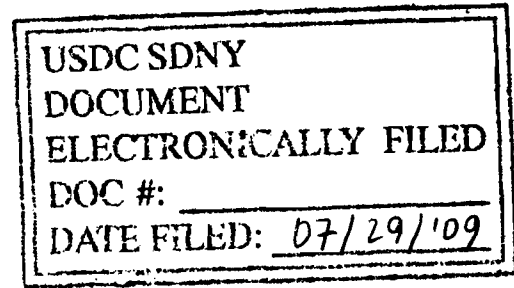


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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

CONSOLIDATION ORDER

THIS DOCUMENT RELATES TO :
ALL SECURITIES ACTIONS :
- - - - -x

Master File
No. 09 MDL 2058 (DC)

CHIN, District Judge

WHEREAS, the following captioned securities actions (the "Securities Actions") are or were pending in this Court against defendants Bank of America Corp. et al., alleging violations of the federal securities laws:

- i. Sklar v. Bank of America Corp., et al., No. 09 Civ. 580;
- ii. Finger Interest Number One, Ltd. v. Bank of America Corp., et al., No. 09 Civ. 606;
- iii. Fort Worth Employees' Retirement Fund v. Bank of America Corp., et al., No. 09 Civ. 638;
- iv. Wexler v. Bank of America Corp., et al., No. 09 Civ. 720;
- v. Palumbo v. Bank of America Corp., et al., No. 09 Civ. 740;
- vi. Zitner v. Bank of America Corp., et al., No. 09 Civ. 881;
- vii. Stabbert v. Bank of America Corp., et al., No. 09 Civ. 928;

- viii. Welikson v. Bank of America Corp., et al., No. 09 Civ. 1463;
- ix. West Palm Beach Firefighters' Pension Fund v. Bank of America Corp., et al., No. 09 Civ. 1612;
- x. Fauerbach v. Bank of America Corp., et al., No. 09 Civ. 1941;
- xi. Raphael v. Bank of America Corp., et al., No. 09 Civ. 2350;
- xii. Cromier v. Bank of America Corp., et al., No. 09 Civ. 5410; and
- xiii. Bahnmaier v. Bank of America Corp., et al., No. 09 Civ. 5411, which, unlike the actions set forth above, is an individual rather than class action (hereinafter ("Bahnmaier")).

WHEREAS, the Court issued an Opinion on June 30, 2009 ordering, among other things, consolidation of the Securities Actions, naming the Public Pension Funds (States Teachers' Retirement System of Ohio, Ohio Public Employees' Retirement System, the Teachers Retirement System of Texas, Stichting Pensioenfonds Zorg en Welzijn, represented by PGGM Vermogensbeheer B.V. and Fjarde AP-Fonden) as lead plaintiff for the Securities Actions and appointing Kaplan Fox & Kilsheimer LLP, Bernstein Litowitz Berger & Grossmann LLP and Barroway Topaz Kessler Meltzer & Check, LLP as co-lead counsel for the Securities Actions.

WHEREAS, the Judicial Panel on Multidistrict Litigation issued a Transfer Order ("MDL Order") on June 10, 2009 ordering,

among other things, that thirty related actions listed in Schedule A of the MDL Order shall be coordinated or consolidated for pretrial proceedings in the Southern District of New York before the Honorable Denny Chin.

NOW THEREFORE IT IS HEREBY ORDERED THAT:

1. Pursuant to Fed. R. Civ. P. 42(a), Section 27(a)(3)(B) of the Securities Act of 1933 (the "Securities Act"), 15 U.S.C. § 77z-1(a)(3)(B), and Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. § 78u-4(a)(3)(B), the Securities Actions are consolidated into Master File No. 09 MDL 2058 (DC) for all purposes including, but not limited to, pretrial proceedings (including any discovery), and any trial (the "Consolidated Securities Action"). However, Bahnmaier, as an individual action, is consolidated for pretrial proceedings only pursuant to 28 U.S.C. § 1407(a) and Fed. R. Civ. P. 42(a).

2. The docket in Master File No. 09 MDL 2058 DC shall constitute the Master Docket for the Securities Actions.

3. Every pleading in the Securities Actions shall bear the following caption:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE BANK OF AMERICA CORP. :
SECURITIES, DERIVATIVE, AND :
EMPLOYMENT RETIREMENT INCOME : Master File
SECURITY ACT (ERISA) LITIGATION : No. 09 MDL 2058 (DC)

- - - - -x

THIS DOCUMENT RELATES TO :

- - - - -x

4. When the document being filed relates to all of the Securities Actions, the phrase "All Securities Actions" shall appear immediately after the phrase "This Document Relates To." When a document applies to fewer than all of the Securities Actions, the document shall list immediately after the phrase "This Document Relates To" the action or actions to which it is applicable.

5. Courtesy copies of all filings or submissions to the Court shall be provided to Judge Denny Chin.

6. A copy of this Order shall be placed in all dockets identified on pages 1 and 2 herein. The Clerk of this Court is directed to close each of those dockets, other than the docket in Master File No. 09 MDL 2058 (DC), and the docket in Bahnmaier v. Bank of America Corp., et al., No. 09 Civ. 5411.

7. This Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of the Securities Actions.

8. When a case that relates to or arises out of the subject matter of the Securities Actions is hereafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

a. File a copy of this Order in the separate file for such action;

b. Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case and to any new defendant(s) in the newly-filed or transferred case; and

c. Make appropriate entry in the Master Docket.

9. Each new securities case that relates to or arises out of the subject matter of the Securities Actions which is filed in, or transferred to, this Court, shall be consolidated with the Consolidated Securities Action, and this Order shall apply thereto, unless a party objects to consolidation, as provided herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application.

10. Co-lead counsel for the Securities Actions (Kaplan Fox & Kilsheimer LLP, Bernstein Litowitz Berger & Grossman LLP and Barroway Topaz Kessler Meltzer & Check, LLP) are hereby vested by the Court with responsibilities and duties on behalf of plaintiffs in the Securities Actions that include, without limitation, the following: 1) preparation of all pleadings, with the exception of those specific to Bahnmaier's action; 2) direction and coordination of the briefing and arguing of motions

in accordance with the schedules set by the orders and rules of this Court; 3) the initiation and direction of discovery, if any; 4) the coordination of all communications with the defendants and the Court on behalf of the proposed class; 5) preparation of the case for trial, if required; 6) trying of the actions, if required; and 7) the engagement in any settlement negotiations. To the extent discovery proceeds and any discovery served by co-lead counsel fails to address issues specific to Bahnmaier's claims, counsel for Bahnmaier may serve additional discovery on issues specific to Bahnmaier's claims (if otherwise permissible and subject to any objections defendants may raise).

11. The terms of this Order shall not have the effect of making any person, firm or entity a party to any action in which he, she or it has not been named, served or added as such in accordance with the Federal Rules of Civil Procedure. The terms of this Order and the consolidation ordered herein shall not constitute a waiver by any party of any claims or defenses to any action.

12. In accordance with the MDL Order, and prior decisions and orders of this Court, the Securities Actions shall be coordinated with the related Derivative and ERISA actions in Master File No. 09 MDL 2058 (DC) for pretrial purposes in the Southern District of New York before the Honorable Denny Chin.

SO ORDERED.

Dated: New York, New York
July 29, 2009


DENNY CHIN
United States District Judge