

DECLARATION OF MELODY VAUGHN

I, Melody Vaughn, do hereby depose and swear as follows:

1. I am over 18 years of age. I have personal knowledge of and am competent to testify to the matters stated in this declaration.

2. I worked for Bank of America, N.A. (the "Bank") from June 2001 to August 2007. From April 2004 through June 2005, I was the Banking Center Manager at the Beltsville Banking Center.

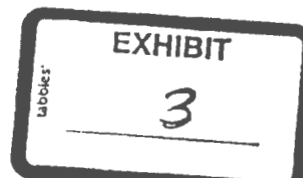
3. During the period I worked at the Beltsville Banking Center, there were generally three Personal Bankers at a time. Torina Collis was one of the Personal Bankers at the Beltsville Banking Center when I became the Banking Center Manager.

4. At some point after I came to the Beltsville Banking Center, I began to oversee the weekly associate schedule. One of the changes I implemented was to make the start times for the Personal Bankers more uniform. This required setting Ms. Collis start time a bit earlier.

5. During that period, the Personal Bankers were required to meet certain performance goals. The Personal Bankers' job performance was rated on an overall basis in two broad categories: (1) performance or results measures (referred to as the "what" of performance); and (2) behavior measures (referred to as the "how" of performance). The former relates to the achievement of performance goals; the latter to how the associate is working to achieve the goals. Personal Bankers who were not rated at least "Meets Expectations" in both the categories were generally not eligible to be awarded incentive pay.

6. For the second quarter of 2004, Torina Collis, a Personal Banker at the Beltsville Banking Center, was rated Does Not Meet Expectations in terms of performance or results measures and Meets Expectations in behavior measures. For the third quarter of 2004, Ms. Collis was rated Does Not Meet Expectations in both the performance and behavior categories. I

PLAINTIFF'S EXHIBIT NO. 36
CASE NO.: PJM-06-2451
IDENTIFICATION: OCT 28 2009
ADMITTED: OCT 28 2009



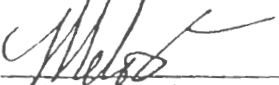
decided to award Ms. Collis a small amount in incentive pay for each of these quarters despite her Does Not Meet Expectations ratings. Ms. Collis was rated Does Not Meet Expectations in both the performance and behavior categories for the fourth quarter of 2004, and did not receive any incentives.

7. During the fall and winter of 2004 to 2005, Ms. Collis occasionally acted disrespectfully towards her fellow associates and managers. Lisha Thorne-Holloway, the Assistant Banking Center Manager, and I counseled Ms. Collis about this behavior several times.

8. In February 2005, I discovered that Ms. Collis had committed several timekeeping infractions, including reporting time on her timesheet that she had not actually worked and had another associate covering for her. On February 16, 2005, I met with Ms. Collis to review these issues and reminded her that falsifying her timesheets could result in the termination of her employment. Ms. Collis became irate and yelled at me. She then left the meeting abruptly after stating that she needed to go home. Ms. Collis left the Banking Center before she was scheduled to leave work that day without permission.

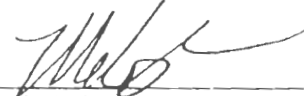
9. On February 24, 2005, I had to return to the Banking Center from a Bank conference after Ms. Thorne-Holloway, who I had left in charge of the Banking Center in my absence, reported to me that Ms. Collis was not cooperating with her. Ms. Thorne-Holloway and I met with Ms. Collis that evening to counsel her regarding her behavior, including her behavior on February 16th. True and accurate copies of the written counseling that we gave Ms. Collis are attached hereto as Exhibit A. Ms. Collis was very angry about the written counselings and stormed out of the meeting.

10. That evening I spoke with Scott Meehan, the Consumer Market Manager, about the situation and Ms. Collis' response to our attempt to counsel her. I recommended to Mr. Meehan that Ms. Collis' employment be terminated due to her disrespectful and insubordinate behavior.



