide foreclosure halt pending an internal review of its foreclosure processes to determine whether irregularities were present in its already completed foreclosures.

57. Soon thereafter, on October 13, 2010, the Attorneys General of all 50 states announced that they had opened coordinated investigations into bank lending and servicing practices.

58. Upon this disclosure, on October 13, 2010, Bank of America's stock fell \$0.23 per share, or 1.7 percent, to close at \$13.29 per share on October 13, 2010. The following day, October 14, 2010, Bank of America's stock fell an additional \$0.69, or 5.19 percent, to close at \$12.60.

59. After the markets closed on October 18, 2010, a group of investors holding more than \$47 billion in Countrywide RMBS sent Bank of America a notice of non-performance, *i.e.*, a buyback demand, that identified alleged failures by Countrywide Home Loan Servicing to perform covenants and agreements in connection with those securities.

60. On October 19, 2010, Bank of America announced its third quarter 2010 financial results, reporting a net loss of \$7.3 billion and a diluted EPS loss of \$0.77. Bank of America further reported receiving \$18 billion in claims about faulty home loans that it may have to repurchase.

61. As a result of these revelations, Bank of America's stock dropped \$0.54 per share, or 4.38 percent, to close at \$11.80 per share on October 19, 2010.

62. The following true facts were known by the Defendants but concealed from the Bank of America's shareholders during the Class Period: (1) Bank of America did not have adequate resources to process the huge numbers of loans in its portfolio that were subject to

foreclosure; (2) Bank of America had not properly recorded many of its mortgages when they were originated or acquired, which delayed, if not entirely prevented, the Company from foreclosing upon those loans; (3) Defendants failed to maintain proper internal controls related to the processing of foreclosures; (4) Bank of America's failure to properly process both mortgages and foreclosures would impair the Company's ability to dispose of loans upon which borrowers had defaulted; and (5) Bank of America had engaged in leverage manipulation through a practice known as "dollar rolling" to remove billions of dollars of debt from its balance sheet before it filed its annual and quarterly financial statements.

63. As a result of Defendants' false statements and omissions, Bank of America's securities traded at artificially inflated prices during the Class Period. However, after the revelations described above became known to the market, the Company's shares fell 40.58 percent from their Class Period high.

D. Relevant Post CP Event

64. The materiality of the Company's misrepresentations was further highlighted on March 23, 2010. That day, Bank of America revealed that the U.S. Federal Reserve had rejected the Company's plan to increase its dividend in the second half of 2011, even though the agency has permitted dividend increases at several of the Company's peers. Analysts explained that the Federal Reserves' concerns likely centered on Bank of America's mortgage business, "which is plagued by uncertainty as investors want the bank to repurchase billions of dollars in soured mortgage securities." Jim Lee, *Fed Rejects Bank of America's Dividend Plan*, N.Y. Times, Mar. 23, 2011.

SCIENTER

65. During the Class Period, Defendants had both the motive and opportunity to commit fraud. They also had actual knowledge of the misleading nature of the statements they made or acted with reckless disregard for the true information known to them at the time for the reasons discussed above. In so doing, Defendants committed acts, and practiced and participated in a course of business that operated as a fraud or deceit on purchasers of Bank of America securities during the Class Period.

LOSS CAUSATION/ECONOMIC LOSS

66. During the Class Period, as detailed herein, Defendants made false and misleading statements and engaged in a scheme to deceive the market and a course of conduct that artificially inflated the price of Bank of America securities, and operated as fraud or deceit on Class Period purchasers of Bank of America securities by misrepresenting the Company's exposure to risk. Later, when Defendants' prior misrepresentations and fraudulent conduct became apparent to the market, the price of Bank of America securities fell precipitously as the prior artificial inflation came out of the price. As a result of their purchases of Bank of America securities during the Class Period, Plaintiff and other members of the Class suffered economic loss, *i.e.*, damages, under the federal securities laws.

NO SAFE HARBOR

67. Bank of America's verbal "Safe Harbor" warnings that accompanied its oral forward-looking statements ("FLS") issued during the Class Period were ineffective to shield those statements from liability.

68. Defendants are also liable for any false FLS pleaded because, at the time each FLS was made, the speaker knew the FLS was false and the FLS was authorized and/or approved

by an executive officer of Bank of America who knew that the FLS was false. None of the historic or present-tense statements made by Defendants were assumptions underlying or relating to any plan, projection, or statement of future economic performance, as they were not stated to be such assumptions underlying or relating to any projection or statement of future economic performance when made, nor were any of the projections or forecasts made by Defendants expressly related to, or stated to be dependent on, those historic or present tense statements when made.

