

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STEVEN J. SKLAR (as IRA Account
Beneficiary), on behalf of himself and all
others similarly situated,

Plaintiff,

v.

BANK OF AMERICA CORP., KENNETH D.
LEWIS, JOHN A. THAIN, GARY A.
CARLIN and NELSON CHAI,

Defendants.

Electronically Filed

Relates to securities class actions

Case No. 09 Civ. 0580 (DC)

[Additional captions on following pages]

**NOTICE OF MOTION AND MOTION OF THE PUBLIC PENSION
FUNDS FOR: (1) APPOINTMENT AS LEAD PLAINTIFF; (2) APPROVAL
OF THEIR CHOICE OF LEAD COUNSEL; AND (3) CONSOLIDATION OF
ALL RELATED SECURITIES CLASS ACTIONS**

FINGER INTERESTS NUMBER ONE LTD,
on behalf of himself and all others similarly
situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION,
KENNETH D. LEWIS, JOHN A. THAIN,
WILLIAM BARNET, III, FRANK P.
BRAMBLE, SR., JOHN T. COLLINS, GARY
L. COUNTRYMAN, TOMMY R. FRANKS,
CHARLES K. GIFFORD, MONICA C.
LOZANO, WALTER E. MASSEY, THOMAS
J. MAY, PATRICIA E. MITCHELL,
THOMAS M. RYAN, O. TEMPLE SLOAN,
JR., ROBERT L. TILLMAN, JACKIE M.
WARD, CAROL T. CHRIST, ARMANDO M.
CODINA, JUDITH MAYHEW, VIRGIS W.
COLBERT, ALBERTO CRIBIORE,
AULANA L. PETERS, CHARLES O.
ROSSOTTI, JOHN D. FINNEGAN, JOSEPH
W. PRUEHER, ANN N. REESE,

Defendants.

Case No. 09 Civ. 0606 (DC)

FORTH WORTH EMPLOYEES'
RETIREMENT FUND and CITY OF MIAMI
GENERAL EMPLOYEES' RETIREMENT
TRUST, on behalf of themselves and all
similarly situated investors,

Plaintiff,

v.

BANK OF AMERICA CORPORATION,
KENNETH D. LEWIS, and JOHN A. THAIN,

Defendants.

Case No. 09 Civ. 0638 (DC)

AVERS WEXLER, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

BANK OF AMERICA CORP., KENNETH D.
LEWIS., O. TEMPLE SLOAN, JR.,
WILLIAM BARNETT, III, FRANK P.
BRAMBLE, SR., JOHN T. COLLINS, GARY
L. COUNTRYMAN, TOMMY R. FRANKS,
CHARLES K. GIFFORD, MONICA C.
LOZANO, WALTER E. MASSEY, THOMAS
J. MAY, PATRICIA E. MITCHELL, THMAS
M.RYAN, MEREDITH R. SPANGLER,
ROBERT L. TILLMAN, and JACKIE M.
WARD,

Defendants.

Case No. 09 Civ. 0720 (GBD)

FRANK PALUMBO and JENNIFER
PALUMBO as JTWROS and BRAD
McMORRIS,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION,
KENNETH D. LEWIS, and JOHN A. THAIN,

Defendants.

Case No. 09 Civ. 0740 (DC)

CHARLES ZITNER, On Behalf of Himself
and All Others Similarly Situated,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION,
KENNETH D. LEWIS, JOE L. PRICE, and
JONATHAN ALEXANDER THAIN,

Defendants.

Case No. 09 Civ. 0881 (DC)

FRED STABBERT and SHIRLEY
STABBERT, Individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION,
KENNETH D. LEWIS, JOHN A. THAIN,
GARY A. CARLIN, and NELSON CHAI,

Defendants.

Case No. 09 Civ. 0928 (DC)

GARY WELIKSON, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION,
KENNETH D. LEWIS, and JOHN A. THAIN,

Defendants.

