

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CITY OF PHILADELPHIA et al.,

Plaintiffs,

-v-

BANK OF AMERICA CORPORATION et  
al.,

Defendants.

19-CV-1608 (JMF)

**PLAINTIFFS' MOTION TO APPROVE AMENDED CLASS NOTICES**

On October 12, 2023, the Court entered an Order granting Plaintiffs' October 5, 2023 Letter seeking to approve the form and manner of Class Notice and approved the form and contents of the Short-Form and Long-Form Notices (together, "Notices") attached as exhibits to the Intrepido-Bowden Declaration submitted in support of Plaintiffs' October 5, 2023 Letter. ECF No. 466 at 2. The Court's order states that the Order may be "modified by the Court upon motion by either or both parties, for good cause shown." *Id.* at 4.

On October 16, 2023, Plaintiffs and Defendants jointly moved to amend the Notices approved by the Court to change the language stating that Class Members who do not opt out will give up any rights to sue Defendants "over **the same legal claims asserted** in this lawsuit," to state that such members will give up any rights to sue Defendants "over **claims that arise from the same factual predicate alleged** in this lawsuit," (emphases added), which conforms with Second Circuit precedent. ECF No. 468.

On October 24, 2023, in response to concerns raised by Edelweiss Fund LLC, *see* ECF No. 470, Plaintiffs submitted a letter to the Court further proposing to change language regarding

claims that class members “will give up” to state that class members “may lose” certain rights so as to avoid suggesting a view on the outcome of any future hypothetical dispute, ECF No. 475. Plaintiffs stated that if the Court agreed with this change, Plaintiffs would submit revised copies of the Notices for the Court’s approval. ECF No. 475 at 2.

The Court issued a Memo Endorsement on October 30, 2023, agreeing with Plaintiffs’ proposed changes to the Notice language. ECF No. 479. Accordingly, Plaintiffs provide the attached amended Long and Short Form Notices for the Court’s approval (Exs. A & B), with redlines showing the changes from the originally approved Notices (Exs. C & D).

Additionally, on November 8, 2023, the Court entered an Order terminating certain parties as defendants pursuant to the parties’ stipulation dismissing certain entities that Defendants have represented did not provide remarketing services to VRDO issuers. ECF No. 481. At Defendants’ request, Footnote 1 of the Long Form Notice (Exs. B & D) has been amended to remove the terminated entities. No other changes have been made to the Notices.

Dated: November 20, 2023

Respectfully Submitted,

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

SUSMAN GODFREY L.L.P.

By: /s/ Daniel L. Brockett

By: /s/ William Christopher Carmody

Daniel L. Brockett  
Steig D. Olson  
Sami H. Rashid  
Thomas Lepri  
51 Madison Avenue, 22nd Floor  
New York, New York 10010  
Telephone: (212) 849-7000  
Fax: (212) 849-7100  
danbrockett@quinnemanuel.com  
steigolson@quinnemanuel.com  
samirashid@quinnemanuel.com  
thomaslepri@quinnemanuel.com

William Christopher Carmody  
Seth Ard  
Tamar Lusztig  
Betsy Aronson  
1301 Avenue of the Americas, 32nd Fl.  
New York, New York 10019  
Telephone: (212) 336-8330  
Fax: (212) 336-8340  
bcarmody@susmangodfrey.com  
sard@susmangodfrey.com  
tlusztig@susmangodfrey.com  
baronson@susmangodfrey.com

Jeremy D. Andersen (*pro hac vice*)  
865 South Figueroa Street, 10th Floor  
Los Angeles, California 90017  
Telephone: (213) 443-3000  
Fax: (213) 443-3100  
jeremyandersen@quinnemanuel.com

*Interim Co-Lead Class Counsel*

Katherine M. Peaslee (*pro hac vice*)  
401 Union Street, Suite 3000  
Seattle, Washington 98101  
Telephone: (206) 516-3880  
Fax: (206) 516-3883  
kpeaslee@susmangodfrey.com

*Interim Co-Lead Class Counsel*

WOLLMUTH MAHER & DEUTSCH  
LLP

By: /s/ David H. Wollmuth

David H. Wollmuth  
William A. Maher  
Ronald J. Aranoff  
Randall R. Rainer  
500 Fifth Avenue  
New York, New York 10100  
Telephone: (212) 382-3300  
Fax: (212) 382-0050  
dwollmuth@wmd-law.com  
wmaher@wmd-law.com  
raranoff@wmd-law.com  
rrainer@wmd-law.com

*Interim Co-Lead Class Counsel*

Application GRANTED. The Clerk of Court is directed to terminate ECF No. 482.

SO ORDERED.

A handwritten signature in black ink, appearing to read "David H. Wollmuth", written in a cursive style.

November 28, 2023