

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
 :
 IN RE BANK OF AMERICA CORP. :
 SECURITIES, DERIVATIVE, AND : Master File No. 09 MD 2058 (PKC)
 EMPLOYEE RETIREMENT INCOME :
 SECURITY ACT (ERISA) LITIGATION : ECF CASE
 :
 -----X

THIS DOCUMENT RELATES TO:

The Consolidated Securities Action

-----X

**DECLARATION OF STEVEN B. SINGER
IN SUPPORT OF LEAD PLAINTIFFS’
MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, STEVEN B. SINGER, hereby declare as follows:

1. I am a partner in the law firm of Bernstein Litowitz Berger & Grossmann LLP, Co-Lead Counsel for Lead Plaintiffs. I respectfully submit this Declaration in support of Lead Plaintiffs’ Motion for Partial Summary Judgment.

2. Attached hereto are true and correct copies of the following:

<u>Exhibit</u>	<u>Description</u>
1	Excerpts from Deposition Transcript of John A. Thain, dated March 22, 2012.
2	Excerpts from Deposition Transcript of Kenneth D. Lewis, dated March 27, 2012.
3	Plaintiffs’ Exhibit 277 (BAC-502-WLRK 00012898-903).
4	Excerpts from Deposition Transcript of Jeffrey J. Brown, dated February 15, 2012.
5	Excerpts from Deposition Transcript of Gregory M. Curl, dated January 22, 2012.
6	Excerpts from Deposition Transcript of David M. Belk, dated January 27, 2012.

<u>Exhibit</u>	<u>Description</u>
7	Excerpts from Deposition Transcript of Gregory J. Fleming, dated February 23, 2012.
8	Plaintiffs' Exhibit 564 (BAC-ML-CL00487850-852).
9	Plaintiffs' Exhibit 51 (UR-BAC-ML-NYAG00003747-761).
10	Excerpts from Deposition Transcript of Charles K. Gifford, dated December 8, 2011.
11	Plaintiffs' Exhibit 197 (BAC-ML-NYAG00017725-747).
12	Bank of America Corp. Press Release, dated September 15, 2008 (BAC-ML-NYAG10069116-120).
13	Plaintiffs' Exhibit 568 (BAC-SEC-LIT00177201-218).
14	Plaintiffs' Exhibit 584 (BAC-ML-NYAG00309887-899).
15	Excerpts from Joint Definitive Proxy Statement filed by Bank of America Corp. and Merrill Lynch & Co., Inc., filed November 3, 2008.
16	Excerpts from Deposition Transcripts of Neil A. Cotty, dated March 15-16, 2012.
17	Excerpts from Deposition Transcripts of Joe L. Price, dated April 5-6, 2012.
18	Plaintiffs' Exhibit 235 (BAC-ML-NYAG10003552-555).
19	Plaintiffs' Exhibit 135 (UR-BAC-ML-DE00009948-950).
20	Plaintiffs' Exhibit 238 (BAC-ML-NYAG 80088736-742).
21	Excerpts from Merrill Lynch & Co., Inc. 2006 Annual Report on Form 10-K, filed February 26, 2007.
22	Excerpts from Merrill Lynch & Co., Inc. Quarterly Report on Form 10-Q, filed May 6, 2008 (BAC-ML-NYAG60001988, -989, -993).
23	Excerpts from Merrill Lynch & Co., Inc. Quarterly Report on Form 10-Q, filed August 5, 2008 (BAC-ML-NYAG00478400, -403).
24	Plaintiffs' Exhibit 227 (BAC-ML-NYAG00013122).
25	Plaintiffs' Exhibit 244 (BAC-ML-NYAG00435356-401; and native file).
26	Plaintiffs' Exhibit 12 (BAC-ML-NYAG70303319-462).