Case No. 09 Civ. 1463 (DC)

WEST PALM BEACH FIREFIGHTERS'
PENSION FUND, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION,
KENNETH D. LEWIS, JOE L. PRICE,
JONATHAN ALEXANDER THAIN, NEIL
A. COTTY, WILLIAM BARNETT, III,
FRANK P. BRAMBLE, SR., JOHN T.
COLLINS, TOMMY R. FRANKS, GARY L.
COUNTRYMAN, CHARLES K. GIFFORD,
WALTER E. MASSEY, THOMAS J. MAY,
PATRICIA E. MITCHELL, THOMAS M.
RYAN, O. TEMPLE SLOAN, JR.,
MEREDITH R. SPANGLER, ROBERT L.
TILLMAN, JACKIE M. WARD, BANC OF
AMERICA SECURITIES LLC and MERRILL
LYNCH, PIERCE, FENNER & SMITH
INCORPORATED,

Defendants.

Case No. 09 Civ. 1612 (DC)

ELLEN K. FAUERBACH, Individually and on
behalf of herself and all others similarly
situated,

Plaintiff,

v.

BANK OF AMERICA CORP., KENNETH D.
LEWIS, JOHN A. THAIN, GARY A.
CARLIN, and NELSON CHAI,

Defendants.

Case No. 09 Civ. 1941 (PKC)

NAOMI RAPHAEL, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION,
KENNETH D. LEWIS, and JOHN A. THAIN,

Defendants.

Case No. 09 Civ. 2350

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

The State Teachers' Retirement System of Ohio ("STRS Ohio"), the Ohio Public Employees' Retirement System ("OPERS"), the Teacher Retirement System of Texas ("Texas TRS"), Stichting Pensioenfonds Zorg en Welzijn, duly represented by PGGM Vermogensbeheer B.V. ("PGGM"), and Fjärde AP-Fonden ("AP4") (collectively, the "Public Pension Funds"), through their undersigned counsel, will and hereby do move this Court at such a date and time as may be designated by the Court, at the United States Courthouse, Courtroom 11A, 500 Pearl Street, New York, NY 10007, for an order: (1) consolidating the related securities class actions against Bank of America Corp. ("Bank of America") pursuant to Fed. R. Civ. P. 42(a); (2) appointing the Public Pension Funds as Lead Plaintiff in the related securities class actions pursuant to the Private Securities Litigation Reform Act of 1995; (3) approving their choice of Lead Counsel; and (4) granting such other and further relief as the Court may deem just and proper.

In support of this motion, the Public Pension Funds submit herewith a Memorandum of Law and Declaration of Frederic S. Fox dated March 23, 2009.

DATED: March 23, 2009
New York, New York

Respectfully submitted,

KAPLAN FOX & KILSHEIMER LLP

By: /s/ Frederic S. Fox
Robert N. Kaplan
Frederic S. Fox
Donald R. Hall
850 Third Avenue, 14th Floor
New York, NY 10022
Telephone: (212) 687-1980
Facsimile: (212) 687-7714

**BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP**

Max W. Berger
Gerald H. Silk
1285 Avenue of the Americas, 38th Floor
New York, New York 10019
Telephone: (212) 554-1400
Facsimile: (212) 554-1444

**BARROWAY TOPAZ KESSLER
MELTZER & CHECK LLP**

Sean M. Handler
Darren J. Check
Naumon A. Amjed
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056

*Proposed Co-Lead Counsel for the Proposed
Lead Plaintiffs the Public Pension Funds and
the Proposed Class*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 23, 2009, I caused to be electronically filed the foregoing paper with the Clerk of the Court using the ECF System which will electronically send notification of such filing to the registered participants and paper copies will be sent via first-class mail postage pre-paid to those indicated as non-registered participants on March 23, 2009.

/s/ Frederic S. Fox

Frederic S. Fox

March 23, 2009