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Counsel for Proposed Lead Plaintiff
California State Teachers' Retirement System and
California Public Employees' Retirement System

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JACQUES CROMIER AND VIRGINIA CULBERTSON, TRUSTEES OF THE JACQUES CROMIER AND VIRGINIA CULBERTSON TRUST DATED 4/7/03, individually and on behalf of all others similarly situated, Plaintiffs, v. BANK OF AMERICA CORP., KENNETH D. LEWIS, and JOHN A THAIN, Defendants.	Case No. 09-cv-00544-CW **DECLARATION OF JONATHAN K. LEVINE IN SUPPORT OF MOTION OF THE CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM AND THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR APPOINTMENT AS LEAD PLAINTIFF** Date: April 30, 2009 Time: 2:00 p.m. Judge: The Hon. Claudia Wilken Courtroom: 2

I, Jonathan K. Levine, under penalty of perjury, hereby declare:

1. I am a partner of Girard Gibbs LLP and am admitted to practice in the Northern District of California. I submit this declaration in support of the motion of the California State Teachers' Retirement System ("CalSTRS") and the California Public Employees' Retirement System ("CalPERS") for appointment as Lead Plaintiff.

2. Attached hereto as **Exhibit A** is a true and correct copy of the February 25, 2009 order issued by the Honorable Denny Chin in the related actions pending before the United States District Court for the Southern District of New York.

3. Attached hereto as **Exhibit B** is a true and correct copy of the PSLRA notice published by counsel for the plaintiffs in the above-captioned action on February 26, 2009.

4. Attached hereto as **Exhibit C** is a true and correct copy of CalSTRS' Certification of Proposed Lead Plaintiff Pursuant to the Federal Securities Laws.

5. Attached hereto as **Exhibit D** is a true and correct copy of CalPERS' Certification of Proposed Lead Plaintiff Pursuant to the Federal Securities Laws.

6. Attached hereto as **Exhibit E** is an analysis of CalSTRS' transactions and CalSTRS' holdings as of October 10, 2008.

7. Attached hereto as **Exhibit F** is an analysis of CalPERS' transactions and CalPERS' holdings as of October 10, 2008.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 23rd day of March, 2009 at San Francisco, California.

/s/ Jonathan K. Levine
Jonathan K. Levine

CERTIFICATE OF SERVICE

I, Jonathan K. Levine, hereby certify that on March 23, 2009, I caused the foregoing document to be filed electronically with the United States District Court for the Northern District of California's through the Court's mandated ECF service. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the document(s) upon confirmation of e-filing.

I further certify that I caused this document to be forwarded to the following designated Internet site at: http://securities.stanford.edu/.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rdth day of March, 2009 at San Francisco, California.

/S/ Jonathan K. Levine

EXHIBIT A

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: __________
DATE FILED: 2/25/09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- x

STEVEN SKLAR, :

Plaintiff, :

\- against - :

BANK OF AMERICA CORP. et al., :

Defendants. :

- x

AND RELATED CASES :

- x

ORDER

09 Civ. 580 (DC)

CHIN, District Judge

Pending in this District are at least twenty-two actions relating to Bank of America Corporation's ("Bank of America") merger with Merrill Lynch & Co., Inc. ("Merrill Lynch") and public disclosures made in connection with that transaction. These actions include: (1) putative class actions based on alleged violations of the securities laws, including Section 10(b), Section 14(a), and Section 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5 and 14a-9 thereunder (the "securities class actions"); (2) derivative actions alleging violations of Section 14 of the Exchange Act, Rule 14a-9 thereunder, and common law fiduciary duties (the "derivative actions"); and (3) actions asserting claims under ERISA on behalf of participants in the Bank of America 401(k) plan that held investments in Bank of America stock, including allegations that Bank of America made misrepresentations in its October 31, 2008

Proxy Statement that artificially inflated the price of Bank of America stock (the "ERISA actions").

I am prepared to accept all related cases. I have been assigned or will be assigned the following cases:

(1) Sklar v. Bank of America Corp. et al, No. 09 Civ. 580;

(2) Finger Interests Number One, Ltd. v. Bank of America Corp. et al., No. 09 Civ. 606;

(3) Fort Worth Employees' Retirement Fund v. Bank of America Corp. et al., No. 09 Civ. 638;

(4) Palumbo v. Bank of America Corp. et al., No. 09 Civ. 740;

(5) Louisiana Municipal Police Employees Retirement System v. Lewis et al., No. 09 Civ. 808;

(6) Waldman v. Lewis et al., No. 09 Civ. 834;

(7) Dailey v. Bank of America Corp. et al., No. 09 Civ. 851;

(8) Wilson v. Bank of America Corp. et al., No. 09 Civ. 880;

(9) Zitner v. Bank of America Corp. et al., No. 09 Civ. 881;

(10) Adams v. Bank of America Corp. et al., No. 09 Civ. 914;

(11) Stabbert v. Bank of America Corp. et al., No. 09 Civ. 928;

(12) Wright v. Bank of America Corp. et al., No. 09 Civ. 1056;

(13) Hollywood Police Officers' Retirement System v. Lewis et al., No. 09 Civ. 1174;

(14) Stricker v. Bank of America Corp. Corporate Benefits Committee et al., No. 09 Civ. 1177;

(15) Siegel v. Lewis et al., No. 09 Civ. 1331;

(16) Smith v. Lewis et al., No. 09 Civ. 1333;

(17) Lehmann v. Lewis et al., No. 09 Civ. 1434;

(18) Welikson v. Bank of America Corp. et al., No. 09 Civ. 1463;

(19) Young v. Lewis et al., No. 09 Civ. 1561;

(20) Anderson v. Lewis, et al., No. 09 Civ. 1572;

(21) Gilliam v. Bank of America Corp. et al., No. 09 Civ. 1606;

(22) West Palm Beach Firefighters' Pension Fund v. Bank of America Corp. et al., No. 09 Civ. 1612.

Defendants are not required to answer or otherwise respond to the individual complaints in the above-listed cases absent further order of the Court.

Any motion for consolidation and for the appointment of lead plaintiff and/or lead counsel in the securities class actions, derivative actions, and ERISA actions shall be filed on or before March 23, 2009. Each motion shall specify in the caption whether it relates to the "securities class actions," "derivative actions," or "ERISA actions." Any opposition papers shall be filed by April 6, 2009, and any reply papers shall be filed by April 13, 2009.

Once appointed by the Court, lead counsel for plaintiffs in each of the three sets of actions and counsel for defendants shall meet and confer within thirty days of the entry of the order appointing such counsel. They shall agree upon a schedule for submission to the Court, for its approval, setting dates for the filing of consolidated amended complaints and briefing on defendants' motions to dismiss or other response.

SO ORDERED.

Dated: New York, New York
February 25, 2009

DENNY CHIN
United States District Judge

EXHIBIT B

BusinessWire
A Berkshire Hathaway Company

February 26, 2009 12:37 PM Pacific Time

CORRECTING and REPLACING Cotchett, Pitre & McCarthy Announces Class Action Lawsuit On Behalf of Holders and Purchasers of Bank of America Stock

CORRECTION...by Cotchett, Pitre & McCarthy

SAN FRANCISCO--(BUSINESS WIRE)--In the last paragraph, the date should read March 23, 2009 (sted April 27, 2009).

The corrected release reads:

COTCHETT, PITRE & MCCARTHY ANNOUNCES CLASS ACTION LAWSUIT ON BEHALF OF HOLDERS AND PURCHASERS OF BANK OF AMERICA STOCK

Cotchett, Pitre & McCarthy announces that it has filed a class action lawsuit in the United States District Court for the Northern District of California (Case No. 09-CV-00544) on behalf of all persons and entities who owned Bank of America Corporation ("Bank of America") stock on October 10, 2008 and were eligible to vote on the proposed merger between Bank of America and Merrill Lynch & Co., Inc. ("Merrill Lynch"), and all persons and entities who purchased Bank of America common stock between October 16, 2008 and January 20, 2009.

The complaint names as defendants Bank of America, Bank of America CEO Kenneth D. Lewis, and former Merrill Lynch CEO John A. Thain. The complaint alleges that defendants issued materially false and misleading information and failed to disclose material information regarding Merrill Lynch's business and record financial losses, including in an October 31, 2008 Proxy Statement. Among other things, defendants allegedly concealed Bank of America's failure to properly value certain troubled assets, including mortgage-backed securities, collaterized debt obligations and related derivative positions. Moreover, Bank of America allegedly failed to meet due diligence obligations to its shareholders to provide full transparency regarding the acquisition and acquisition price of Merrill Lynch. On December 5, 2008, as a result of defendants' alleged misrepresentations, Bank of America shareholders approved the merger with Merrill Lynch, which closed on January 1, 2009. On January 16, 2009, Bank of America disclosed Merrill Lynch's 2008 fourth quarter losses of $15.3 billion.

The complaint alleges violations of Sections 10(b), 14 and 20(a) of the Securities Exchange Act. A copy of the complaint is available at www.cpmlegal.com.

Any member of the putative class may, no later than March 23, 2009, move the court to serve as lead plaintiff. If you wish to discuss this action or have any questions concerning this notice or your rights or interests, please contact plaintiffs' counsel Cotchett, Pitre & McCarthy at (650) 697-6000 or www.cpmlegal.com.

Contacts

Cotchett, Pitre & McCarthy
Laurie D'Elia, 650-697-6000

Permalink: http://www.businesswire.com/news/home/20090226005849/en

BusinessWire

EXHIBIT C

CERTIFICATION OF PROPOSED LEAD PLAINTIFF
PURSUANT TO THE FEDERAL SECURITIES LAWS

I, Jack Ehnes, declare as follows:

1. I am the Chief Executive Officer of the California State Teachers' Retirement System ("CalSTRS"). CalSTRS is the largest teachers' retirement fund and the second largest state pension fund in the United States, with assets totaling over $113.7 billion as of February 28, 2009. CalSTRS provides retirement and related benefits and services to teachers in public schools and community colleges throughout California. CalSTRS has more than 833,000 members.

2. On behalf of CalSTRS, I make this certification in support of the motion by CalSTRS and the California Public Employees Retirement System ("CalPERS") for appointment as Lead Plaintiff in the securities class actions arising from and related to Bank of America Corporation's ("Bank of America") merger with Merrill Lynch & Co., Inc.

3. CalSTRS maintains a securities litigation policy setting forth its procedures and guidelines for monitoring securities class action lawsuits and participating in such class actions when appropriate. CalSTRS' general policy is not to seek or accept designation as Lead Plaintiff in securities class actions, except where CalSTRS has a substantial financial stake or where there is an exceptional opportunity to preserve or enhance long-term value of a significant portfolio holding or to deter wrongful corporate conduct.