Melody Vaughn

Pursuant to 28 U.S.C. Section 1746, I declare under the penalty of perjury that the foregoing is true and correct. Executed this 24th day of March, 2008.



Melody Vaughn

#5016007



Bank of America
Beltsville
MD9-904-01-01
10630 Baltimore Avenue
Beltsville, MD 20705

Tel 301.572.1710
Fax 301.937.2862

Associate Counseling

Torina A Collis / ssn. [REDACTED]
02/22/2005
Beltsville Banking Center
Senior Personal Banker

Counseling Administered By: Melody Vaughn

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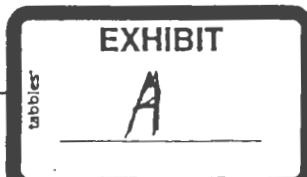
Written Counseling -Attendance/Inappropriate Behavior

This is a written warning to address a conversation we had about how to appropriately mark accurate time worked as well to address the inappropriate response to coaching. On February 16, 2005 I tried to have a conversation with you about your time cards because there were some discrepancies with the appropriate coding of time worked during certain weeks that you were out sick.

Incorrect documenting of time that you did not work is a violation of bank policy. We have discussed the appropriate way on February 16, 2005 and I feel we have a better understanding of that you accurately record approved time worked. If you are staying late to make up time or to make follow-up calls that time must be approved by management prior to doing so. Also this is a written warning for leaving before your scheduled time off on February 16, 2005. You were scheduled to work until 6:30 and you left without approval from management before 6:00pm. I called to check on you to see what calls you made and you had already left. You have my cell phone and failed to call to get approval to leave early.

You must be able to control your tone and attitude when you are receiving coaching from any individual. Coaching is not a negative thing and it is only to help us get better or to commend us on doing well. It is inappropriate to raise your tone to anyone even if you don't agree on what they say. You have been coached several times on how to control your tone and you continue to speak inappropriately to myself as well as others. This is something that is not appropriate in the workplace. You have to be able to be coached and talked to without you raising your voice.

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You must also comply with all Bank of America policies, procedures, guidelines, and conditions of employment, including but not limited to those set forth in the Associate Handbook and Bank of America Corporation Code of Ethics.

You are expected to demonstrate immediate and sustained improvement in the areas specifically addressed concerning attendance and behavior, and to comply with the policies, procedures, guidelines and conditions of employment set forth above. Failure to meet expectations may result in further disciplinary action up to and including termination.

Associate refused to sign
Associate Signature

Date: 2/24/05

Associate Comments:

[Signature]
Manager Signature

Date: 2/24/05

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Tel 301.572.1710
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Torina Collis [REDACTED]
February 24, 2005
Beltsville, Maryland
Senior Personal Banker/Beltsville Maryland

Counseling Administered By: Lisha M Thorne-Holloway

Final Written Counseling- Inappropriate Behavior

This is a written warning to address your inappropriate behavior. Previously you have been counseled verbally on several occasions regarding your inappropriate behavior. You continue to exhibit behavior that is considered inappropriate in the workplace.

On February 23 and 24, 2005 you made disruptive and disrespectful, comments to your manager in a raised voice. You prematurely ended a conversation with your manager by disconnecting the call.

You must comply with all Bank of America policies, procedures, guidelines and conditions of employment, including but not limited to those set forth in the Bank of America Handbook and Bank of America Corporation Code of Ethics.

You are expected to demonstrate immediate and sustained improvement in the areas specifically addressed concerning your behavior, and comply with the Policies, procedures, guidelines and conditions of employment set forth above. Failure to expectations may result in further disciplinary action up to and including termination.

