

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

CASE NO. 1:09-MD-02036-JLK

**IN RE CHECKING ACCOUNT
OVERDRAFT LITIGATION**

**THIS DOCUMENT RELATES TO:
FIRST TRANCHE ACTION**

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

OPPOSITION TO MOTION FOR APPEAL BOND

Objector/Appellant John Finn by his counsel of record, Steve A. Miller, files this Opposition to Motion for Appeal Bond [DE. 2335].

In the interest of judicial economy and in order to not burden the Court with duplicative paper work, this objector joins in the Opposition filed by Objectors Elizabeth M. Locke, Michelle W. Locke, Michael V. Vilece, Frank J. Vilece, Todd Taylor, and Taylor Hughes [DE. 2370]. In addition, Objector/Appellant Finn notes that the Settlement Agreement provides that the funds deposited into the Escrow Account to create the Settlement Fund, within fourteen days of Preliminary Approval, shall be invested in interest-bearing, short-term instruments that are backed by the full faith and credit of the United States government or that are fully insured by the United States Government or an agency thereof. In addition, the Escrow Agent shall thereafter re-invest the interest proceeds and the principal as they mature in similar instruments.

Settlement Agreement, pg. 12 [DE. 1471-1, pg. 13]. Consequently, the argument that an appeal bond equivalent to the lost interest on the Settlement Fund is needed as a means to protect the *status quo* is fallacious.

Dated: January 12, 2012

s/Steve A. Miller
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CERTIFICATE OF SERVICE

I hereby certify that on the 12th of January 2012, I electronically filed the foregoing with the Clerk of the Court of the United States District Court for the Southern District of Florida by using the USDC CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the USDC CM/ECF system.

s/Steve A. Miller