4. If a securities class action potentially meets CalSTRS' criteria for seeking appointment as Lead Plaintiff, the matter is referred to outside counsel for evaluation and recommendation to the CalSTRS Teachers' Retirement Board, which has exclusive

control over the investment and administration of the Teachers' Retirement Fund. In order to avoid any potential conflict of interest and to ensure that the advice received is unbiased, CalSTRS's policy is to prohibit the law firm providing the evaluation and recommendation from serving as lead counsel in that same action.

5. CalSTRS reviewed complaints on file in the Bank of America cases and, while it reserves the right to assert its own allegations in a consolidated complaint, it generally adopts the key allegations common to all complaints. Because this matter appeared to meet CalSTRS' criteria for seeking appointment as Lead Plaintiff, CalSTRS retained the law firm of Girard Gibbs LLP to conduct an evaluation of the merits of the litigation and make a recommendation to CalSTRS' General Counsel and to the Teachers' Retirement Board. Following the evaluation process, on March 5, 2009, the Teachers' Retirement Board authorized CalSTRS to seek appointment as Lead Plaintiff in the Bank of America securities class actions.

6. CalSTRS and CalPERS previously have cooperated in other litigation, on corporate governance matters and on regulatory issues affecting the securities markets. CalSTRS and CalPERS are jointly seeking appointment as Lead Plaintiff because both CalSTRS and CalPERS have suffered significant losses on their holdings of Bank of America common stock and both believe that the policy objectives of the Private Securities Litigation Reform Act ("PSLRA") will be served by CalSTRS and CalPERS joining to prosecute this litigation in the best interest of class members. The General Counsel of CalSTRS and CalPERS have agreed on a joint prosecution plan by which they will coordinate their activities and oversee litigation counsel.

7. CalSTRS and CalPERS will jointly select Lead Plaintiff's counsel for Court approval in accordance with the PSLRA, 15 U.S.C. § 78u-4(a)(3)(B). CalSTRS and CalPERS have solicited proposals from certain qualified law firms on an expedited basis in accordance with the written procedures and guidelines maintained by CalSTRS and CalPERS, and will complete the selection process by March 31, 2009. CalSTRS and CalPERS have authorized and directed their counsel Girard Gibbs to file this motion for appointment of CalSTRS and CalPERS as Lead Plaintiff.

8. CalSTRS did not purchase or acquire any Bank of America securities at the direction of any law firm or in order to participate in any private action under the federal securities laws.

9. CalSTRS is willing to serve as a lead plaintiff and representative party on behalf of the proposed class, and is willing to provide testimony at deposition and trial, if necessary.

10. CalSTRS will not accept any payment for serving as a representative party beyond its pro rata share of any recovery, except as ordered or approved by the Court in accordance with 15 U.S.C. § 78u-4(a)(4).

11. CalSTRS has not sought to serve as a representative party for a class in an action under the federal securities laws filed within the past three years.

12. CalSTRS' purchases and sales of the common stock of Bank of America during the relevant time period are set forth on **Schedule A** to this certification.

13. CalSTRS' holdings of the common stock of Bank of America as of October 10, 2008 are set forth on **Schedule B** to this certification.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 17 th day of March, 2009

Jack Ehnes

Jack Ehnes
Chief Executive Officer of CalSTRS

Schedule A

Bank of America Corp.
Common Stock (Cusip 060505104)

Transactions: 7/21/08-1/20/09

Shareholder: California State Teachers' Retirement System ("CalSTRS")

Trade Date	Trans. Code	Shares Bought	Shares Sold	Price
07/22/08	BUY	92,400.00		$30.07
07/24/08	BUY	2,800.00		$32.15
07/24/08	SELL		[illegible]	$33.01
07/25/08	SELL			$29.34
07/25/08	SELL			$29.71
07/29/08	BUY	490.00		$29.20
07/30/08	BUY	300.00		$33.26
07/30/08	BUY	5,500.00		$32.59
07/30/08	BUY	11,300.00		$33.39
07/31/08	BUY	7,416.00		$32.90
07/31/08	SELL			$32.78
08/01/08	SELL		[illegible]	$33.29
08/04/08	SELL		(0.	$25.25
08/04/08	SELL		(0.38)	$25.29
08/04/08	SELL		(0.46)	$25.30
08/04/08	SELL		(0.58)	$25.28
08/04/08	SELL		(0.87)	$25.29
08/06/08	BUY	28,514.00		$33.10
08/07/08	SELL		(39,594.00)	$32.28
08/08/08	BUY	68,186.00		$32.00
08/11/08	BUY	11,100.00		$32.93
08/13/08	BUY	900.00		$29.26
08/15/08	BUY	12,084.00		$30.70
08/18/08	BUY	5,400.00		$29.69
08/18/08	BUY	112,344.00		$29.94
08/25/08	BUY	5,300.00		$29.80
08/26/08	BUY	4,600.00		$28.92
08/27/08	BUY	23,300.00		$29.36
08/27/08	SELL			$28.93
08/27/08	SELL			$29.33
08/28/08	SELL			$29.98
08/29/08	BUY	1,862.00		$31.14
08/29/08	BUY	2,000.00		$31.24
08/29/08	SELL			$31.14
09/02/08	SELL			$32.66
09/03/08	SELL			$32.58
09/05/08	SELL			$32.23
09/08/08	BUY	2,200.00		$35.32
09/08/08	BUY	2,400.00		$35.23
09/08/08	BUY	2,775.00		$33.96
09/09/08	BUY	4,400.00		$34.09
09/11/08	BUY	60,500.00		$32.14
09/11/08	SELL			$33.06
09/11/08	SELL			$31.91
09/12/08	BUY	2,700.00		$33.74
09/12/08	BUY	13,800.00		$33.48
09/12/08	SELL		[illegible]	$33.78
09/15/08	BUY	5,000.00		$27.69
09/15/08	BUY	39,600.00		$27.31

Trade Date	Trans. Code	Shares Bought	Shares Sold	Price
09/15/08	SELL			$28.51
09/16/08	SELL		[illegible]	$28.07
09/16/08	SELL			$28.07
09/17/08	BUY	6,250.00		$28.15
09/17/08	BUY	13,000.00		$28.85
09/17/08	BUY	15,900.00		$28.85
09/17/08	BUY	41,450.00		$28.77
09/17/08	BUY	94,200.00		$28.01
09/17/08	SELL		(1,400.00)	$28.48
09/18/08	BUY	1,000.00		$30.55
09/18/08	BUY	6,400.00		$30.01
09/18/08	BUY	7,600.00		$30.01
09/19/08	BUY	9,100.00		$36.24
09/19/08	BUY	20,000.00		$36.07
09/19/08	BUY	35,100.00		$36.07
09/19/08	SELL		[illegible]	$36.76
09/19/08	SELL			$37.48
09/19/08	SELL			$36.18
09/19/08	SELL			$37.48
09/22/08	BUY	9,459.00		$34.15
09/22/08	BUY	11,500.00		$35.10
09/22/08	BUY	19,800.00		$34.86
09/24/08	SELL		[illegible]	$33.91
09/25/08	BUY	2,800.00		$34.41
09/25/08	SELL			$35.35
09/25/08	SELL			$34.52
09/26/08	BUY	2,600.00		$36.79
09/26/08	SELL			$35.75
09/29/08	BUY	2,600.00		$30.25
09/29/08	BUY	20,000.00		$33.12
09/30/08	BUY	11,952.00		$35.00
09/30/08	SELL		[illegible]	$33.08
10/01/08	BUY	4,200.00		$36.93
10/01/08	BUY	6,100.00		$36.77
10/01/08	SELL		[illegible]	$37.84
10/02/08	BUY	300.00		$38.12
10/03/08	SELL		[illegible]	$36.86
10/06/08	BUY	8,600.00		$31.87
10/06/08	BUY	14,400.00		$32.22
10/07/08	BUY	19,400.00		$22.00
10/07/08	BUY	107,100.00		$28.39
10/07/08	SELL		[illegible]	$29.11
10/07/08	SELL			$25.96
10/08/08	BUY	2,900.00		$22.10
10/08/08	BUY	4,300.00		$22.39
10/08/08	BUY	12,033.00		$22.05
10/08/08	BUY	50,800.00		$22.12
10/08/08	BUY	64,462.00		$22.39
10/08/08	BUY	64,462.00		$22.39
10/08/08	SELL		(64,462.00)	$22.10
10/10/08	BUY	5,000.00		$20.85
10/13/08	SELL		[illegible]	$22.42
10/14/08	BUY	115,400.00		$26.42
10/14/08	SELL			$26.10
10/15/08	BUY	25,500.00		$25.36
10/17/08	SELL		[illegible]	$23.56

Trade Date	Trans. Code	Shares Bought	Shares Sold	Price
10/20/08	BUY	8,050.00		$23.63
10/20/08	BUY	9,200.00		$24.12
10/21/08	SELL			$24.37
10/22/08	BUY	4,600.00		$22.66
10/24/08	SELL			$21.46
10/28/08	BUY	20,000.00		$21.54
10/29/08	SELL			$23.02
10/30/08	BUY	383,300.00		$22.44
10/31/08	BUY	49,581.00		$24.17
10/31/08	BUY	342,600.00		$23.07
10/31/08	BUY	546,398.00		$24.17
11/04/08	BUY	1,600.00		$24.11
11/04/08	BUY	39,639.00		$24.11
11/05/08	BUY	8,200.00		$21.75
11/05/08	BUY	12,700.00		$23.23
11/05/08	SELL			$23.32
11/11/08	BUY	1,038.00		$18.78
11/18/08	BUY	43,600.00		$15.17
11/18/08	BUY	52,100.00		$15.09
11/18/08	BUY	63,600.00		$15.06
11/19/08	BUY	4,900.00		$13.87
11/19/08	BUY	10,250.00		$13.88
11/20/08	BUY	26,200.00		$12.31
11/21/08	BUY	2,585.00		$10.73
11/21/08	BUY	3,300.00		$10.33
11/21/08	BUY	5,400.00		$11.47
11/21/08	BUY	7,657.00		$11.47
11/21/08	BUY	20,000.00		$10.61
11/25/08	BUY	700.00		$14.45
11/25/08	BUY	700.00		$14.40
11/25/08	SELL			$14.80
11/25/08	SELL			$15.20
11/25/08	SELL			$14.99
12/01/08	BUY	9,530.00		$12.85
12/01/08	BUY	11,200.00		$14.56
12/03/08	BUY	1,333.00		$14.29
12/03/08	BUY	3,700.00		$15.05
12/03/08	BUY	17,800.00		$14.36
12/03/08	BUY	42,445.00		$14.29
12/04/08	SELL			$14.84
12/05/08	SELL			$14.41
12/08/08	BUY	37,100.00		$17.24
12/08/08	SELL			$17.20
12/09/08	BUY	11,200.00		$17.01
12/10/08	BUY	9,629.00		$16.69
12/10/08	SELL			$16.40
12/11/08	BUY	863.00		$15.70
12/11/08	SELL			$15.76
12/11/08	SELL			$16.10
12/11/08	SELL			$15.80
12/11/08	SELL			$15.85
12/12/08	SELL			$14.61
12/15/08	BUY	11,900.00		$14.18
12/16/08	BUY	824.00		$14.12
12/16/08	BUY	16,150.00		$13.84
12/16/08	SELL			$13.86

