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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM MARR,

No. C 09-05978 WHA

Plaintiff,

v.

**REQUEST FOR HEARING ON  
THE PARTIES' CROSS-  
MOTIONS FOR PARTIAL  
SUMMARY JUDGMENT**

BANK OF AMERICA, NATIONAL  
ASSOCIATION,

Defendant.

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As a part of defendant's motion for partial summary judgment, counsel argues that the portions of plaintiff's first, second, and third claims arising before 2006 are barred by prior class settlement in *Franklin v. Bank of America, N.A.*, Case No. 05-cv-00519 CRB, in which plaintiff was a class member. Counsel for both sides shall please be prepared to address the following items at the hearing tomorrow: (i) the definition of the claims certified for class treatment in *Franklin*; (ii) the timing of notification to class members that included the scope of the proposed settlement release; and (iii) whether plaintiff was given an opportunity to opt out of the class after being given notice of the scope of the release. Counsel shall bring all appropriate documents concerning these items to the hearing.

Dated: March 7, 2011.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE