

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**Case No. 1:09-MD-02036-JLK**

---

**IN RE: CHECKING ACCOUNT** )  
**OVERDRAFT LITIGATION** )  
 )  
**MDL No. 2036** )  
 )

---

**THIS DOCUMENT RELATES TO:** )  
**FIRST TRANCHE ACTIONS** )  
 )  
*Tornes, et al. v. Bank of America, N.A.* )  
S.D. Fla. Case No. 1:08-cv-23323-JLK )  
 )  
*Yourke, et al. v. Bank of America, N.A.* )  
S.D. Fla. Case No. 1:09-cv-21963-JLK )  
N.D. Cal. Case No. 3:09-2186 )  
 )  
*Phillips, et al. v. Bank of America, N.A.* )  
S.D. Fla. Case No. 1:10-cv-24316-JLK )  
W.D. Okla. Case No. 5:10-cv-01185-R )  
 )

---

**NOTICE OF APPEAL**

Notice is hereby given that RICHARD HASTINGS and JANEL BUYCKS, members of the certified Settlement Class and objectors to the proposed class action settlement with Bank of America, N.A., hereby appeal to the United States Court of Appeals for the Eleventh Circuit from the Final Judgment entered in the above-captioned actions on November 22, 2011 (Docket Entry No. 2151) and from the Order of Final Approval of Settlement, Authorizing Service Awards, Granting Application for Attorneys' Fees, and Overruling Objections to Settlement entered in the above-captioned actions on November 22, 2011 (Docket Entry No. 2150).

Dated: December 20, 2011

Respectfully submitted,

**s/Barry Himmelstein**

Barry Himmelstein (Cal. Bar No. 157736)

(*pro hac vice*)

[barry@himmellaw.com](mailto:barry@himmellaw.com)

HIMMELSTEIN LAW NETWORK

2000 Powell St., Suite 1605

Emeryville, CA 94608-1861

Telephone: (510) 450-0782

Facsimile: (510) 380-6147

**s/Philip Freidin**

Philip Freidin (Florida Bar Number 118519)

[pfreidin@fdlaw.net](mailto:pfreidin@fdlaw.net)

FREIDIN DOBRINSKY

One Biscayne Tower

2 South Biscayne Blvd., Suite 3100

Miami, FL 33131

Telephone: (305) 371-3666

Facsimile: (305) 371-6725

*Attorneys for Settlement Class Members and  
Objectors Richard Hastings and Janel  
Buycks*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by CM/ECF on  
December 20, 2011 on all counsel or parties of record in this proceeding.

**s/Philip Freidin**  
Philip Freidin (Florida Bar No. 118519)  
pfreidin@fdlaw.net  
FREIDIN DOBRINSKY  
One Biscayne Tower  
2 South Biscayne Blvd., Suite 3100  
Miami, FL 33131  
Telephone: (305) 371-3666  
Facsimile: (305) 371-6725