Trade Date	Trans. Code	Shares Bought	Shares Sold	Price
12/18/08	BUY	2,349.00		$13.96
12/18/08	BUY	11,480.00		$13.96
12/18/08	BUY	12,050.00		$14.50
12/18/08	SELL		[illegible]	$13.96
12/19/08	BUY	12,050.00		$13.84
12/19/08	SELL			$13.81
12/19/08	SELL			$13.80
12/19/08	SELL		[illegible]	$13.80
12/19/08	SELL			$13.80
12/19/08	SELL			$13.84
12/22/08	BUY	948.00		$13.62
12/22/08	BUY	8,700.00		$13.61
12/22/08	BUY	101,937.00		$13.37
12/23/08	SELL			$13.18
12/24/08	SELL		[illegible]	$13.36
12/26/08	SELL		7.	$13.34
12/29/08	SELL			$12.74
12/30/08	BUY	55,200.00		$12.85
12/31/08	SELL			$14.07
01/02/09	Merger	8,337.15		$14.33
01/02/09	Merger	30,770.10		$14.33
01/02/09	Merger	37,603.13		$14.33
01/02/09	Merger	73,788.94		$14.33
01/02/09	Merger	90,419.40		$14.33
01/02/09	Merger	97,381.35		$14.33
01/02/09	Merger	120,158.10		$14.33
01/02/09	Merger	121,883.98		$14.33
01/02/09	Merger	1,751,767.58		$14.33
01/02/09	Merger	2,752,030.47		$14.33
01/07/09	BUY	6,600.00		$13.95
01/07/09	BUY	9,340.00		$13.71
01/07/09	BUY	9,780.00		$13.97
01/07/09	BUY	14,900.00		$13.92
01/07/09	SELL			$13.99
01/12/09	SELL			$11.89
01/12/09	SELL			$11.73
01/12/09	SELL			$11.89
01/13/09	BUY	13,050.00		$11.06
01/13/09	SELL			$10.93
01/13/09	SELL		[illegible]	$10.93
01/16/09	BUY	7,142.00		$7.38
01/16/09	SELL			$8.32
01/16/09	SELL		(0.50)	$8.32
01/16/09	SELL		(9,100.00)	$8.17
01/20/09	BUY	12,573.00		$5.72

Includes shares of Bank of America ("BofA") received in exchange for shares of Merrill Lynch ("Merrill") from BofA's acquisition of Merrill completed on 01/02/09. The shares are priced at $14.33, the closing price of BofA on 1/2/09.

Schedule B

Bank of America Corp.
Common Stock (Cusip 060505104)

Shareholder: California State Teachers' Retirement System ("CalSTRS")

Number Of Common Stock Held As Record Owner On 10/10/08	17,201,945
Number Of Common Stock That CalSTRS Owned, Had The Right To Vote And Did Vote In Merger	3,549,540

EXHIBIT D

CERTIFICATION OF PROPOSED LEAD PLAINTIFF
PURSUANT TO THE FEDERAL SECURITIES LAWS

I, Peter H. Mixon, declare as follows:

1. I am the General Counsel of the California Public Employees' Retirement System ("CalPERS"). On behalf of CalPERS, I make this certification in support of the motion by CalPERS and the California State Teachers' Retirement System ("CalSTRS") for appointment as lead plaintiff in the securities class actions arising from and related to Bank of America Corporation's ("Bank of America") merger with Merrill Lynch & Co., Inc.

2. CalPERS is the largest state public pension fund in the United States and was established for the benefit of California's public employees in 1932. CalPERS is a defined benefit retirement plan with assets totaling approximately $173 billion as of January 31, 2009. CalPERS manages retirement benefits for more than 1.6 million California public employees, retirees and their families. As of June 30, 2008, CalPERS provided benefits to 1,126,133 active and inactive members and 476,252 retirees.

3. CalPERS has long been a leader in the corporate governance movement and has a corporate governance program with a dedicated staff. CalPERS has also established the "CalPERS Shareholder Forum," a corporate governance website to provide education and communications resources to those interested in the field of corporate governance. The website can be viewed at http://www.calpers-governance.org. Moreover, CalPERS' Board of Administration, which is responsible for the management and control of CalPERS, including investment of the retirement fund, has taken a policy position on executive compensation and the prosecution of this litigation is consistent with that policy.

4. As a public pension fund with a proven track record of responsible shareowner activism and as a proven leader in corporate governance, CalPERS is concerned that the misconduct of Bank of America and its senior insiders and directors has seriously undermined the value of the company. The undisclosed bonus payments and financial losses incurred in connection with the merger with Merrill Lynch have led CalPERS to conclude that the appropriate way to ensure an adequate recovery for damaged investors is through responsible litigation. This litigation is consistent with CalPERS policy on transparency, accountability, and executive compensation. Conscious that the United States Congress singled out public pension funds as ideal lead plaintiffs in federal securities actions when it enacted the Private Securities Litigation Reform Act (the "PSLRA"), CalPERS has determined that it is important to step forward to lead this litigation.

5. Before filing is application, CalPERS referred the matter to an outside litigation consulting firm for evaluation. CalPERS currently contracts with a pool of outside counsel that may serve as "litigation consultant" in a particular case. To ensure complete objectivity, outside counsel consulting on a particular case is ineligible to serve as litigation counsel for the same case. In this case, CalPERS retained the law firm of Berman DeValerio to conduct an evaluation of the merits of the litigation and make a recommendation to CalPERS' General Counsel. Following the evaluation process, in my capacity as General Counsel, I reported to the Investment Committee of the Board of Administration and authorized CalPERS to seek appointment as lead plaintiff in the Bank of America securities class actions jointly with CalSTRS.

6. CalPERS has reviewed complaints on file in the Bank of America cases and, while it reserves the right to assert its own allegations in a Consolidated Complaint, it generally adopts the key allegations common among the complaints.

7. CalPERS has a dedicated Legal Office with a staff of 24 attorneys plus support staff to assist in the prosecution of this important and complex securities litigation.

8. CalPERS and CalSTRS previously have cooperated in other litigation, on corporate governance matters and on regulatory issues affecting the securities markets. CalPERS and CalSTRS are jointly seeking appointment as lead plaintiff because both CalPERS and CalSTRS have suffered significant losses on their holdings of Bank of America common stock and both believe that the policy objectives of the PSLRA will be served by CalPERS and CalSTRS joining to prosecute this litigation in the best interest of class members. I have agreed with the General Counsel of CalSTRS on a joint prosecution plan by which we will coordinate activities and oversee litigation counsel.

9. CalPERS and CalSTRS will jointly select lead plaintiff's counsel for Court approval in accordance with the PSLRA, 15 U.S.C. § 77u-4(a)(3)(B) and 15 U.S.C. 77z-1(a)(3)(B). CalPERS and CalSTRS have solicited proposals from certain qualified law firms on an expedited basis in accordance with the written procedures and guidelines maintained by CalPERS and CalSTRS, and will complete the selection process by March 31, 2009. CalPERS and CalSTRS have authorized and directed their counsel Girard Gibbs to file this motion for appointment of CalPERS and CalSTRS as lead plaintiff.

10. CalPERS has sought and successfully obtained lead plaintiff designation in several significant and complex securities class actions over the years including:

- *In re UnitedHealth Group Inc. PSLRA Litig.,* Case No. 06-1691-JMR-FLN (D. Minn.);
- *In re NYSE Specialists Sec. Litig.*, Case No. 03-8264-RWS (S.D.N.Y.);
- *In re Cendant Corp. Litig.*, Case No. 98-1664-WHW-EF (D. N.J.); and
- *In re Chubb Sec. Litig.*, Case No. 00-4285-GEB (D. N.J.).

11. CalPERS has sought to serve or served as a representative party in only one action filed under the federal securities laws within the last three years: *In re UnitedHealth* litigation. As lead plaintiff in the *UnitedHealth* litigation, CalPERS has obtained a $925.5 settlement, $30 million of which is being paid by UnitedHealth's former Chief Executive Officer William W. McGuire and $500,000 of which is being paid by UnitedHealth's former General Counsel. McGuire also agreed to cancel options to purchase 3.675 million shares of stock. Moreover, as part of the settlement, UnitedHealth has agreed to implement certain governance changes including (i) the creation of an independent lead director position under certain circumstances; (ii) the creation of a shareowner-nominated director; (iii) enhanced standards for director independence; (iv) modifications to UnitedHealth's executive compensation policy; (v) changes to the board structure; (vi) modifications to the procedures of shareowner meetings; (vii) the creation of a stock retention policy; and (viii) the creation of a nominating advisory committee. The Honorable James M. Rosenbaum has granted preliminary approval of this settlement. Final approval is still pending.

12. CalPERS did not purchase or acquire any Bank of America security at the direction of any law firm or in order to participate in any private action under the federal securities laws.

13. CalPERS is willing to serve as a lead plaintiff and representative party on behalf of the proposed class, and is willing to provide testimony at deposition and trial, if necessary.

14. CalPERS will not accept any payment for serving as a representative party on behalf of the proposed class beyond its pro rata share of any recovery, except as ordered or approved by the Court in accordance with 15 U.S.C. § 78u-4(a)(4) and 15 U.S.C. § 77z-1(a)(4).

15. CalPERS' purchases and sales of the common stock of Bank of America during the relevant time period are set forth on **Schedule A** to this certification.