**APPLICABILITY OF PRESUMPTION OF
RELIANCE: FRAUD ON THE MARKET**

69. Plaintiff will rely upon the presumption of reliance established by the fraud-on-the-market doctrine in that, among other things:

- (a) Defendants made public misrepresentations or failed to disclose material facts during the Class Period;
- (b) the omissions and misrepresentations were material;
- (c) the Company's stock traded in an efficient market;
- (d) the misrepresentations alleged would tend to induce a reasonable investor to misjudge the value of the Company's securities; and
- (e) Plaintiff and other members of the Class purchased Bank of America securities between the time Defendants misrepresented or failed to disclose material facts and the time the true facts were disclosed, without knowledge of the misrepresented or omitted facts.

70. At all relevant times, the markets for Bank of America stock were efficient for the following reasons, among others:

- (a) as a regulated issuer, Bank of America filed periodic public reports with the SEC;

(b) Bank of America regularly communicated with public investors via established market communication mechanisms, including through regular disseminations of press releases on the major news wire services and through other wide-ranging public disclosures, such as communications with the financial press, securities analysts, and other similar reporting services; and

(c) Bank of America common stock was actively traded in an efficient market, namely the NYSE, under the symbol "BAC."

CLASS ACTION ALLEGATIONS

71. Plaintiff brings this action as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of the Class. Excluded from the Class are Defendants, directors, and officers of Bank of America, and their families and affiliates.

72. The members of the Class are so numerous that joinder of all members is impracticable. The disposition of their claims in a class action will provide substantial benefits to the parties and the Court. As of February 15, 2011, Bank of America had more than 10,121,154,770 million shares of common stock outstanding, owned by thousands of persons.

73. There is a well-defined community of interest in the questions of law and fact involved in this case. Questions of law and fact common to the members of the Class that predominate over questions that may affect individual Class members include:

- (a) whether Defendants violated the Exchange Act;
- (b) whether Defendants omitted and/or misrepresented material facts;
- (c) whether Defendants' statements omitted material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;

(d) whether Defendants knew or recklessly disregarded that their statements were false and misleading;

(e) whether the price of Bank of America securities was artificially inflated; and

(f) the extent of damage sustained by Class members and the appropriate measure of damages.

74. Plaintiff's claims are typical of those of the Class because Plaintiff and the Class sustained damages from Defendants' wrongful conduct.

75. Plaintiff will adequately protect the interests of the Class and has retained counsel who are experienced in class action securities litigation. Plaintiff has no interests that conflict with those of the Class.

76. A class action is superior to other available methods for the fair and efficient adjudication of this controversy.

COUNT I

For Violation of § 10(b) of the Exchange Act and Rule 10b-5 Against All Defendants

77. Plaintiff incorporates paragraphs 1 through 76 by reference.

78. During the Class Period, Defendants disseminated or approved the false statements specified above, which they knew or recklessly disregarded were misleading in that they contained misrepresentations and failed to disclose material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading.

79. Defendants violated Section 10(b) of the Exchange Act and Rule 10b-5 in that they:

(a) employed devices, schemes, and artifices to defraud;

(b) made untrue statements of material facts or omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or

(c) engaged in acts, practices, and a course of business that operated as fraud or deceit upon Plaintiff and others similarly situated in connection with their purchases of Bank of America securities during the Class Period.

80. Plaintiff and the Class have suffered damages in that, in reliance on the integrity of the market, they paid artificially inflated prices for Bank of America securities. Plaintiff and the Class would not have purchased Bank of America securities at the prices they paid, or at all, had they been aware that the market prices were artificially and falsely inflated by Defendants' misleading statements.

81. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff and the other members of the Class suffered damages in connection with their purchases of Bank of America securities during the Class Period.

COUNT II

For Violation of § 20(a) of the Exchange Act Against the Individual Defendants

82. Plaintiff incorporates paragraphs 1 through 81 by reference.

83. The Individual Defendants acted as controlling persons of Bank of America within the meaning of Section 20(a) of the Exchange Act. By virtue of their positions and their power to control public statements about Bank of America, the Individual Defendants had the power and ability to control the actions of Bank of America and its employees. By reason of such conduct, the Individual Defendants are liable pursuant to Section 20(a) of the Exchange Act.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

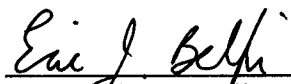
- A. Declaring this action to be a proper class action pursuant to Federal Rule of Civil Procedure 23;
- B. Awarding Plaintiff and the members of the Class damages and interest;
- C. Awarding Plaintiff's reasonable costs, including attorneys' fees; and
- D. Awarding such equitable/injunctive or other relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury.

