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14 Attorneys for Plaintiff

ENDORSED
FILED
San Francisco County Superior Court

APR 25 2001

CHERRY PARK-LI, Clerk
RAMIREZ
Deputy Clerk

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE COUNTY OF SAN FRANCISCO
13 UNLIMITED JURISDICTION

16 PAUL MILLER, individually and on behalf of)
17 others similarly situated,)

18 Plaintiff,

19 vs.

20 BANK OF AMERICA N.T. & S.A.)
21 a California corporation, and DOES 1 - 50,)

22 Defendants.
23
24

CASE NO. 301917

CLASS ACTION

NOTICE OF MOTION AND MOTION
TO CERTIFY CLASS

Date: June 8, 2001
Time: 2:00 p.m.
Location: Room 624

Honorable Anne E. Bouliane

26 TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD: Please take notice
27 that on June 8, 2001, at 2:00 p.m., or as soon thereafter as the matter may be
28 heard, in Room 624 of San Francisco County Superior Court, the Honorable Ann E.

1 Bouliane presiding, plaintiff will move this Court for an order certifying a plaintiff
2 class in this action pursuant to Code of Civil Procedure section 382, and composed
3 of the following persons:

4 All California residents who have, have had or will have, at any time
5 after August 13, 1994, a checking or savings deposit account with
6 BANK OF AMERICA into which payments of Social Security benefits or
other public benefits are or have been directly deposited by the
government or its agent

7 The motion will be made pursuant to this Notice and is based upon the
8 accompanying Memorandum of Points and Authorities; the accompanying
9 Declarations of James C. Sturdevant, Thomas J. Brandi, Mark T. Johnson (with
10 exhibits) and Paul Miller; the Appendix of Non-California Authority, and all pleadings
11 and documents on file in this action.

12
13 DATED: April 25, 2001

Respectfully submitted,

14 THE STURDEVANT LAW FIRM
15 A Professional Corporation

16 LAW OFFICE OF THOMAS J. BRANDI

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18 By: 
19 MAKK I. JOHNSON

Attorneys for Plaintiff - d

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PROOF OF SERVICE BY U.S. MAIL

I, the undersigned, declare that I am a citizen of the United States, over the age of 18 years, employed in the City and County of San Francisco, California, and not a party to the within action. My business address is 475 Sansome Street, Suite 1750, San Francisco, California 941 11.

I am readily familiar with The Sturdevant Law Firm's practice for collection and processing of documents for mailing with the **United States Postal Service**, being that the documents are deposited with the United States Postal Service with postage thereon fully prepaid the same day as the day of collection in the ordinary course of business.

On April 25, 2001, I served:

1. **Notice of Motion And Motion to Certify Class;**
2. **Memorandum of Points And Authorities in Support of Motion to Certify Class (CCP § 382);**
3. **Declaration of James C. Sturdevant in Support of Plaintiff's Motion to Certify Class (CCP 0 382);**
4. **Declaration of Mark T. Johnson in Support of Motion to Certify Class (CCP § 382);**
5. **Declaration of Thomas J. Brandi in Support of Motion to Certify Class (CCP § 382);**
6. **Declaration of Plaintiff Paul Miller in Support of Plaintiff's Motion for Class Certification (CCP § 382); and**
7. **Plaintiff's Request for Judicial Notice and Notice in Support of Motion to Certify Class (CCP § 382)**

on the parties listed below in this action by U.S. **Mai**, addressed as follows:

Arne Wagner, Esq.
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482

Preston Dufauchard
Office of the General Counsel, Dept. 3017
Bank of America N.T. & S.A.
P.O. Box 37000
555 California Street, 7th Floor
San Francisco, CA. 94137

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

Executed on the date first written above at San Francisco, California.



Bela Nuss