16. CalPERS' holdings of the common stock of Bank of America as of October 10, 2008 are set forth on **Schedule B** to this certification.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 23rd ~~th~~ day of March 2009

Peter H. Mixon
General Counsel
California Public Employees' Retirement System

Schedule A

Bank of America Corp.
Common Stock (Cusip 060505104)

Transactions: 07/21/08-01/20/09
Shareholder: California Public Employees' Retirement System ("CalPERS")

Trade Date	Trans. Code	Shares Bought	Shares Sold	Price
07/21/08	BUY	17,120		$28.92
07/21/08	BUY	37,440		$29.83
07/22/08	BUY	4,444		$29.35
07/22/08	BUY	18,800		$27.75
07/22/08	SELL		(9,600)	$28.27
07/23/08	BUY	28,400		$33.50
07/23/08	BUY	231,200		$33.11
07/23/08	SELL		[illegible]	$32.95
07/23/08	SELL		[illegible]	$32.82
07/24/08	BUY	173,600		$32.25
07/25/08	BUY	910		$29.45
07/25/08	BUY	45,922		$30.44
07/25/08	BUY	115,600		$29.70
07/25/08	SELL		(330,000)	$30.14
07/28/08	BUY	200		$29.32
07/28/08	BUY	124,400		$28.97
07/28/08	SELL		(330)	$28.06
07/28/08	SELL		[illegible]	$30.38
07/29/08	BUY	7,665		$32.22
07/29/08	SELL		[illegible]	$29.21
07/30/08	SELL		[illegible]	$32.84
07/31/08	BUY	10,800		$32.90
07/31/08	BUY	13,860		$33.20
08/01/08	BUY	7,665		$32.96
08/04/08	BUY	11,677		$33.10
08/05/08	BUY	26,200		$33.64
08/05/08	SELL		(300)	$33.82
08/06/08	BUY	178,800		$33.31
08/07/08	BUY	7,200		$32.32
08/08/08	BUY	12,600		$32.23
08/08/08	SELL		(50,880)	$31.68
08/11/08	BUY	49,500		$32.99
08/11/08	BUY	86,900		$32.87
08/11/08	SELL		(9,733)	$32.77
08/12/08	BUY	11,400		$32.00
08/12/08	BUY	39,300		$32.01
08/13/08	BUY	850		$29.50
08/13/08	SELL		(105,800)	$29.05
08/14/08	BUY	25,800		$29.89
08/14/08	SELL		(70,600)	$30.06
08/15/08	BUY	88,300		$30.71
08/15/08	SELL		(7,800)	$30.59
08/18/08	BUY	8,800		$29.91
08/18/08	BUY	45,800		$29.72
08/21/08	BUY	95,500		$28.83
08/21/08	SELL		(14,237)	$28.75
08/21/08	SELL		(17,450)	$29.00
08/22/08	BUY	139		$30.19
08/22/08	BUY	6,573		$30.03

Trade Date	Trans. Code	Shares Bought	Shares Sold	Price
08/22/08	BUY	141,600		$29.94
08/27/08	SELL		(437)	$28.93
08/28/08	BUY	56,000		$30.57
08/29/08	BUY	700		$31.14
09/02/08	SELL		(5,200)	$32.58
09/03/08	SELL		(34,900)	$32.55
09/05/08	BUY	16,002		$30.16
09/08/08	BUY	1,000		$35.32
09/08/08	BUY	1,100		$35.23
09/08/08	BUY	4,300		$33.95
09/08/08	SELL		(3[illegible]0)	$34.20
09/09/08	BUY	2,040		$32.52
09/09/08	SELL			$33.93
09/10/08	BUY	27,101		$32.38
09/15/08	BUY	5,902		$28.96
09/15/08	SELL			$28.51
09/16/08	SELL			$28.07
09/16/08	SELL		[illegible]	$28.07
09/16/08	SELL			$28.01
09/17/08	BUY	47,551		$27.74
09/17/08	SELL		[illegible]0)	$28.46
09/18/08	BUY	23,512		$27.99
09/18/08	SELL		(330,300)	$28.55
09/19/08	BUY	300		$36.89
09/19/08	BUY	1,500		$36.89
09/19/08	BUY	2,360		$36.89
09/22/08	BUY	5,800		$35.10
09/22/08	BUY	16,580		$34.15
09/23/08	BUY	3,300		$34.52
09/23/08	BUY	63,100		$33.36
09/24/08	BUY	161,670		$34.16
09/24/08	SELL		(8,172)	$33.93
09/25/08	SELL		(330,200)	$35.16
09/29/08	BUY	9,500		$33.12
09/30/08	BUY	7,300		$35.00
09/30/08	BUY	348,500		$33.32
10/01/08	BUY	72,140		$37.94
10/02/08	BUY	800		$36.59
10/02/08	BUY	4,300		$36.85
10/03/08	BUY	23,530		$34.48
10/06/08	BUY	2,490		$32.22
10/06/08	BUY	12,227		$31.96
10/06/08	BUY	22,900		$32.32
10/06/08	SELL		(3,548)	$32.77
10/07/08	BUY	3,000		$22.00
10/07/08	BUY	18,400		$22.00
10/07/08	BUY	34,079		$27.51
10/07/08	BUY	89,650		$22.00
10/07/08	BUY	100,000		$22.00
10/07/08	BUY	187,200		$22.00
10/07/08	BUY	1,800,000		$22.00
10/07/08	SELL		(800)	$29.11
10/08/08	BUY	7,510		$22.02
10/08/08	BUY	44,700		$22.02
10/10/08	BUY	8,500		$20.58
10/10/08	BUY	18,083		$19.86

Trade Date	Trans. Code	Shares Bought	Shares Sold	Price
10/10/08	SELL			$20.52
10/10/08	SELL		[illegible]	$20.61
10/14/08	BUY	79,200		$26.42
10/14/08	BUY	134,920		$26.16
10/14/08	SELL		(160,500)	$26.09
10/15/08	BUY	3,069		$25.71
10/15/08	BUY	4,500		$25.40
10/15/08	BUY	17,000		$25.36
10/16/08	BUY	11,664		$22.62
10/16/08	BUY	16,381		$23.26
10/16/08	SELL		(6,500)	$24.75
10/16/08	SELL		(455,100)	$23.16
10/17/08	BUY	8,400		$23.55
10/17/08	SELL		[illegible]	$23.90
10/20/08	SELL		[illegible]	$24.40
10/21/08	SELL			$24.38
10/22/08	BUY	2,800		$23.27
10/22/08	BUY	41,830		$22.66
10/23/08	BUY	1,030		$22.21
10/23/08	BUY	2,420		$22.87
10/23/08	BUY	5,000		$23.00
10/23/08	SELL			$22.31
10/24/08	BUY	480		$21.27
10/24/08	BUY	1,205		$21.25
10/24/08	BUY	1,320		$21.34
10/24/08	BUY	8,600		$21.40
10/24/08	SELL		[illegible]	$21.60
10/28/08	BUY	865		$20.77
10/28/08	SELL		[illegible]	$21.85
10/28/08	SELL		[illegible]	$20.87
10/28/08	SELL			$21.40
10/28/08	SELL		[illegible]	$21.30
10/28/08	SELL			$21.50
10/29/08	BUY	5,710		$22.32
10/29/08	SELL		[illegible]	$23.39
10/31/08	BUY	13,200		$24.17
10/31/08	SELL		(182,200)	$23.35
11/04/08	BUY	3,882		$24.30
11/04/08	BUY	4,000		$23.95
11/04/08	SELL			$24.23
11/06/08	BUY	840		$20.13
11/10/08	BUY	635		$20.34
11/11/08	BUY	2,600		$19.07
11/11/08	BUY	3,956		$18.88
11/13/08	BUY	5,600		$16.50
11/13/08	BUY	99,300		$15.85
11/14/08	BUY	5,000		$17.36
11/17/08	BUY	10,201		$15.67
11/17/08	SELL		(2,500)	$15.78
11/18/08	BUY	300		$15.19
11/18/08	BUY	2,750		$15.19
11/18/08	BUY	10,270		$15.23
11/19/08	BUY	5,360		$13.83
11/19/08	BUY	6,700		$13.39
11/19/08	BUY	13,500		$13.87
11/19/08	BUY	41,100		$13.88

Trade Date	Trans. Code	Shares Bought	Shares Sold	Price
11/20/08	BUY	1,570		$11.25
11/20/08	BUY	2,840		$11.25
11/21/08	BUY	2,360		$10.67
11/24/08	BUY	1,700		$13.83
11/25/08	BUY	3,330		$14.89
11/26/08	BUY	18,870		$14.18
12/01/08	SELL			$12.85
12/01/08	SELL		[illegible]	$12.85
12/02/08	BUY	3,500		$13.74
12/02/08	BUY	14,600		$14.12
12/03/08	BUY	49,200		$14.36
12/04/08	BUY	31,119		$14.80
12/05/08	BUY	4,248		$14.30
12/05/08	BUY	5,600		$14.00
12/09/08	BUY	9,200		$17.26
12/11/08	BUY	2,130		$15.85
12/11/08	BUY	22,780		$15.57
12/11/08	SELL		[illegible]	$16.03
12/11/08	SELL			$15.77
12/11/08	SELL			$15.78
12/12/08	BUY	12,000		$14.78
12/15/08	SELL			$14.21
12/16/08	BUY	3,800		$13.79
12/16/08	BUY	16,200		$13.74
12/16/08	SELL			$14.01
12/18/08	BUY	6,030		$14.06
12/18/08	BUY	8,158		$14.00
12/18/08	SELL		(45,100)	$14.51
12/19/08	BUY	2,930		$13.80
12/19/08	SELL		(48,200)	$13.84
12/22/08	BUY	4,470		$13.52
12/23/08	BUY	780		$12.75
12/23/08	BUY	2,500		$12.75
12/23/08	SELL			$13.18
12/26/08	BUY	13,000		$13.46
12/29/08	SELL		[illegible]	$12.74
12/31/08	BUY	2,845		$13.45
12/31/08	BUY	7,400		$14.08
01/02/09	Merger	4,383		$14.33
01/02/09	Merger	6,274		$14.33
01/02/09	Merger	8,423		$14.33
01/02/09	Merger	12,496		$14.33
01/02/09	Merger	26,869		$14.33
01/02/09	Merger	27,589		$14.33
01/02/09	Merger	28,278		$14.33
01/02/09	Merger	31,890		$14.33
01/02/09	Merger	41,857		$14.33
01/02/09	Merger	70,272		$14.33
01/02/09	Merger	133,910		$14.33
01/02/09	Merger	147,088		$14.33
01/02/09	Merger	153,806		$14.33
01/02/09	Merger	2,740,685		$14.33
01/05/09	BUY	5,000		$14.29
01/05/09	SELL		(34,500)	$14.20
01/06/09	BUY	1,500		$14.74
01/06/09	BUY	11,732		$14.36

Trade Date	Trans. Code	Shares Bought	Shares Sold	Price
01/07/09	BUY	880		$13.71
01/07/09	BUY	2,477		$13.96
01/07/09	BUY	11,540		$13.74
01/07/09	BUY	19,100		$13.95
01/07/09	SELL		(15,300)	$13.95
01/07/09	SELL		(20,725)	$14.00
01/08/09	BUY	11,100		$13.62
01/08/09	SELL		[illegible]	$13.85
01/09/09	BUY	194,700		$13.15
01/09/09	SELL			$13.23
01/09/09	SELL			$13.24
01/09/09	SELL		[illegible]	$13.20
01/12/09	SELL		[illegible]	$11.42
01/12/09	SELL		[illegible]	$11.73
01/13/09	BUY	82,100		$11.17
01/15/09	SELL		(37,200)	$8.15
01/16/09	BUY	2,510		$7.18
01/16/09	SELL		[illegible]	$8.17
01/16/09	SELL			$7.72

Includes shares of Bank of America ("BofA") received in exchange for shares of Merrill Lynch ("Merrill") from BofA's acquisition of Merrill completed on 01/02/09. The shares are priced at $14.33, the closing price of BofA on 1/2/09.

