

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JAMES OETTING, Individually and on
behalf of all others similarly situated,
Plaintiff,**

CIVIL ACTION

v.

NO. 11-4757

**HEFFLER, RADETICH & SAITTA, LLP,
EDWARD J. SINCAVAGE,
EDWARD J. RADETICH, JR., and
MICHAEL T. BANCROFT,
Defendants.**

ORDER

AND NOW, this 23rd day of March, 2016, upon consideration of plaintiff's Motion for Class Certification (Doc. No. 48, filed January 5, 2016), defendants' Memorandum in Opposition to Plaintiff's Motion for Class Certification (Doc. No. 55, filed February 29, 2016), and plaintiff's Reply to Defendants' Response to Plaintiff's Motion for Class Certification (Doc. No. 56, filed March 7, 2016), following a telephone conference with the parties, through counsel, on March 16, 2016, for the reasons set forth in the accompanying Memorandum dated March 23, 2016, **IT IS ORDERED** as follows:

1. The following class is hereby certified pursuant to Federal Rule of Civil Procedure 23(a) and 23(b)(3):

All individuals and entities who are or were members of one of the NationsBank classes in *In re BankAmerica Securities Litigation*, Multidistrict Litigation Number 1264, in the United States District Court for the Eastern District of Missouri, who (1) filed valid claims for distribution(s) from the NationsBank settlement fund, (2) received payment on their claims from the NationsBank settlement fund, and (3) are eligible for any additional distributions from the NationsBank settlement fund.

2. Class claims, issues, and defenses are those detailed in the Memorandum of March 23, 2016, and the affirmative defenses raised in the defendants' Answers filed on January 7, 2016.

3. Frank H. Tomlinson, Esquire, and John K. Weston, Esquire, are appointed as counsel to the class.

4. Within 30 days of the date of this Order, the parties shall submit an agreed-upon proposed notice program and a form of notice to class members. If the parties are unable to agree as to the proposed notice program and/or form of notice, they shall submit separate proposals.

5. Following the submission of the proposed notice program and form of notice, the Court will conduct a telephone conference for the purpose of (i) discussing any issues presented by the proposed notice program and form of notice, and (ii) scheduling further proceedings.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.