Dated: March 30, 2011

LABATON SUCHAROW LLP



Christopher J. Keller (CK-2347)

Eric J. Belfi (EB-8895)

Javier Bleichmar (JB-0435)

Michael W. Stocker (MS-1309)

Rachel A. Avan (RA-5177)

140 Broadway

New York, NY 10005

Telephone: (212) 907-0700

Facsimile: (212)-818-0477

*Attorneys for Plaintiff Anchorage
Police & Fire Retirement System*

CERTIFICATION

I, Rachel B. Hughes, as Retirement Specialist IV of Anchorage Police & Fire Retirement System, hereby certify as follows:

1. I am fully authorized to enter into and execute this Certification on behalf of the Anchorage Police & Fire Retirement System ("Anchorage Police & Fire"). I have reviewed the Complaint prepared against Bank of America Corporation ("Bank of America") alleging violations of the federal securities laws and I authorized the filing of this complaint;

2. Anchorage Police & Fire did not purchase securities of Bank of America at the direction of counsel or in order to participate in any private action under the federal securities laws;

3. Anchorage Police & Fire is willing to serve as a lead plaintiff in this matter, including providing testimony at deposition and trial, if necessary;

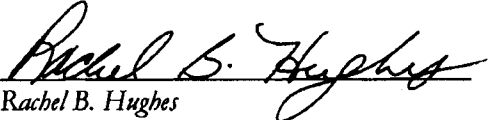
4. Anchorage Police & Fire's transactions in Bank of America during the class period are reflected in Exhibit A, attached hereto;

5. Anchorage Police & Fire sought to serve as a lead plaintiff in the following class actions under the federal securities laws during the last three years:

In re Cadence Design Systems, Inc. Securities Litigation, No. 3:08-cv-04966-SC (N.D. Cal.)

6. Beyond its pro rata share of any recovery, Anchorage Police & Fire will not accept payment for serving as a lead plaintiff on behalf of the class, except the reimbursement of such reasonable costs and expenses (including lost wages) as ordered or approved by the Court.

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct this 29 day of March, 2011.

A handwritten signature in black ink, reading "Rachel B. Hughes". The signature is written in a cursive style with a horizontal line underneath it.

Rachel B. Hughes
*Retirement Specialist IV of Anchorage Police & Fire
Retirement System*

EXHIBIT A

TRANSACTIONS IN BANK OF AMERICA CORPORATION

Transaction Type	Trade Date	Shares	Price Per Share	Cost / Proceeds
Purchase	07/23/09	1,000.00	\$12.6848	(\$12,684.80)
Purchase	07/23/09	4,007.00	\$12.7006	(\$50,891.30)
Purchase	07/23/09	9,493.00	\$12.7435	(\$120,974.05)
Purchase	07/24/09	982.00	\$12.5450	(\$12,319.19)
Purchase	07/24/09	618.00	\$12.4583	(\$7,699.23)
Purchase	07/27/09	5,600.00	\$12.7953	(\$71,653.68)
Purchase	07/27/09	5,500.00	\$13.0441	(\$71,742.55)
Purchase	07/28/09	3,100.00	\$13.2876	(\$41,191.56)
Purchase	07/29/09	3,600.00	\$13.6291	(\$49,064.76)
Purchase	08/05/09	1,500.00	\$16.3543	(\$24,531.45)
Purchase	08/05/09	1,200.00	\$16.1586	(\$19,390.32)
Purchase	08/06/09	700.00	\$16.8543	(\$11,798.01)
Purchase	08/10/09	800.00	\$16.5898	(\$13,271.84)
Purchase	08/31/09	34,262.00	\$17.6176	(\$603,614.21)
Purchase	08/31/09	4,974.00	\$17.5345	(\$87,216.60)
Sale	09/01/09	(24,236.00)	\$17.5900	\$426,311.24
Purchase	09/04/09	15,000.00	\$16.8400	(\$252,600.00)
Sale	09/04/09	(15,000.00)	\$16.8400	\$252,600.00
Purchase	10/16/09	947.00	\$17.1250	(\$16,217.38)
Purchase	10/16/09	1,206.00	\$17.1991	(\$20,742.11)
Purchase	10/16/09	947.00	\$17.1078	(\$16,201.09)
Purchase***	02/24/10	12,000.00	\$15.0000	(\$180,000.00)
Purchase	03/08/10	2,500.00	\$16.8100	(\$42,025.00)
Purchase	03/17/10	4,000.00	\$17.2237	(\$68,894.80)
Sale	04/19/10	(322.00)	\$18.6450	\$6,003.69
Sale	04/19/10	(1,800.00)	\$18.2923	\$32,926.14
Sale	04/19/10	(4,378.00)	\$18.5549	\$81,233.35
Sale	04/19/10	(3,000.00)	\$18.5549	\$55,664.70
Sale	04/22/10	(2,700.00)	\$18.1096	\$48,895.92
Sale	04/22/10	(2,100.00)	\$18.2754	\$38,378.34
Purchase	07/27/10	1,200.00	\$14.2799	(\$17,135.88)
Purchase	07/27/10	4,700.00	\$14.5778	(\$68,515.60)
Purchase	08/20/10	3,200.00	\$12.8784	(\$41,210.88)
Purchase	09/03/10	3,600.00	\$13.4560	(\$48,441.60)
Purchase	09/03/10	1,600.00	\$13.4316	(\$21,490.56)
Sale	10/15/10	(14,300.00)	\$12.0757	\$172,682.51
Sale	10/15/10	(4,200.00)	\$12.0757	\$50,717.94
Sale	10/15/10	(3,100.00)	\$12.0757	\$37,434.67
Sale	10/18/10	(3,200.00)	\$12.0288	\$38,492.16