Schedule B

Bank of America Corp.
Common Stock (Cusip 060505104)

Shareholder: California Public Employees' Retirement System ("CalPERS")

Number Of Common Stock Held As Record Owner On 10/10/08	21,245,974
Number Of Common Stock That CalPERS Owned, Had The Right To Vote And Did Vote In Merger	14,848,578[1]

[1] CalPERS also voted additional shares of BofA common stock pursuant to its ownership of 127,000 shares of an Exchange Traded Fund, Regional Bank Holders Trust, CUSIP 75902E100.

EXHIBIT E

Bank of America Corp.

Common Stock (Cusip 060505104)

FIFO

Class Period: 07/21/08-01/20/09

$5.2863= Avg. closing price 01/21/09-3/18/09

Shareholder: California State Teachers' Retirement System ("CalSTRS")

Trade Date	Trans.	No. Shares Bought	No. Shares Sold	No. Shares Remaining	Price / Share	(Cost)	Proceeds
Sales Applied to Pre-Class period Holdings							
07/21/08	Holdings			17,645,497.59			
07/24/08	SELL		(5,[illegible]0.00)	17,640,447.59	$33.01	$0.00	$166,687.88
07/25/08	SELL		(44,[illegible]77.[illegible])	17,596,370.59	$29.71	$0.00	$1,309,717.20
07/25/08	SELL		[illegible])	17,595,570.59	$29.34	$0.00	$23,468.00
07/31/08	SELL		[illegible]0.00)	17,593,870.59	$32.78	$0.00	$55,730.08
08/01/08	SELL			17,590,270.59	$33.29	$0.00	$119,847.96
08/04/08	SELL			17,590,269.72	$25.29	$0.00	$22.08
08/04/08	SELL		(0.[illegible]	17,590,269.14	$25.28	$0.00	$14.64
08/04/08	SELL		[illegible]	17,590,268.68	$25.30	$0.00	$11.56
08/04/08	SELL		[illegible]	17,590,268.30	$25.29	$0.00	$9.61
08/04/08	SELL		(0[illegible]	17,590,268.18	$25.25	$0.00	$3.03
08/07/08	SELL		[illegible])	17,550,674.18	$32.28	$0.00	$1,278,248.74
08/27/08	SELL		[illegible])	17,539,974.18	$29.33	$0.00	$313,791.41
08/27/08	SELL		[illegible].00)	17,539,628.18	$28.93	$0.00	$10,009.71
08/28/08	SELL		[illegible])	17,537,628.18	$29.98	$0.00	$59,960.00
08/29/08	SELL		[illegible])	17,535,628.18	$31.14	$0.00	$62,280.00
09/02/08	SELL		[illegible]0.00)	17,533,228.18	$32.66	$0.00	$78,384.00
09/03/08	SELL		[illegible])	17,528,272.18	$32.58	$0.00	$161,442.69
09/05/08	SELL		([illegible])	17,404,713.18	$32.23	$0.00	$3,982,306.57
09/11/08	SELL		[illegible].00)	17,278,247.18	$31.91	$0.00	$4,034,923.02
09/11/08	SELL		[illegible])	17,153,547.18	$33.06	$0.00	$4,122,582.00
09/12/08	SELL		([illegible])	17,031,906.18	$33.78	$0.00	$4,108,558.58
09/15/08	SELL		[illegible]0.00)	16,979,106.18	$28.51	$0.00	$1,505,122.08
09/16/08	SELL		[illegible])	16,908,606.18	$28.07	$0.00	$1,979,061.90
09/16/08	SELL		[illegible])	16,866,506.18	$28.07	$0.00	$1,181,822.78
09/17/08	SELL		[illegible]0.00)	16,865,106.18	$28.48	$0.00	$39,872.42
09/19/08	SELL		[illegible])	16,666,306.18	$37.48	$0.00	$7,451,024.00
09/19/08	SELL		[illegible])	16,633,706.18	$36.18	$0.00	$1,179,507.12
09/19/08	SELL		[illegible]0.00)	16,610,706.18	$37.48	$0.00	$862,040.00
09/19/08	SELL		[illegible])	16,608,406.18	$36.76	$0.00	$84,541.10
09/24/08	SELL		[illegible])	16,430,895.18	$33.91	$0.00	$6,018,670.21
09/25/08	SELL		[illegible]80.00)	16,385,515.18	$34.52	$0.00	$1,566,558.44
09/25/08	SELL		[illegible])	16,342,515.18	$35.35	$0.00	$1,520,088.70
09/26/08	SELL		[illegible])	16,256,515.18	$35.75	$0.00	$3,074,525.80
09/30/08	SELL		[illegible]00.00)	16,256,315.18	$33.08	$0.00	$6,616.00
10/01/08	SELL		[illegible])	16,234,515.18	$37.84	$0.00	$825,003.56
10/03/08	SELL		[illegible])	16,212,363.18	$36.86	$0.00	$816,449.62
10/07/08	SELL		[illegible]0.00)	16,182,263.18	$25.96	$0.00	$781,522.42
10/07/08	SELL		[illegible])	16,181,963.18	$29.11	$0.00	$8,733.00
10/08/08	SELL		[illegible])	16,117,501.18	$22.10	$0.00	$1,424,610.20
10/13/08	SELL		[illegible]7.00)	16,107,084.18	$22.42	$0.00	$233,498.10
10/14/08	SELL		[illegible])	16,090,109.18	$26.10	$0.00	$443,010.16
10/17/08	SELL		[illegible])	16,090,109.00	$23.56	$0.00	$4.24
10/21/08	SELL		[illegible]7[illegible].00)	16,063,083.00	$24.37	$0.00	$658,669.56
10/24/08	SELL		[illegible]50[illegible])	15,994,333.00	$21.46	$0.00	$1,475,333.75
10/29/08	SELL		[illegible])	15,974,888.00	$23.02	$0.00	$447,606.40
11/05/08	SELL		[illegible].00)	15,972,490.00	$23.32	$0.00	$55,929.51
11/25/08	SELL		[illegible])	15,920,390.00	$14.99	$0.00	$780,942.53
11/25/08	SELL		[illegible])	15,894,490.00	$15.20	$0.00	$393,718.85
11/25/08	SELL		[illegible]00.00)	15,893,090.00	$14.80	$0.00	$20,720.00

Trade Date	Trans.	No. Shares Bought	No. Shares Sold	No. Shares Remaining	Price / Share	(Cost)	Proceeds
12/04/08	SELL		[illegible]	15,575,102.00	$14.84	$0.00	$4,719,005.52
12/05/08	SELL		[illegible]	15,557,902.00	$14.41	$0.00	$247,809.00
12/08/08	SELL		[illegible]	15,428,902.00	$17.20	$0.00	$2,219,135.40
12/10/08	SELL		[illegible]	15,355,879.00	$16.40	$0.00	$1,197,299.71
12/11/08	SELL		[illegible]	15,254,079.00	$15.85	$0.00	$1,613,753.96
12/11/08	SELL		[illegible]	15,200,384.00	$15.80	$0.00	$848,381.00
12/11/08	SELL		[illegible]	15,177,002.00	$16.10	$0.00	$376,450.20
12/11/08	SELL		[illegible]	15,171,952.00	$15.76	$0.00	$79,595.07
12/12/08	SELL		[illegible]	15,082,052.00	$14.61	$0.00	$1,313,277.18
12/16/08	SELL		[illegible]	15,056,602.00	$13.86	$0.00	$352,729.37
12/18/08	SELL		[illegible]	15,051,802.00	$13.96	$0.00	$67,008.00
12/19/08	SELL		[illegible]	14,934,402.00	$13.84	$0.00	$1,624,780.78
12/19/08	SELL		[illegible]	14,912,702.00	$13.80	$0.00	$299,460.00
12/19/08	SELL		[illegible]	14,900,652.00	$13.80	$0.00	$166,290.00
12/19/08	SELL		[illegible]	14,893,048.00	$13.80	$0.00	$104,935.20
12/19/08	SELL		[illegible]	14,892,575.00	$13.81	$0.00	$6,529.77
12/23/08	SELL		[illegible]	14,859,075.00	$13.18	$0.00	$441,553.45
12/24/08	SELL		[illegible]	14,720,503.00	$13.36	$0.00	$1,851,931.64
12/26/08	SELL		[illegible]	14,660,996.00	$13.34	$0.00	$794,025.70
12/29/08	SELL		[illegible]	14,660,796.00	$12.74	$0.00	$2,547.10
12/31/08	SELL		[illegible]	14,488,896.00	$14.07	$0.00	$2,417,773.50
01/07/09	SELL		[illegible]	14,488,096.00	$13.99	$0.00	$11,188.00
01/12/09	SELL		[illegible]	14,448,396.00	$11.89	$0.00	$472,124.31
01/12/09	SELL		[illegible]	14,414,396.00	$11.73	$0.00	$398,871.00
01/12/09	SELL		[illegible]	14,381,896.00	$11.89	$0.00	$386,499.75
01/13/09	SELL		[illegible]	14,339,493.00	$10.93	$0.00	$463,456.31
01/13/09	SELL		[illegible]	14,304,823.00	$10.93	$0.00	$378,936.17
01/16/09	SELL		[illegible]	14,295,723.00	$8.17	$0.00	$74,360.65
01/16/09	SELL		[illegible]	14,295,722.50	$8.32	$0.00	$4.16
01/16/09	SELL		[illegible]	14,295,722.00	$8.32	$0.00	$4.16
Class Period Trading							
07/22/08	BUY	92,400.00		92,400.00	$30.07	[illegible]	$0.00
07/24/08	BUY	2,800.00		95,200.00	$32.15	[illegible]	$0.00
07/29/08	BUY	490.00		95,690.00	$29.20	[illegible]	$0.00
07/30/08	BUY	300.00		95,990.00	$33.26	[illegible]	$0.00
07/30/08	BUY	5,500.00		101,490.00	$32.59	[illegible]	$0.00
07/30/08	BUY	11,300.00		112,790.00	$33.39	[illegible]	$0.00
07/31/08	BUY	7,416.00		120,206.00	$32.90	[illegible]	$0.00
08/06/08	BUY	28,514.00		148,720.00	$33.10	[illegible]	$0.00
08/08/08	BUY	68,186.00		216,906.00	$32.00	[illegible]	$0.00
08/11/08	BUY	11,100.00		228,006.00	$32.93	[illegible]	$0.00
08/13/08	BUY	900.00		228,906.00	$29.26	[illegible]	$0.00
08/15/08	BUY	12,084.00		240,990.00	$30.70	[illegible]	$0.00
08/18/08	BUY	5,400.00		246,390.00	$29.69	[illegible]	$0.00
08/18/08	BUY	112,344.00		358,734.00	$29.94	[illegible]	$0.00
08/25/08	BUY	5,300.00		364,034.00	$29.80	[illegible]	$0.00
08/26/08	BUY	4,600.00		368,634.00	$28.92	[illegible]	$0.00
08/27/08	BUY	23,300.00		391,934.00	$29.36	[illegible]	$0.00
08/29/08	BUY	1,862.00		393,796.00	$31.14	[illegible]	$0.00
08/29/08	BUY	2,000.00		395,796.00	$31.24	[illegible]	$0.00
09/08/08	BUY	2,200.00		397,996.00	$35.32	[illegible]	$0.00
09/08/08	BUY	2,400.00		400,396.00	$35.23	[illegible]	$0.00
09/08/08	BUY	2,775.00		403,171.00	$33.96	[illegible]	$0.00
09/09/08	BUY	4,400.00		407,571.00	$34.09	[illegible]	$0.00
09/11/08	BUY	60,500.00		468,071.00	$32.14	[illegible]	$0.00
09/12/08	BUY	2,700.00		470,771.00	$33.74	[illegible]	$0.00
09/12/08	BUY	13,800.00		484,571.00	$33.48	[illegible]	$0.00

