

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

In re: Bank of America Home Affordable Modification Program (HAMP) Contract Litigation
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No. 1:10-md-02193

DEFENDANT’S MOTION FOR A MORE DEFINITE STATEMENT

Defendant Bank of America, N.A., for itself and as successor by merger to BAC Home Loans Servicing, L.P. (“Bank of America”), hereby moves, pursuant to Federal Rule of Civil Procedure 12(e), for a more definite statement of the grounds upon which Plaintiffs seek relief, as Plaintiffs’ Second Amended Consolidated Class Action Complaint is so vague that Bank of America cannot reasonably prepare a response. For the reasons set forth herein and in Bank of America’s supporting memoranda, Bank of America respectfully requests that the Court require Plaintiffs to provide a more definite statement and plead their claims in accordance with the pleading standard of Federal Rule of Civil Procedure 8.

Dated: August 29, 2011	Respectfully submitted, Bank of America, N.A., for itself and as successor by merger to BAC Home Loan Servicing, L.P., By their attorneys, <u>/s/ James W. McGarry</u> James W. McGarry (BBO #633726) jmcgarry@goodwinprocter.com Mark Tyler Knights (BBO #670991) mknights@goodwinprocter.com GOODWIN PROCTER LLP Exchange Place 53 State Street Boston, Massachusetts 02109 Tel.: 617.570.1000 Fax: 617.523.1231
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LOCAL RULE 7.1 CERTIFICATE AND CERTIFICATE OF SERVICE

I certify pursuant to Local Rule 7.1(a)(2) that the moving party has conferred in good faith with opposing counsel on the matter set forth herein and that opposing counsel has not yet expressed a position regarding the relief sought in this motion.

I further 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 August 29, 2011.

/s/ James W. McGarry