

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHARLES CORBISIERO,)
)
Plaintiff,)
)
v.)
)
BANK OF AMERICA CORPORATION)
and BANK OF AMERICA, N.A., as)
TRUSTEE of BANK OF AMERICA)
GROUP BENEFITS PROGRAM,)
)
Defendants.)

Case No. 1:09-cv-01587
 Judge Samuel Der-Yeghiayan
 Magistrate Judge Morton Denlow

DEFENDANTS’ MOTION FOR JUDGMENT PURSUANT TO FED. R. CIV. P. 52

Defendants Bank of America Corporation, (“BAC”), and Bank of America, N.A. (“BANA”) (collectively, “Defendants”) by their attorneys, Dykema Gossett PLLC, move pursuant to Fed. R. Civ. P. 52 to affirm the administrator’s denial of the appeal of Plaintiff Charles Corbisiero (“Corbisiero”), dismissing Counts I, II, V and VI of Corbisiero’s Complaint. The grounds for Defendants’ Motion are set forth in Defendants’ Memorandum in Support, which is filed herewith.

Dated: December 17, 2009

Respectfully submitted,

**BANK OF AMERICA CORPORATION
AND BANK OF AMERICA, N.A.**

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2009, I electronically filed the foregoing paper using the Court's ECF system, which will send notification of such filing to the following:

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