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Case Number: CGC-99-301917

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NOTICE OF APPEAL/REQUEST FOR TRANSCRIPT

MILLER VS BANK OF AMERICA NT & SA

001C01199491

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26 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
27 **COUNTY OF SAN FRANCISCO**

28 Paul Miller, individually and on behalf
of others similarly situated,

Plaintiff and
Respondent,

v.

Bank of America, NT & SA, a
California corporation, and Does 1-50,

Defendant and
Appellant.

Case No. CGC-99-301917

**BANK OF AMERICA'S NOTICE OF
APPEAL FROM JUDGMENT, ORDER
DENYING MOTION TO SET ASIDE
THE JUDGMENT, AND ORDER
DENYING MOTION FOR JUDGMENT
NOTWITHSTANDING THE VERDICT**

Dept: 624
The Honorable Anne Bouliane

Complaint Filed: September 16, 1998
Trial: January 20, 2004

FILED
San Francisco County Superior Court

MAY 13 2005

GORDON PAHK-LI, Clerk
BY: Sally Murray
Deputy Clerk

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#615 - ch # 2822

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TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Defendant and Appellant Bank of America N.A., successor to Bank of America N.T. & S.A., ("Bank of America") hereby provides notice of its appeal to the Court of Appeal of the State of California, First Appellate District, from the following rulings by The Honorable Anne Bouliane (Department 624):

1. The Judgment, entered on March 4, 2005;
2. The Jury Verdict (dated February 24, 2004), the Statement of Decision (dated December 30, 2004) and all other orders and decisions of the court that formed the basis for the Judgment;
3. The Order Denying Defendant's Motion to Set Aside the Judgment entered on April 26, 2005; and
4. The Order Denying Defendant's Motion for Judgment Notwithstanding the Verdict entered on April 26, 2005.

Notice of the Judgment was mailed to defendant by the clerk of the above-entitled court on March 4, 2005, notice of the above-referenced post-trial orders was mailed to defendant by the clerk of the above-entitled court on April 26, 2005, and notice of the Jury Verdict, Statement of Decision and other orders was given on the days on which they were entered.

Dated: May 13, 2005

ARNE D. WAGNER
ARTURO J. GONZÁLEZ
HEATHER A. MOSER
MORRISON & FOERSTER LLP

By: 

Arturo J. González

Attorneys for Defendant and Appellant
Bank of America N.A., successor to Bank
of America N.T. & S.A.

1 **PROOF OF SERVICE BY MAIL**
2 **(Code Civ. Proc. Secs. 1013(A), 2015.5)**

3 I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market
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5 of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and
6 processing of correspondence for mailing with the United States Postal Service and know that in the
7 ordinary course of Morrison & Foerster's business practice the document described below will be
8 deposited with the United States Postal Service on the same date that it is placed at Morrison &
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10 I further declare that on the date hereof I served a copy of:

11 **BANK OF AMERICA'S NOTICE OF APPEAL FROM JUDGMENT, ORDER**
12 **DENYING MOTION TO SET ASIDE THE JUDGMENT, AND ORDER DENYING**
13 **MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT**

14 on the following by placing a true copy thereof enclosed in a sealed envelope addressed as
15 follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco,
16 California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

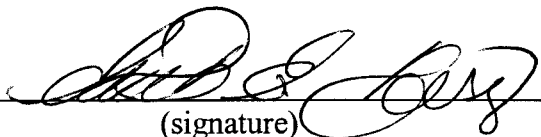
17 James C. Sturdevant
18 Mark T. Johnson
19 The Sturdevant Law Firm
20 475 Sansome Street
21 Suite 1750
22 San Francisco, California 94111

23 Thomas J. Brandi
24 Law Offices of Thomas J. Brandi
25 44 Montgomery Street, Suite 1050
26 San Francisco, California 94104

27 I declare under penalty of perjury under the laws of the State of California that the above is
28 true and correct.

Executed at San Francisco, California, this 13th day of May, 2005.

29 _____
30 Edith E. Perez
31 (typed)

32 
33 (signature)

34 sf-1929778