<u>Exhibit</u>	<u>Description</u>
27	Excerpts from Plaintiffs' Exhibit 390 (BAC-502-WLRK 00058429, -430, -434, -435).
28	Excerpts from Deposition Transcript of Brian Moynihan, dated March 9, 2012.
29	Plaintiffs' Exhibit 397 (BAC-502-WLRK 00002131-133).
30	Plaintiffs' Exhibit 274 (BAC-ML-NYAG70144492-493).
31	Plaintiffs' Exhibit 543 (BAC-ML-NYAG00817459).
32	Excerpts from Plaintiffs' Exhibit 278 (Excerpts from Merrill Lynch & Co., Inc. Quarterly Report on Form 10-Q, filed November 5, 2008).
33	Excerpts from Plaintiffs' Exhibit 279 (Excerpts from Merrill Lynch & Co., Inc. 2008 Annual Report on Form 10-K, filed February 24, 2009).
34	Plaintiffs' Exhibit 351 (BAC-ML-NYAG00799879).
35	Plaintiffs' Exhibit 272 (BAC-ML-NYAG00867191-192).
36	Plaintiffs' Exhibit 613 (BAC-ML-NYAG70031827).
37	Plaintiffs' Exhibit 317 (BAC-ML-NYAG00867185-187).
38	Plaintiffs' Exhibit 314 (BAC-ML-NYAG10034288).
39	Excerpts from Bank of America Corp. Pricing Supplement No. 62 (to Prospectus dated May 5, 2006 and Prospectus Supplement dated April 10, 2008), filed December 1, 2008 (BAC-ML-NYAG70142657, -702).
40	Plaintiffs' Exhibit 177 (BAC-ML-NYAG10007939-941).
41	Plaintiffs' Exhibit 13 (BAC-ML-NYAG00899138-139).
42	Plaintiffs' Exhibit 282 (BAC-ML-NYAG00898594).
43	Plaintiffs' Exhibit 566 (BAC-ML-NYAG10016111-116).
44	Plaintiffs' Exhibit 11 (BAC-ML-NYAG10006600-613).
45	Plaintiffs' Exhibit 567 (BAC-ML-NYAG 80003755-795).
46	Bank of America Corp. Press Release, dated December 5, 2008 (BofA Securities Lit. FITCH00000256-263).

<u>Exhibit</u>	<u>Description</u>
47	Plaintiffs' Exhibit 75 (BAC-502-WLRK 00000925-992).
48	Excerpts from Deposition Transcript of Timothy Mayopoulos, dated March 30, 2012.
49	Excerpts from Plaintiffs' Exhibit 96 (Congressional Testimony of Timothy Mayopoulos, dated November 17, 2009).
50	Excerpts from Deposition Transcript of Nicholas Demmo, dated March 5, 2012.
51	Plaintiffs' Exhibit 388 (BAC-502-WLRK 00001412-416).
52	Excerpts from Deposition Transcript of Eric M. Roth, dated February 16, 2012.
53	Excerpts from Deposition Transcript of Garrett Moritz, dated March 16, 2012.
54	Plaintiffs' Exhibit 599 (BAC-ML-NYAG-502-00001116-117).
55	Plaintiffs' Exhibit 121 (BAC-502-WLRK 00005297-455).
56	Plaintiffs' Exhibit 276 (WLRKa00000771-844).
57	Excerpts from Bank of America Corp. 2008 Annual Report on Form 10-K, filed February 27, 2009 (BofA Securities Lit. FITCH00000765, -788, -790).
58	Plaintiffs' Exhibit 438 (BOG-BAC-ML-COGR000172-176).
59	Plaintiffs' Exhibit 104 (BAC-ML-NYAG-502-00000938-939).
60	Plaintiffs' Exhibit 447 (BOD-BAC-ML-COGR-00094-101).
61	Bank of America Corp. Press Release filed on Form 8-K, dated January 16, 2009.
62	Transcript, "Breaking the Bank," PBS FRONTLINE, dated June 16, 2009.

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

Executed on this 3rd day of June, 2012 in New York, New York.

/s/ Steven B. Singer
Steven B. Singer