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Associate Refused to Sign
Torina Collis

2/24/05
Date

Lisha M. Thorne-Holloway
Lisha M. Thorne-Holloway

2/24/05
Date

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Associate Comments:

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DECLARATION OF LISHA THORNE-HOLLOWAY

I, Lisha Thorne-Holloway, do hereby depose and swear as follows:

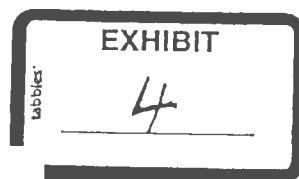
1. I am over 18 years of age. I have personal knowledge of and am competent to testify to the matters stated in this affidavit.

2. I worked for Bank of America, N.A. (the "Bank") from April 2000 through February 2006. From September 2004 through June 2005, I was the Assistant Banking Center Manager at the Beltsville Banking Center.

3. During the period I worked at the Beltsville Banking Center, there were generally three Personal Bankers at a time. Torina Collis was one of them. During the fall and winter of 2004 to 2005, Ms. Collis occasionally act disrespectfully towards her fellow associates and managers. Melody Vaughn, the Banking Center Manager, and I counseled Ms. Collis about this behavior several times.

4. On February 23 and 24, 2005, Ms. Vaughn was away from the Banking Center at a conference and I was left in charge. Ms. Collis, however, refused to respect my authority, repeatedly challenged my directives, and made disruptive and disrespectful comments to me. For example, Ms. Collis challenged me in front of a customer regarding when she should take her lunch, and, when I tried to discuss the situation with her in a private office, Ms. Collis yelled at me in response.

5. Ms. Vaughn and I met with Ms. Collis on the evening of February 24, 2005 to counsel her regarding her behavior. True and accurate copies of the written counseling that we gave Ms. Collis are attached hereto as Exhibit A. Ms. Collis was very angry about the written counselings and stormed out of the meeting.



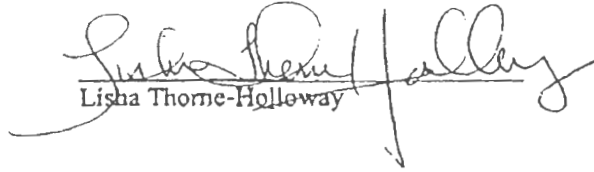
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CASE NO.: PJM-06-2451

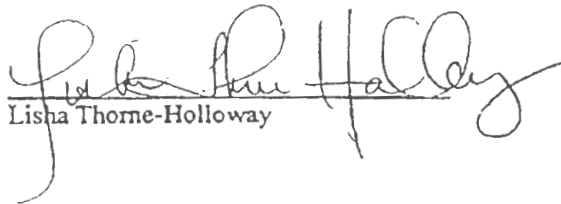
IDENTIFICATION: OCT 30 2009

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6. That evening I spoke with Scott Meehan, the Consumer Market Manager, about the situation and Ms. Collis' response to our attempt to counsel her. I recommended to Mr. Meehan that Ms. Collis' employment be terminated due to her disrespectful and insubordinate behavior.


Lisha Thorne-Holloway

Pursuant to 28 U.S.C. Section 1746, I declare under the penalty of perjury that the foregoing is true and correct. Executed this 4th day of February, 2008.


Lisha Thorne-Holloway

#5016097



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Associate Counseling

**Torina A Collis / ssn. [REDACTED]
02/22/2005
Beltsville Banking Center
Senior Personal Banker**

Counseling Administered By: Melody Vaughn

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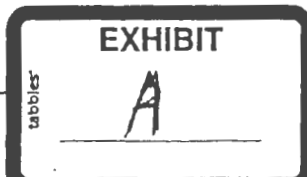
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Associate refused to sign
Associate Signature

Date: 2/24/05

Associate Comments:

Meloz
Manager Signature

Date: 2/24/05

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Torina Collis [REDACTED]
February 24, 2005
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Counseling Administered By: Lisha M Thorne-Holloway

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CONFIDENTIAL

Associate Refused to Sign
Torina Collis

2/24/05
Date

Lisha M. Thorne-Holloway
Lisha M. Thorne-Holloway

2/24/05
Date

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Associate Comments:

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