Trade Date	Trans.	No. Shares Bought	No. Shares Sold	No. Shares Remaining	Price / Share	(Cost)	Proceeds
09/15/08	BUY	5,000.00		489,571.00	$27.69		$0.00
09/15/08	BUY	39,600.00		529,171.00	$27.31		$0.00
09/17/08	BUY	6,250.00		535,421.00	$28.15		$0.00
09/17/08	BUY	13,000.00		548,421.00	$28.85		$0.00
09/17/08	BUY	15,900.00		564,321.00	$28.85		$0.00
09/17/08	BUY	41,450.00		605,771.00	$28.77		$0.00
09/17/08	BUY	94,200.00		699,971.00	$28.01		$0.00
09/18/08	BUY	1,000.00		700,971.00	$30.55		$0.00
09/18/08	BUY	6,400.00		707,371.00	$30.01		$0.00
09/18/08	BUY	7,600.00		714,971.00	$30.01		$0.00
09/19/08	BUY	9,100.00		724,071.00	$36.24		$0.00
09/19/08	BUY	20,000.00		744,071.00	$36.07		$0.00
09/19/08	BUY	35,100.00		779,171.00	$36.07		$0.00
09/22/08	BUY	9,459.00		788,630.00	$34.15		$0.00
09/22/08	BUY	11,500.00		800,130.00	$35.10		$0.00
09/22/08	BUY	19,800.00		819,930.00	$34.86		$0.00
09/25/08	BUY	2,800.00		822,730.00	$34.41		$0.00
09/26/08	BUY	2,600.00		825,330.00	$36.79		$0.00
09/29/08	BUY	2,600.00		827,930.00	$30.25		$0.00
09/29/08	BUY	20,000.00		847,930.00	$33.12		$0.00
09/30/08	BUY	11,952.00		859,882.00	$35.00		$0.00
10/01/08	BUY	4,200.00		864,082.00	$36.93		$0.00
10/01/08	BUY	6,100.00		870,182.00	$36.77		$0.00
10/02/08	BUY	300.00		870,482.00	$38.12		$0.00
10/06/08	BUY	8,600.00		879,082.00	$31.87		$0.00
10/06/08	BUY	14,400.00		893,482.00	$32.22		$0.00
10/07/08	BUY	19,400.00		912,882.00	$22.00		$0.00
10/07/08	BUY	107,100.00		1,019,982.00	$28.39		$0.00
10/08/08	BUY	2,900.00		1,022,882.00	$22.10		$0.00
10/08/08	BUY	4,300.00		1,027,182.00	$22.39		$0.00
10/08/08	BUY	12,033.00		1,039,215.00	$22.05		$0.00
10/08/08	BUY	50,800.00		1,090,015.00	$22.12		$0.00
10/08/08	BUY	64,462.00		1,154,477.00	$22.39		$0.00
10/08/08	BUY	64,462.00		1,218,939.00	$22.39		$0.00
10/10/08	BUY	5,000.00		1,223,939.00	$20.85		$0.00
10/14/08	BUY	115,400.00		1,339,339.00	$26.42		$0.00
10/15/08	BUY	25,500.00		1,364,839.00	$25.36		$0.00
10/20/08	BUY	8,050.00		1,372,889.00	$23.63		$0.00
10/20/08	BUY	9,200.00		1,382,089.00	$24.12		$0.00
10/22/08	BUY	4,600.00		1,386,689.00	$22.66		$0.00
10/28/08	BUY	20,000.00		1,406,689.00	$21.54		$0.00
10/30/08	BUY	383,300.00		1,789,989.00	$22.44		$0.00
10/31/08	BUY	49,581.00		1,839,570.00	$24.17		$0.00
10/31/08	BUY	342,600.00		2,182,170.00	$23.07		$0.00
10/31/08	BUY	546,398.00		2,728,568.00	$24.17		$0.00
11/04/08	BUY	1,600.00		2,730,168.00	$24.11		$0.00
11/04/08	BUY	39,639.00		2,769,807.00	$24.11		$0.00
11/05/08	BUY	8,200.00		2,778,007.00	$21.75		$0.00
11/05/08	BUY	12,700.00		2,790,707.00	$23.23		$0.00
11/11/08	BUY	1,038.00		2,791,745.00	$18.78		$0.00
11/18/08	BUY	43,600.00		2,835,345.00	$15.17		$0.00
11/18/08	BUY	52,100.00		2,887,445.00	$15.09		$0.00
11/18/08	BUY	63,600.00		2,951,045.00	$15.06		$0.00

Trade Date	Trans.	No. Shares Bought	No. Shares Sold	No. Shares Remaining	Price / Share	(Cost)	Proceeds
11/19/08	BUY	4,900.00		2,955,945.00	$13.87		$0.00
11/19/08	BUY	10,250.00		2,966,195.00	$13.88		$0.00
11/20/08	BUY	26,200.00		2,992,395.00	$12.31		$0.00
11/21/08	BUY	2,585.00		2,994,980.00	$10.73		$0.00
11/21/08	BUY	3,300.00		2,998,280.00	$10.33		$0.00
11/21/08	BUY	5,400.00		3,003,680.00	$11.47		$0.00
11/21/08	BUY	7,657.00		3,011,337.00	$11.47		$0.00
11/21/08	BUY	20,000.00		3,031,337.00	$10.61		$0.00
11/25/08	BUY	700.00		3,032,037.00	$14.45		$0.00
11/25/08	BUY	700.00		3,032,737.00	$14.40		$0.00
12/01/08	BUY	9,530.00		3,042,267.00	$12.85		$0.00
12/01/08	BUY	11,200.00		3,053,467.00	$14.56		$0.00
12/03/08	BUY	1,333.00		3,054,800.00	$14.29		$0.00
12/03/08	BUY	3,700.00		3,058,500.00	$15.05		$0.00
12/03/08	BUY	17,800.00		3,076,300.00	$14.36		$0.00
12/03/08	BUY	42,445.00		3,118,745.00	$14.29		$0.00
12/08/08	BUY	37,100.00		3,155,845.00	$17.24		$0.00
12/09/08	BUY	11,200.00		3,167,045.00	$17.01		$0.00
12/10/08	BUY	9,629.00		3,176,674.00	$16.69		$0.00
12/11/08	BUY	863.00		3,177,537.00	$15.70		$0.00
12/15/08	BUY	11,900.00		3,189,437.00	$14.18		$0.00
12/16/08	BUY	824.00		3,190,261.00	$14.12		$0.00
12/16/08	BUY	16,150.00		3,206,411.00	$13.84		$0.00
12/18/08	BUY	2,349.00		3,208,760.00	$13.96		$0.00
12/18/08	BUY	11,480.00		3,220,240.00	$13.96		$0.00
12/18/08	BUY	12,050.00		3,232,290.00	$14.50		$0.00
12/19/08	BUY	12,050.00		3,244,340.00	$13.84		$0.00
12/22/08	BUY	948.00		3,245,288.00	$13.62		$0.00
12/22/08	BUY	8,700.00		3,253,988.00	$13.61		$0.00
12/22/08	BUY	101,937.00		3,355,925.00	$13.37		$0.00
12/30/08	BUY	55,200.00		3,411,125.00	$12.85		$0.00
01/02/09	Merger	8,337.15		3,419,462.15	$14.33		$0.00
01/02/09	Merger	30,770.10		3,450,232.25	$14.33		$0.00
01/02/09	Merger	37,603.13		3,487,835.38	$14.33		$0.00
01/02/09	Merger	73,788.94		3,561,624.31	$14.33		$0.00
01/02/09	Merger	90,419.40		3,652,043.71	$14.33		$0.00
01/02/09	Merger	97,381.35		3,749,425.06	$14.33		$0.00
01/02/09	Merger	120,158.10		3,869,583.16	$14.33		$0.00
01/02/09	Merger	121,883.98		3,991,467.14	$14.33		$0.00
01/02/09	Merger	1,751,767.58		5,743,234.71	$14.33		$0.00
01/02/09	Merger	2,752,030.47		8,495,265.19	$14.33		$0.00
01/07/09	BUY	6,600.00		8,501,865.19	$13.95		$0.00
01/07/09	BUY	9,340.00		8,511,205.19	$13.71		$0.00
01/07/09	BUY	9,780.00		8,520,985.19	$13.97		$0.00
01/07/09	BUY	14,900.00		8,535,885.19	$13.92		$0.00
01/13/09	BUY	13,050.00		8,548,935.19	$11.06		$0.00
01/16/09	BUY	7,142.00		8,556,077.19	$7.38		$0.00
01/20/09	BUY	12,573.00		8,568,650.19	$5.72		$0.00
Totals:		8,568,650	0				$0.00
Shares Held:			8,568,650				
Total (Cost)/Proceeds:			($155,314,450)				
Shares Held x $5.2863:			$45,296,455				
Total FIFO (Losses)/Profit:			($110,017,994)				

Notes:
* Calculations **include** shares of Bank of America ("BofA") received in exchange for shares of Merrill Lynch ("Merrill") from BofA's acquisition of Merrill completed on 01/02/09. The shares are priced at $14.33, the closing price of BofA on 1/2/09.

