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10 Attorneys for Plaintiff PAUL MILLER
and the Plaintiff Class

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

15
16 PAUL MILLER, individually and on behalf of
17 others similarly situated,

18 Plaintiff and
19 Respondent,

20 vs.

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

23 Defendants and
24 Appellants.
25

) CASE NO. CGC-99-301917
) APPEAL NO. A110137

) CLASS ACTION

) **PLAINTIFF AND RESPONDENT PAUL**
) **MILLER'S NOTICE OF CROSS APPEAL**
) **FROM JUDGMENT, ORDER CERTIFYING**
) **CROSS-DEFENDANT CLASS, ORDER**
) **DENYING PLAINTIFF'S MOTION FOR**
) **LEAVE TO FILE SECOND AMENDED**
) **COMPLAINT, AND ORDER DENYING**
) **PLAINTIFF'S MOTION FOR NEW TRIAL**
) **ON THE ISSUE OF PREJUDGMENT**
) **INTEREST**

) Dept. 624
) The Honorable Anne E. Bouliane

26 Complaint Filed: September 16, 1998
27 Trial: January 20, 2004
28

FILED
San Francisco County Superior Court

JUN 08 2005

GORDON PARK, Lt. Clerk
BY: *Adrienne*
Deputy Clerk

\$100 W2805608A003
\$655 CK # 1067

1 TO THE COURT AND ALL PARTIES TO THE ABOVE ACTION:

2 Plaintiff and Respondent Paul Miller, on behalf of himself and the certified class he represents,
3 hereby provides notice of his cross-appeal to the Court of Appeal of the State of California, First
4 Appellate District, from the following rulings by The Honorable Anne Bouliane (Department 624):

- 5 1. The Judgment, entered on March 4, 2005, insofar as it encompasses or incorporates:
6 a. The Order Denying Plaintiff's Motion for Leave to File Second Amended
7 Complaint entered on January 16, 2004;
8 b. The Order Certifying the Cross-Defendant Class.
9 2. The Order Denying Plaintiff's Motion for New Trial on the Issue of Prejudgment Interest
10 entered on April 16, 2005.

11 The original Notice of Appeal was filed by Appellant Bank of America on May 13, 2005. The
12 Superior Court Clerk mailed notification of the filing of the original Notice of Appeal on May 19, 2005.

13
14 DATED: June 8, 2005

Respectfully submitted,

15 THE STURDEVANT LAW FIRM
16 A Professional Corporation

17 LAW OFFICE OF THOMAS J. BRANDI

18
19 By: 

20 JAMES C. STURDEVANT

21 Attorneys for Plaintiff PAUL MILLER
22 and the Plaintiff Class
23
24
25

26 F:\361_Miller\Pleadings\Pleadings - Appeal\P-Notice of Appeal from Motions.wpd
27
28

1 **PROOF OF SERVICE**

2 I, the undersigned, over the age of 18 years, employed in the City and County of San Francisco,
3 California, and not a party to the within action. My business address is 475 Sansome Street, Suite 1750,
4 San Francisco, California 94111.

5 I am readily familiar with The Sturdevant Law Firm’s practice for collection and processing of
6 documents for *hand delivery*, being that true and correct copies of the documents are delivered to a
7 messenger with instructions to serve the documents by hand on the same day as the day of delivery.

8 I am also readily familiar with The Sturdevant Law Firm’s practice for collection and processing
9 of documents for mailing with the *United States Postal Service*, being that true and correct copies of the
10 documents are deposited with the United States Postal Service, with postage thereon fully prepaid, for
11 collection on the date stated below in the ordinary course of business.

12 On June 8, 2005, I caused the following documents:

- 13 1. **PLAINTIFF AND RESPONDENT PAUL MILLER’S NOTICE OF CROSS**
14 **APPEAL FROM JUDGMENT, ORDER CERTIFYING CROSS-DEFENDANT**
15 **CLASS, ORDER DENYING PLAINTIFF’S MOTION FOR LEAVE TO FILE**
SECOND AMENDED COMPLAINT, AND ORDER DENYING PLAINTIFF’S
MOTION FOR NEW TRIAL ON THE ISSUE OF PREJUDGMENT INTEREST

16 to be served on each of the following persons as indicated:


17 **By Hand**
18 Walter Dellinger
19 Debra S. Belaga
20 Matthew D. Roberts
21 O’Melveny & Myers LLP
22 275 Battery Street
23 San Francisco, CA 94111-3305

By Mail
Arne D. Wagner
Arturo J. Gonzalez
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482

21 **By Mail**
22 Marc A. Lackner
23 Bank of America, N.A.
24 Office of the General Counsel
25 P.O. Box 3700
26 555 California Street
27 San Francisco, CA 94127

By Mail
Joseph S. Genshlea
Weintraub Genshlea Chediak Sproul
A Law Corporation
400 Capital Mall, 11th Floor
Sacramento, CA 95814

25 I declare under penalty of perjury that the foregoing is true and correct. Executed on the date first
26 written above at San Francisco, California.

27 
28 _____
Shawna Clement