

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JAMES CONTANT, <i>et al.</i> , Plaintiffs, v. BANK OF AMERICA CORPORATION, <i>et al.</i> , Defendants.	Civil Action No. 17-cv-3139-LGS (related to No. 13-cv-7789-LGS)
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**NOTICE OF PLAINTIFFS' MOTION TO UPDATE
PRO RATA DISTRIBUTION AMOUNTS TO CORRECT CERTAIN
ADMINISTRATIVE MATCHING ERROR IN OPTION ONE CLAIMS, UPDATE
ESTIMATED INCOME TAX RESERVE AND FOR LEAVE TO PAY FUTURE
INCOME TAXES ON THE SETTLEMENT FUND**

PLEASE TAKE NOTICE that, on a date and at a time to be determined by the Court, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, in the Courtroom of the Honorable Lorna G. Schofield, Plaintiffs will, and hereby do, move this Court, for an Order:

1. Establishing a reserve of \$30,000 for the payment of taxes associated with the Settlement Fund and the professional fees for preparing tax returns for the fourth quarter of 2023;
2. Authorizing Class Counsel to direct the preparation and filing of tax returns and the payments for such services and the payment of taxes due on the Settlement Fund after the filing of tax returns for the fourth quarter of 2023, without further leave of Court;
3. Approving the corrected *pro rata* distribution amounts to correct certain administrative matching error identified by the Court-appointed Claims

Administrator Heffler Claims Group (“Heffler”), now known as Kroll Settlement Administration (“Kroll”), in Option One claims; and

4. Authorizing the Claims Administrator to distribute to each Authorized Claimant the corrected *pro rata* share of the Net Settlement Fund.

Submitted herewith in support of this Motion are the following:

- (1) Memorandum in Support of Plaintiffs’ Motion to Update *Pro Rata* Distribution Amounts to Correct Administrative Matching Error in Option One Claims, Update Estimated Income Tax Reserve and For Leave to Pay Future Income Taxes on the Settlement Fund;
- (2) Second Supplemental Declaration of Justin R. Hughes in Connection with Plaintiffs’ Motion for Disbursement of the Settlement Funds; and
- (3) [PROPOSED] Order Granting Plaintiffs’ Motion to Update Pro Rata Distribution Amounts to Correct Certain Administrative Matching Error in Option One Claims, Update Estimated Income Tax Reserve and For Leave to Pay Future Income Taxes on the Settlement Fund.

Dated: December 8, 2023

Respectfully submitted,

/s/ Michael Dell’Angelo

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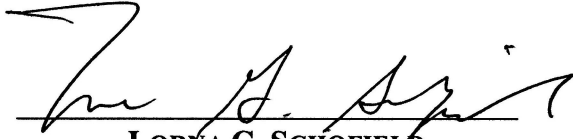
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Settlement Class Counsel

Any party opposing this motion shall file a memorandum of law in opposition, not to exceed ten pages, by **December 22, 2023**. So Ordered.

Dated: December 11, 2023
New York New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

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