

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:09cv262**

**IN RE WACHOVIA CORPORATION)
ERISA LITIGATION)**

ORDER

**THIS DOCUMENT RELATES TO:)
ALL ACTIONS)**

_____)
THIS MATTER is before the Court on the parties' Joint Motion to Modify the Final Order Approving Class Action Settlement [Doc. 178].

For the reasons stated therein, the parties' Joint Motion is allowed.

IT IS, THEREFORE, ORDERED that the parties' Joint Motion to Modify the Final Order Approving Class Action Settlement [Doc. 178] is **ALLOWED**, and the text appearing in paragraph 15 of the Findings of Fact in the Final Order is hereby replaced with the following text:

Under the proposed Plan of Allocation, the Net Settlement Amount will be distributed among the Settlement Class members in accordance with their alleged losses. Each Settlement Class member's Net Loss will be the total of the member's units of Wachovia common stock Net Loss, which will be, for each Settlement Class member the result obtained by calculating $A + B - C - D$, where:

A = the dollar amount of the Settlement Class member's Plan account balance invested in units of

Wachovia stock on: (i) May 8, 2006 for the WSP; and
(ii) October 1, 2007 for the AGE Plan;

B = the dollar amount of additional purchases of units of Wachovia stock: (i) during the Class Period for the WSP, and (ii) from October 1, 2007 through and including December 31, 2008 for the AGE Plan;

C = the dollar amount debited from the Settlement Class member's Plan account balance resulting from any and all dispositions (e.g., sales, withdrawals, loans, etc.) of units of Wachovia stock: (i) during the Class Period for the WSP, and (ii) from October 1, 2007 through and including December 31, 2008 for the AGE Plan; and

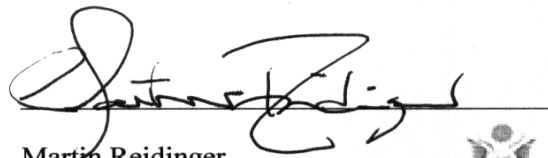
D = the dollar amount of the Settlement Class member's Plan account balance in units of Wachovia stock on December 31, 2008.

This change does not affect any other provision of the Final Order

Approving Class Action Settlement.

IT IS SO ORDERED.

Signed: November 3, 2011


Martin Reidinger
United States District Judge 