

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 1:09-MD-02036-JLK

**IN RE: CHECKING ACCOUNT
OVERDRAFT LITIGATION**

MDL No. 2036

THIS DOCUMENT RELATES TO:

Tornes, et al v. Bank of America, N.A.
S.D. Fla. Case No. 1:08-cv-23323-JLK

Yourke, et al v. Bank of America, N.A.
S.D. Fla. Case No. 1:09-cv-21963-JLK
N.D Cal. Case No. 3:09-2186

NOTICE OF SETTLEMENT

Plaintiffs and Bank of America, N.A., through their respective undersigned counsel, hereby notify the Court that on or around January 27, 2011, they executed a Memorandum of Understanding evidencing an agreement in principle, under which Bank of America will pay the total sum of four hundred ten million and 00/100 dollars (\$410,000,000.00) in exchange for a full and complete release of all claims brought against Bank of America in this multidistrict litigation. The proposed settlement will be memorialized in a complete written settlement agreement and related documents, which the parties will endeavor to file with the Court as part of a motion for preliminary approval within approximately 45 days. The parties proposed settlement is expressly subject to and conditioned upon the completion of the written agreement, and obtaining preliminary and final approval from this Court.

Dated: February 4, 2011.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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