EXHIBIT F

Bank of America Corp.
Common Stock (Cusip 060505104)
FIFO

Class Period: 7/21/08-1/20/09
$5.2863= Avg. closing price 01/21/09-03/18/09
Shareholder: California Public Employees' Retirement System ("CalPERS")

Trade Date	Trans.	No. Shares Bought	No. Shares Sold	No. Shares Remaining	Price /Share	(Cost)	Proceeds
Sales Applied to Pre-Class Period Holdings							
07/20/08	Holdings			18,326,647			
07/22/08	SELL			18,317,047	$28.27	$0.00	$271,391.04
07/23/08	SELL			18,206,047	$32.82	$0.00	$3,642,886.80
07/23/08	SELL			18,197,073	$32.95	$0.00	$295,694.20
07/25/08	SELL			17,867,073	$30.14	$0.00	$9,945,804.00
07/28/08	SELL			17,866,073	$30.38	$0.00	$30,381.50
07/28/08	SELL			17,865,743	$28.06	$0.00	$9,259.80
07/29/08	SELL			17,838,043	$29.21	$0.00	$809,036.67
07/30/08	SELL			17,822,534	$32.84	$0.00	$509,377.60
08/05/08	SELL			17,822,234	$33.82	$0.00	$10,146.00
08/08/08	SELL			17,771,354	$31.68	$0.00	$1,611,822.43
08/11/08	SELL			17,761,621	$32.77	$0.00	$318,973.77
08/13/08	SELL			17,655,821	$29.05	$0.00	$3,073,923.78
08/14/08	SELL			17,585,221	$30.06	$0.00	$2,122,264.24
08/15/08	SELL			17,577,421	$30.59	$0.00	$238,615.26
08/21/08	SELL			17,559,971	$29.00	$0.00	$506,050.00
08/21/08	SELL			17,545,734	$28.75	$0.00	$409,286.70
08/27/08	SELL			17,545,297	$28.93	$0.00	$12,642.32
09/02/08	SELL			17,540,097	$32.58	$0.00	$169,432.12
09/03/08	SELL			17,505,197	$32.55	$0.00	$1,136,054.33
09/08/08	SELL			17,501,397	$34.20	$0.00	$129,952.02
09/09/08	SELL			17,411,097	$33.93	$0.00	$3,063,734.52
09/15/08	SELL			17,385,997	$28.51	$0.00	$715,503.11
09/16/08	SELL			17,126,397	$28.01	$0.00	$7,272,512.28
09/16/08	SELL			17,093,197	$28.07	$0.00	$931,983.76
09/16/08	SELL			17,073,397	$28.07	$0.00	$555,821.64
09/17/08	SELL			17,068,197	$28.46	$0.00	$147,975.88
09/18/08	SELL			16,737,897	$28.55	$0.00	$9,430,461.36
09/24/08	SELL			16,729,725	$33.93	$0.00	$277,309.47
09/25/08	SELL			16,399,525	$35.16	$0.00	$11,610,393.34
10/06/08	SELL			16,395,977	$32.77	$0.00	$116,283.93
10/07/08	SELL			16,395,177	$29.11	$0.00	$23,288.00
10/10/08	SELL			15,242,377	$20.61	$0.00	$23,763,242.80
10/10/08	SELL			15,192,377	$20.52	$0.00	$1,025,920.00
10/14/08	SELL			15,031,877	$26.09	$0.00	$4,187,204.25
10/16/08	SELL			14,576,777	$23.16	$0.00	$10,540,389.06
10/16/08	SELL			14,570,277	$24.75	$0.00	$160,875.00
10/17/08	SELL			14,020,552	$23.90	$0.00	$13,137,547.94
10/20/08	SELL			13,957,913	$24.40	$0.00	$1,528,391.60
10/21/08	SELL			13,940,013	$24.38	$0.00	$436,380.52
10/23/08	SELL			13,930,813	$22.31	$0.00	$205,260.28
10/24/08	SELL			13,771,813	$21.60	$0.00	$3,434,304.60
10/28/08	SELL			13,753,213	$21.50	$0.00	$399,890.70
10/28/08	SELL			13,734,738	$21.30	$0.00	$393,517.50
10/28/08	SELL			13,716,338	$21.40	$0.00	$393,815.20
10/28/08	SELL			13,699,161	$20.87	$0.00	$358,433.20
10/28/08	SELL			13,697,161	$21.85	$0.00	$43,700.00

Trade Date	Trans.	No. Shares Bought	No. Shares Sold	No. Shares Remaining	Price /Share	(Cost)	Proceeds
10/29/08	SELL		(150	13,547,161	$23.39	$0.00	$3,509,040.00
10/31/08	SELL		82,20	13,364,961	$23.35	$0.00	$4,253,695.86
11/04/08	SELL			13,356,961	$24.23	$0.00	$193,871.20
11/17/08	SELL			13,354,461	$15.78	$0.00	$39,448.50
12/01/08	SELL		[illegible]	13,351,441	$12.85	$0.00	$38,807.00
12/01/08	SELL			13,350,941	$12.85	$0.00	$6,425.00
12/11/08	SELL			13,338,541	$15.78	$0.00	$195,683.16
12/11/08	SELL		90	13,334,641	$15.77	$0.00	$61,495.59
12/11/08	SELL			13,332,041	$16.03	$0.00	$41,672.54
12/15/08	SELL			13,324,410	$14.21	$0.00	$108,444.14
12/16/08	SELL			13,324,110	$14.01	$0.00	$4,203.48
12/18/08	SELL			13,279,010	$14.51	$0.00	$654,256.68
12/19/08	SELL			13,230,810	$13.84	$0.00	$667,073.54
12/23/08	SELL			13,211,410	$13.18	$0.00	$255,705.58
12/29/08	SELL			13,211,310	$12.74	$0.00	$1,273.55
01/05/09	SELL		(3	13,176,810	$14.20	$0.00	$489,906.90
01/07/09	SELL		,72	13,156,085	$14.00	$0.00	$290,150.00
01/07/09	SELL			13,140,785	$13.95	$0.00	$213,398.28
01/08/09	SELL		73)	13,132,812	$13.85	$0.00	$110,456.98
01/09/09	SELL		[illegible]	13,104,192	$13.20	$0.00	$377,861.27
01/09/09	SELL			13,089,492	$13.24	$0.00	$194,575.08
01/09/09	SELL		)	13,080,989	$13.23	$0.00	$112,530.40
01/12/09	SELL		(37	13,043,589	$11.73	$0.00	$438,758.10
01/12/09	SELL			13,019,359	$11.42	$0.00	$276,677.52
01/15/09	SELL		(3	12,982,159	$8.15	$0.00	$303,306.48
01/16/09	SELL		(7	12,908,079	$7.72	$0.00	$572,223.55
01/16/09	SELL			12,903,479	$8.17	$0.00	$37,588.90
01/21/09	Sell [1,2]			12,817,946	$6.68	$0.00	$571,360.44
01/27/09	Sell [1]		(1 ,3	12,806,601	$6.50	$0.00	$73,779.94
01/29/09	Sell [1]			12,761,601	$6.91	$0.00	$310,855.50
01/30/09	Sell [1]		(	12,761,101	$6.58	$0.00	$3,290.00
02/03/09	Sell [1]			12,672,601	$5.33	$0.00	$471,306.75
02/05/09	Sell [1]			12,569,001	$4.18	$0.00	$432,633.60
02/10/09	Sell [1,2]			12,445,331	$6.09	$0.00	$752,742.19
			Class Period Trading				
07/21/08	BUY	17,120		17,120	$28.92	($4 5 34.37)	$0.00
07/21/08	BUY	37,440		54,560	$29.83		$0.00
07/22/08	BUY	4,444		59,004	$29.35		$0.00
07/22/08	BUY	18,800		77,804	$27.75	($5	$0.00
07/23/08	BUY	28,400		106,204	$33.50		$0.00
07/23/08	BUY	231,200		337,404	$33.11		$0.00
07/24/08	BUY	173,600		511,004	$32.25	5,59	$0.00
07/25/08	BUY	910		511,914	$29.45		$0.00
07/25/08	BUY	45,922		557,836	$30.44		$0.00
07/25/08	BUY	115,600		673,436	$29.70	3,4	$0.00
07/28/08	BUY	200		673,636	$29.32		$0.00
07/28/08	BUY	124,400		798,036	$28.97		$0.00
07/29/08	BUY	7,665		805,701	$32.22	($	$0.00
07/31/08	BUY	10,800		816,501	$32.90		$0.00
07/31/08	BUY	13,860		830,361	$33.20		$0.00
08/01/08	BUY	7,665		838,026	$32.96	($25)	$0.00
08/04/08	BUY	11,677		849,703	$33.10		$0.00
08/05/08	BUY	26,200		875,903	$33.64		$0.00
08/06/08	BUY	178,800		1,054,703	$33.31	5,95.).16)	$0.00

Trade Date	Trans.	No. Shares Bought	No. Shares Sold	No. Shares Remaining	Price /Share	(Cost)	Proceeds
08/07/08	BUY	7,200		1,061,903	$32.32	($232,693.20)	$0.00
08/08/08	BUY	12,600		1,074,503	$32.23	[illegible]38.78)	$0.00
08/11/08	BUY	49,500		1,124,003	$32.99	[illegible]	$0.00
08/11/08	BUY	86,900		1,210,903	$32.87	[illegible]	$0.00
08/12/08	BUY	11,400		1,222,303	$32.00	[illegible]	$0.00
08/12/08	BUY	39,300		1,261,603	$32.01		$0.00
08/13/08	BUY	850		1,262,453	$29.50	[illegible]	$0.00
08/14/08	BUY	25,800		1,288,253	$29.89	[illegible].72)	$0.00
08/15/08	BUY	88,300		1,376,553	$30.71		$0.00
08/18/08	BUY	8,800		1,385,353	$29.91	[illegible]	$0.00
08/18/08	BUY	45,800		1,431,153	$29.72	[illegible]	$0.00
08/21/08	BUY	95,500		1,526,653	$28.83		$0.00
08/22/08	BUY	139		1,526,792	$30.19	[illegible].55)	$0.00
08/22/08	BUY	6,573		1,533,365	$30.03	[illegible]	$0.00
08/22/08	BUY	141,600		1,674,965	$29.94		$0.00
08/28/08	BUY	56,000		1,730,965	$30.57	[illegible]	$0.00
08/29/08	BUY	700		1,731,665	$31.14	[illegible]	$0.00
09/05/08	BUY	16,002		1,747,667	$30.16		$0.00
09/08/08	BUY	1,000		1,748,667	$35.32		$0.00
09/08/08	BUY	1,100		1,749,767	$35.23		$0.00
09/08/08	BUY	4,300		1,754,067	$33.95		$0.00
09/09/08	BUY	2,040		1,756,107	$32.52		$0.00
09/10/08	BUY	27,101		1,783,208	$32.38	[illegible]	$0.00
09/15/08	BUY	5,902		1,789,110	$28.96		$0.00
09/17/08	BUY	47,551		1,836,661	$27.74	[illegible]	$0.00
09/18/08	BUY	23,512		1,860,173	$27.99		$0.00
09/19/08	BUY	300		1,860,473	$36.89		$0.00
09/19/08	BUY	1,500		1,861,973	$36.89	[illegible]	$0.00
09/19/08	BUY	2,360		1,864,333	$36.89	[illegible].32)	$0.00
09/22/08	BUY	5,800		1,870,133	$35.10		$0.00
09/22/08	BUY	16,580		1,886,713	$34.15	[illegible]	$0.00
09/23/08	BUY	3,300		1,890,013	$34.52	[illegible].11)	$0.00
09/23/08	BUY	63,100		1,953,113	$33.36		$0.00
09/24/08	BUY	161,670		2,114,783	$34.16	[illegible].35)	$0.00
09/29/08	BUY	9,500		2,124,283	$33.12	[illegible]35)	$0.00
09/30/08	BUY	7,300		2,131,583	$35.00		$0.00
09/30/08	BUY	348,500		2,480,083	$33.32	[illegible]	$0.00
10/01/08	BUY	72,140		2,552,223	$37.94	[illegible]	$0.00
10/02/08	BUY	800		2,553,023	$36.59		$0.00
10/02/08	BUY	4,300		2,557,323	$36.85	[illegible]	$0.00
10/03/08	BUY	23,530		2,580,853	$34.48		$0.00
10/06/08	BUY	2,490		2,583,343	$32.22		$0.00
10/06/08	BUY	12,227		2,595,570	$31.96	[illegible]	$0.00
10/06/08	BUY	22,900		2,618,470	$32.32	[illegible]	$0.00
10/07/08	BUY	3,000		2,621,470	$22.00		$0.00
10/07/08	BUY	18,400		2,639,870	$22.00	[illegible]	$0.00
10/07/08	BUY	34,079		2,673,949	$27.51		$0.00
10/07/08	BUY	89,650		2,763,599	$22.00		$0.00
10/07/08	BUY	100,000		2,863,599	$22.00		$0.00
10/07/08	BUY	187,200		3,050,799	$22.00	[illegible]	$0.00
10/07/08	BUY	1,800,000		4,850,799	$22.00		$0.00
10/08/08	BUY	7,510		4,858,309	$22.02	[illegible]	$0.00
10/08/08	BUY	44,700		4,903,009	$22.02	[illegible]	$0.00
10/10/08	BUY	8,500		4,911,509	$20.58		$0.00
10/10/08	BUY	18,083		4,929,592	$19.86	[illegible]	$0.00

