

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

KIMBERLY DENNIE and KIRK LAYNE,  
individually, on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 3:24-cv-00454-MOC-DCK

Hon. Max O. Cogburn, Jr.  
Hon. David Keesler

**UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT AND RELEASE**

Plaintiff Kirk Layne (“Class Representative”), on behalf of himself and a proposed class of current and former Bank of America, N.A. (“BANA”) accountholders, moves for entry of an Order granting Preliminary Approval of a Proposed Settlement embodied in a Settlement Agreement, attached as Exhibit 1. The grounds for this Motion are set forth in a Memorandum filed contemporaneously herewith.

The Court’s approval of the proposed settlement is warranted for the reasons fully stated in said Memorandum.

The Class Representative respectfully requests that said Order include the following: (1) conditionally certify the Settlement Class; (2) appoint Kirk Layne as Class Representative; (3) appoint Class Counsel; (4) preliminarily approve the Settlement; (5) approve the Notice Plan and direct that the Class Notice be provided to the Settlement Class Members; (6) approve and order the opt-out and objection procedures set forth in the Settlement; (7) stay all deadlines in the Action pending Final Approval of the Settlement; and (8) set a date for a Final Approval Hearing.

Dated: June 19, 2026

Respectfully submitted,

s/ David M. Wilkerson

David M. Wilkerson

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