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8 Attorneys for Plaintiffs
9 *[Additional Counsel Listed on Last Page]*

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

12 RHONDA J. CLOSSON and ARIANA NASH on)
behalf of themselves and all others similarly)
13 situated,)

14 Plaintiffs,

15 v.

16 BANK OF AMERICA N.A., BANK OF)
AMERICA CALIFORNIA N.A., BANK OF)
17 AMERICA CORP., and DOES 1-50,)

18 Defendants.)
19)
20)

Case No. CGC 04436877

CLASS ACTION

**NOTICE OF ENTRY OF ORDER
GRANTING JOINT APPLICATION**

Hearing Date: N/A
Time: N/A
Dept.: 304

JUDGE: Hon. Richard A. Kramer

21 TO: ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE THAT, after hearing oral argument, and having considered all
23 papers and stipulations filed, and good cause appearing therefor, on August 31, 2011 the Court
24 executed the Order Granting the Parties' Joint Application, a true and correct copy of which is
25 attached hereto as Exhibit "1".

26 DATED: September 1, 2011

THE CONSUMER LAW GROUP

27 By: 
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Attorneys for Plaintiff ARIANA NASH

EXHIBIT 1

ENDORSED
FILED
San Francisco County Superior Court

SEP 01 2011

CLERK OF THE COURT
BY: FELICIA M. GREEN
Deputy Clerk

RECEIVED
SEP 01 2011
By _____

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

RHONDA J. CLOSSON and ARIANA NASH on)
behalf of themselves and all others similarly)
situated.)

Plaintiffs.)

v.)

BANK OF AMERICA N.A., BANK OF)
AMERICA CALIFORNIA N.A., BANK OF)
AMERICA CORP., and DOES 1-50.)

Defendants.)

Case No.: CGC 04436877

CLASS ACTION

~~PROPOSED~~ ORDER GRANTING
JOINT APPLICATION TO MODIFY
CLASS ACTION SETTLEMENT

Hearing Date: N/A

Time: N/A

Dept.: 304

JUDGE: Hon. Richard A. Kramer

Based upon the Joint Application requesting that the Court modify its Order Finally Approving Class Action Settlement and its accompanying Judgment dated August 3, 2009 (collectively, the "Order"), to provide that Settlement Class Members who previously filed timely claims additionally be paid interest on their claims at the legal rate of interest, and good cause appearing therefor, the Court orders as follows:

1. Pursuant to ~~the provisions of~~ ^{this Court's continuing jurisdiction under} Cal. Code Civ. Proc. Section 664.6, all qualifying Settlement Class Members who submitted a timely claim to the Claims Administrator shall additionally receive interest on the full amount of their claim (\$78.00) at the statutory rate of 10% per annum pursuant to Cal. Code Civ. Proc. §685.010. Such interest is to be calculated from



1 February 1, 2009 until the date of this Order. The amount of this interest payment shall be agreed to
2 by the parties, and shall be added to the \$78.00 payment that is to be made to all such qualifying
3 Settlement Class Members.

4 2. This interest payment is to be funded entirely by a corresponding reduction of the *cy*
5 *pres* fund created under the terms of the Final Settlement Agreement.
6 The additional interest amount to be paid to Settlement Class Members who timely filed claims is
7 estimated to total approximately \$2.2 million.

8 3. No further class notice is required, since the amount of payment to the qualifying
9 Settlement Class Members is being increased.

10 4. The Parties are directed to effectuate the terms of the Agreement forthwith consistent
11 with the terms of this Order and the previous Orders of the Court.

12 IT IS SO ORDERED.

13 DATED: August 31, 2011

RICHARD A. KRAMER

THE HON. RICHARD A. KRAMER

Submitted By:

THE CONSUMER LAW GROUP

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

12 RHONDA J. CLOSSON and ARIANA
13 NASH, on behalf of themselves and all others
similarly situated,

14 Plaintiffs,

15 v.

16 BANK OF AMERICA, N.A.; BANK OF
17 AMERICA CALIFORNIA, N.A.; BANK OF
AMERICA CORP.; and DOES 1-50,

18 Defendants.
19

Case No. CGC 04436877

CLASS ACTION

PROOF OF SERVICE

Judge: Richard A. Kramer
Dept.: 304

20 I am employed in the County of San Diego, State of California. I am over the age of 18 and
21 not a party to the within action. My business address is: 9466 Black Mountain Road, Suite 225, San
Diego, California 92126.

22 On the date shown below, I served the foregoing document(s) described as:

23 **NOTICE OF ENTRY OF ORDER GRANTING JOINT APPLICATION TO MODIFY**
24 **ORDER FINALLY APPROVING CLASS ACTION SETTLEMENT AND**
25 **JUDGMENT TO PERMIT PAYMENT OF INTEREST TO CLASS MEMBER**
26 **CLAIMANTS AND REPORT ON *CY PRES* FUNDS**

27 on the interested parties in this action at San Diego, California as follows:
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19 Attorneys for Plaintiff Ariana Nash

20 **BY U.S. MAIL (C.C.P.§§ 1013a and 2015.5):** The document was mailed with postage on
21 the envelope fully prepaid. I am "readily familiar" with the firm's practice of collection and
22 processing correspondence for U.S. mail. Under that practice it would be deposited with the
23 U.S. Postal service on that same day with postage thereon fully prepaid at San Diego,
24 California in the ordinary course of business. I am aware that on motion of the party served,
25 service is presumed invalid if postal cancellation date or postage meter date is more than one
26 day after date of deposit for mailing in affidavit.

27 **VIA E-MAIL:** Based upon a court order or agreement of the parties to accept electronic
28 service. I caused the documents to be sent to the parties listed above at the electronic service
addresses listed.

BY FACSIMILE (CRC 2008(e) and C.C.P. § 2015.5): On [date], at [time], the
document(s) were transmitted by facsimile transmission to each of the parties at the facsimile
number(s) listed above and the transmission(s) reported as complete and without error. A
true and correct copy of the said transmission report is attached hereto and incorporated
herein by reference.

BY PERSONAL SERVICE (C.C.P. §§ 1011 and 2015.5) I caused to be delivered such
envelope by hand to the addressee.

(STATE) I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

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[] (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 1, 2011 at San Diego, California.


SALLY CORMIER