Trade Date	Trans.	No. Shares Bought	No. Shares Sold	No. Shares Remaining	Price /Share	(Cost)	Proceeds
10/14/08	BUY	79,200		5,008,792	$26.42	[illegible]	$0.00
10/14/08	BUY	134,920		5,143,712	$26.16	[illegible]	$0.00
10/15/08	BUY	3,069		5,146,781	$25.71		$0.00
10/15/08	BUY	4,500		5,151,281	$25.40	[illegible]	$0.00
10/15/08	BUY	17,000		5,168,281	$25.36	[illegible]	$0.00
10/16/08	BUY	11,664		5,179,945	$22.62		$0.00
10/16/08	BUY	16,381		5,196,326	$23.26	[illegible]	$0.00
10/17/08	BUY	8,400		5,204,726	$23.55	[illegible]	$0.00
10/22/08	BUY	2,800		5,207,526	$23.27		$0.00
10/22/08	BUY	41,830		5,249,356	$22.66	[illegible]	$0.00
10/23/08	BUY	1,030		5,250,386	$22.21	[illegible]	$0.00
10/23/08	BUY	2,420		5,252,806	$22.87		$0.00
10/23/08	BUY	5,000		5,257,806	$23.00	[illegible]	$0.00
10/24/08	BUY	480		5,258,286	$21.27	[illegible]	$0.00
10/24/08	BUY	1,205		5,259,491	$21.25		$0.00
10/24/08	BUY	1,320		5,260,811	$21.34	[illegible]	$0.00
10/24/08	BUY	8,600		5,269,411	$21.40	[illegible]	$0.00
10/28/08	BUY	865		5,270,276	$20.77		$0.00
10/29/08	BUY	5,710		5,275,986	$22.32	[illegible]	$0.00
10/31/08	BUY	13,200		5,289,186	$24.17	[illegible]	$0.00
11/04/08	BUY	3,882		5,293,068	$24.30		$0.00
11/04/08	BUY	4,000		5,297,068	$23.95		$0.00
11/06/08	BUY	840		5,297,908	$20.13	[illegible]	$0.00
11/10/08	BUY	635		5,298,543	$20.34	[illegible]	$0.00
11/11/08	BUY	2,600		5,301,143	$19.07	[illegible]	$0.00
11/11/08	BUY	3,956		5,305,099	$18.88	[illegible]	$0.00
11/13/08	BUY	5,600		5,310,699	$16.50		$0.00
11/13/08	BUY	99,300		5,409,999	$15.85	[illegible]	$0.00
11/14/08	BUY	5,000		5,414,999	$17.36	[illegible]	$0.00
11/17/08	BUY	10,201		5,425,200	$15.67		$0.00
11/18/08	BUY	300		5,425,500	$15.19	[illegible]	$0.00
11/18/08	BUY	2,750		5,428,250	$15.19		$0.00
11/18/08	BUY	10,270		5,438,520	$15.23		$0.00
11/19/08	BUY	5,360		5,443,880	$13.83		$0.00
11/19/08	BUY	6,700		5,450,580	$13.39	[illegible]	$0.00
11/19/08	BUY	13,500		5,464,080	$13.87	[illegible]	$0.00
11/19/08	BUY	41,100		5,505,180	$13.88	[illegible]	$0.00
11/20/08	BUY	1,570		5,506,750	$11.25		$0.00
11/20/08	BUY	2,840		5,509,590	$11.25		$0.00
11/21/08	BUY	2,360		5,511,950	$10.67	[illegible]	$0.00
11/24/08	BUY	1,700		5,513,650	$13.83	[illegible]	$0.00
11/25/08	BUY	3,330		5,516,980	$14.89		$0.00
11/26/08	BUY	18,870		5,535,850	$14.18	[illegible]	$0.00
12/02/08	BUY	3,500		5,539,350	$13.74	[illegible]	$0.00
12/02/08	BUY	14,600		5,553,950	$14.12		$0.00
12/03/08	BUY	49,200		5,603,150	$14.36	[illegible]	$0.00
12/04/08	BUY	31,119		5,634,269	$14.80	[illegible]	$0.00
12/05/08	BUY	4,248		5,638,517	$14.30		$0.00
12/05/08	BUY	5,600		5,644,117	$14.00		$0.00
12/09/08	BUY	9,200		5,653,317	$17.26	[illegible]	$0.00
12/11/08	BUY	2,130		5,655,447	$15.85		$0.00
12/11/08	BUY	22,780		5,678,227	$15.57	[illegible]	$0.00
12/12/08	BUY	12,000		5,690,227	$14.78	[illegible]	$0.00
12/16/08	BUY	3,800		5,694,027	$13.79	[illegible]	$0.00
12/16/08	BUY	16,200		5,710,227	$13.74	($222,583.[illegible])	$0.00

Trade Date	Trans.	No. Shares Bought	No. Shares Sold	No. Shares Remaining	Price /Share	(Cost)	Proceeds
12/18/08	BUY	6,030		5,716,257	$14.06	[illegible]	$0.00
12/18/08	BUY	8,158		5,724,415	$14.00	[illegible]	$0.00
12/19/08	BUY	2,930		5,727,345	$13.80	[illegible]	$0.00
12/22/08	BUY	4,470		5,731,815	$13.52	[illegible]	$0.00
12/23/08	BUY	780		5,732,595	$12.75	[illegible]	$0.00
12/23/08	BUY	2,500		5,735,095	$12.75	[illegible]	$0.00
12/26/08	BUY	13,000		5,748,095	$13.46	[illegible]	$0.00
12/31/08	BUY	2,845		5,750,940	$13.45	[illegible]	$0.00
12/31/08	BUY	7,400		5,758,340	$14.08	[illegible]	$0.00
01/02/09	Merger	4,383		5,762,723	$14.33	[illegible]	$0.00
01/02/09	Merger	6,274		5,768,997	$14.33	[illegible]	$0.00
01/02/09	Merger	8,423		5,777,420	$14.33	[illegible]	$0.00
01/02/09	Merger	12,496		5,789,916	$14.33	[illegible]	$0.00
01/02/09	Merger	26,869		5,816,785	$14.33	[illegible]	$0.00
01/02/09	Merger	27,589		5,844,374	$14.33	[illegible]	$0.00
01/02/09	Merger	28,278		5,872,652	$14.33	[illegible]	$0.00
01/02/09	Merger	31,890		5,904,542	$14.33	[illegible]	$0.00
01/02/09	Merger	41,857		5,946,399	$14.33	[illegible]	$0.00
01/02/09	Merger	70,272		6,016,671	$14.33	[illegible]	$0.00
01/02/09	Merger	133,910		6,150,581	$14.33	[illegible]	$0.00
01/02/09	Merger	147,088		6,297,669	$14.33	[illegible]	$0.00
01/02/09	Merger	153,806		6,451,475	$14.33	[illegible]	$0.00
01/02/09	Merger	2,740,685		9,192,160	$14.33	[illegible]	$0.00
01/05/09	BUY	5,000		9,197,160	$14.29	[illegible]	$0.00
01/06/09	BUY	1,500		9,198,660	$14.74	[illegible]	$0.00
01/06/09	BUY	11,732		9,210,392	$14.36	[illegible]	$0.00
01/07/09	BUY	880		9,211,272	$13.71	[illegible]	$0.00
01/07/09	BUY	2,477		9,213,749	$13.96	[illegible]	$0.00
01/07/09	BUY	11,540		9,225,289	$13.74	[illegible]	$0.00
01/07/09	BUY	19,100		9,244,389	$13.95	[illegible]	$0.00
01/08/09	BUY	11,100		9,255,489	$13.62	[illegible]	$0.00
01/09/09	BUY	194,700		9,450,189	$13.15	[illegible]	$0.00
01/13/09	BUY	82,100		9,532,289	$11.17	[illegible]	$0.00
01/16/09	BUY	2,510		9,534,799	$7.18	[illegible]	$0.00
Totals:		9,534,799	0			[illegible]	$0
Shares Held:			9,534,799				
Total (Cost)/Proceeds:			($204,467,272)				
Shares Held x $5.2863:			$50,403,808				
Total FIFO (Losses)/Profit:			($154,063,464)				

[1] Post Class Period Sale

[2] The average closing price of the stock from 1/21/09 thru the date of the sale was used in the calculations.

Note:
Calculations include shares of Bank of America ("BofA") received in exchange for shares of Merrill Lynch ("Merrill") from BofA's acquisition of Merrill completed on 01/02/09. The shares are priced at $14.33, the closing price of BofA on 1/2/09.