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Court To Notify Millions Of Cell Phone Users Who Received A Call Or Text From Bank of America Using An Automatic Telephone Dialing System And/Or An Artificial Prerecorded Voice That They Could Receive A Payment From A Class Action Settlement

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SAN JOSE, Calif., Dec. 17, 2013 /PRNewswire/ -- A notification program is underway, as approved by the United States District Court for the Northern District of California, to alert cellular telephone users that a \$32,083,905 Settlement has been reached in a class action lawsuit claiming that Bank of America unlawfully used an automatic telephone dialing system and/or an artificial prerecorded voice to call or text cell phones without the prior express consent of the recipients. Bank of America denies that it did anything wrong and the Court has not decided who is right. The case is known as *Rose v. Bank of Am. Corp.*, Case No. 11-cv-02390-EJD (N.D. Cal.).

The Settlement Class includes all individuals who:

- received one or more non-emergency, default servicing telephone calls from Bank of America regarding a Bank of America Residential Mortgage Loan Account to a cellular telephone through the use of an automatic telephone dialing system and/or an artificial or prerecorded voice between August 30, 2007 and January 31, 2013 (Mortgage Calls);
or
- received one or more non-emergency, default servicing telephone calls from Bank of America regarding a Bank of America Credit Card Account to a cellular telephone through the use of an automatic telephone dialing system and/or an artificial or prerecorded voice between May 16, 2007, and January 31, 2013 (Credit Card Calls);
or
- received one or more non-emergency, default servicing text messages from Bank of America regarding a Bank of America Credit Card Account to a cellular telephone through the use of an automatic telephone dialing system and/or an artificial or prerecorded voice between February 22, 2009, and December 31, 2010 (Credit Card Texts). Those persons who received a Credit Card Text did not also receive a Credit Card Call.

A Settlement Fund of \$32,083,905 has been established to pay valid claims, attorney fees, service awards, costs, expenses and settlement administration. Additionally, Bank of America has enhanced its business practices to ensure that a borrower has provided consent before being called on a cell phone and that the Bank's loan servicing record reflects the borrower's prior express consent to call his/her cell phone.

Millions of notices will be emailed or mailed to known potential Class Members and notices are scheduled to appear across the United States in major consumer publications as well as in hundreds of Sunday newspapers leading up to a hearing on **April 4, 2014**, when the Court will consider whether to approve the settlement.

Those affected by this settlement can submit a claim requesting benefits or they can ask to be excluded from, or object to, the settlement and its terms. The deadline for objections is **March 21, 2014**. The deadline for exclusions is **March 21, 2014**. The deadline to submit a Claim Form is **March 21, 2014**. Class Members can submit claims online, by mail or by calling the toll-free number.

The toll-free number, 1-877-919-9186, and the website, www.BOATCPASettlement.com, are active and Class Members can access the notice, claim form, settlement agreement and other documents. Those affected may also write with questions to the Settlement Administrator, PO BOX 3410, Portland, OR 97208-3410 or send an e-mail to info@BOATCPASettlement.com.

SOURCE United States District Court for the Northern District of California

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