Sale	10/18/10	(1,000.00)	\$12.3020	\$12,302.00
Sale	10/19/10	(8,100.00)	\$12.0302	\$97,444.62

***Shares received through exchange of preferred securities to common stock.

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

MAR 30 2011

PLAINTIFFS

ANCHORAGE POLICE & FIRE RETIREMENT SYSTEM,
Individually and on Behalf of all Others Similarly Situated

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

LABATON SUCHAROW LLP, 140 Broadway,
New York NY 10005, 212-907-0700

DEFENDANTS

BANK OF AMERICA CORPORATION, BRIAN T. MOYNIHAN,
CHARLES H. NOSKI, KENNETH D. LEWIS, and JOSEPH L. PRICE

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 [15 U.S.C. §§ 78j(b) and 78t(a)]

Has this or a similar case been previously filed in SDNY at any time? No? ☐ Yes? ☒ Judge Previously Assigned William H. Pauley

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE				
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 620 OTHER FOOD & DRUG	[] 28 USC 158	[] 410 ANTITRUST				
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	[] 423 WITHDRAWAL	[] 430 BANKS & BANKING				
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY		[] 21 USC 881	[] 28 USC 157	[] 450 COMMERCE				
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE		[] 630 LIQUOR LAWS		[] 460 DEPORTATION				
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY		[] 640 RR & TRUCK		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)				
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE		[] 650 AIRLINE REGS		[] 480 CONSUMER CREDIT				
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY		[] 660 OCCUPATIONAL SAFETY/HEALTH		[] 490 CABLE/SATELLITE TV				
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY		[] 690 OTHER		[] 810 SELECTIVE SERVICE				
[] 190 OTHER CONTRACT					[] 850 SECURITIES/COMMODITIES/EXCHANGE				
[] 195 CONTRACT PRODUCT LIABILITY					[] 875 CUSTOMER CHALLENGE				
[] 196 FRANCHISE					[] 890 OTHER STATUTORY ACTIONS				
					[] 891 AGRICULTURAL ACTS				
					[] 892 ECONOMIC STABILIZATION ACT				
					[] 893 ENVIRONMENTAL MATTERS				
					[] 894 ENERGY ALLOCATION ACT				
					[] 895 FREEDOM OF INFORMATION ACT				
					[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE				
					[] 950 CONSTITUTIONALITY OF STATE STATUTES				

Check if demanded in complaint:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 to be determined

DEMAND \$ at trial OTHER _____

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

JUDGE William H. Pauley DOCKET NUMBER 11-cv-733

Check YES only if demanded in complaint
JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

ANCHORAGE POLICE & FIRE RETIREMENT SYSTEM
3600 Dr. Martin Luther King Jr. Ave, Suite 207
Anchorage, AK 99507

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

BANK OF AMERICA CORPORATION
c/o The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

BRIAN T. MOYNIHAN
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Wellesley Hills, MA 02481-1315

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Charlotte, NC 28211-5014

CHARLES H. NOSKI
2908 Paseo Del Mar
Palos Verdes Estates, CA 90274-4319

JOSEPH L. PRICE
2542 Forest Dr.
Charlotte, NC 28211-2110

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 3/30/11 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

Eric J. Belfi

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO ☒ YES (DATE ADMITTED Mo. April Yr. 1996)
Attorney Bar Code # EB-8895

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)