

HONORABLE RYA W. ZOBEL

UNITED STATES DISTRICT COURT,  
DISTRICT OF MASSACHUSETTS

IN RE BANK OF AMERICA HOME  
AFFORDABLE MODIFICATION PROGRAM  
(HAMP) CONTRACT LITIGATION

No. 1:10-md-2193 RWZ

**PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTIVE  
RELIEF**

Plaintiffs, on behalf of themselves and 37 similarly situated putative class members (jointly "Movants") hereby move this Court for a preliminary injunction pursuant to Fed. R. Civ. P. 65 to prevent Defendants, Bank of America and BAC Home Loans Servicing, LP, (together collectively "BOA" or "Defendants") from foreclosing on their homes until a decision on the merits has been made in this case.

On January 21, 2011, Plaintiffs filed a consolidated class action complaint in the United States District Court for the District of Massachusetts, (Case No. 1:10-md-02193-RWZ), alleging that Defendants failed to honor their agreements with borrowers to modify mortgages and prevent foreclosures under the United States Treasury's Home Affordable Modification Program ("HAMP"). Movants seek a preliminary injunction to preserve the *status quo* and remove the threat of foreclosure for themselves and 37

specifically identified similarly situated putative class members during the pendency of this litigation.

In support of this motion, Plaintiffs rely on the accompanying memorandum in support, as well as the Declaration of Kevin Costello and its accompanying exhibits. As described in these papers, Movants meet all of the requirements for preliminary injunctive relief.

Dated: April 5, 2011

Respectfully Submitted,

/s/ Steve W. Berman

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic File (NEF) and paper copies will be sent to those indicated as non-registered participants on April 5, 2011.

*/s/ Kevin Costello*

Kevin Costello

**LOCAL RULE 7.1(A)(2) CERTIFICATE**

I, Gary Klein, hereby certify pursuant to Local Rule 7.1(A)(2) that I consulted with counsel for Defendants before filing the foregoing motion. Defendants assert that they do not have sufficient information about the motion to take a position on it at this time.

*/s/ Gary Klein*

Gary Klein