

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

In re: Bank of America Home Affordable
Modification Program (HAMP) Contract
Litigation

No. 1:10-md-02193

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITIES

COME NOW defendants Bank of America, N.A. ("BANA") and BAC Home Loans Servicing, LP ("BAC") (collectively, "Defendants"), by and through counsel, Goodwin Procter LLP, and respectfully submit this Notice of Supplemental Authorities to apprise this Court of the following recent decisions that are relevant to issues raised in Defendants' Motion to Dismiss and Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunctive Relief:

- *Morales v. Chase Home Finance, LLC*, No. C 10-02068 JSW, 2011 WL 1670045 (N.D. Cal. Apr. 11, 2011), attached hereto as Exhibit 1;
- *Bourdelaïs v. J.P. Morgan Chase Bank, N.A.*, No. 3:10CV670-HEH, 2011 WL 1306311, *3-6, 8 (E.D. Va. Apr. 1, 2011), attached hereto as Exhibit 2; and
- *Lonberg v. Freddie Mac*, No. 10-6033-AA, 2011 U.S. Dist. LEXIS 23137, *6-7 (D. Or. Mar. 4, 2011), attached hereto as Exhibit 3.

These cases are relevant to arguments made at pages 5-15 of Defendants' Memorandum in Support of Motion to Dismiss (Doc. No. 22), pages 1-4 of Defendants' Reply Memorandum in Support of Motion to Dismiss (Doc. No. 32), and pages 12-17 of Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunctive Relief (Doc. No. 47).

Dated: May 17, 2011

Respectfully submitted,

Bank of America, N.A. and BAC Home Loans
Servicing, L.P.

By their attorneys,

/s/ James W. McGarry
James W. McGarry (BBO No. 633726)
jmcgarry@goodwinprocter.com
Dahlia S. Fetouh (BBO No. 651196)
dfetouh@goodwinprocter.com

Mark Tyler Knights (BBO No. 670991)
mknights@goodwinprocter.com
GOODWIN PROCTER LLP
53 State Street
Boston, Massachusetts 02109
Tel.: 617.570.1000
Fax: 617.523.1231

CERTIFICATE OF SERVICE

I, James W. McGarry, 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 Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 17, 2011.

/s/ James W. McGarry