

BANK OF NEW YORK CO INC  
Form 8-K  
November 08, 2005

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION

FORM 8-K

Pursuant to Section 13 or 15(d) of  
the Securities Exchange Act of 1934

THE BANK OF NEW YORK COMPANY, INC.

NEW YORK

001-06152

13-2614959

(Commission file number)

(I.R.S. employer identification number)

One Wall Street, New York, NY

10286

(Address of principal executive offices)

(Zip code)

212-495-1784

(Registrant's telephone number,  
including area code)

[ ] Written communications pursuant to Rule 425 under the Securities Act  
(17 CFR 230.425)

[ ] Soliciting material pursuant to Rule 14a-12 under the Exchange Act  
(17 CFR 240.14a-12)

[ ] Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))

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[ ] Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

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### ITEM 8.01 Other Events

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On November 4, 2005, The Bank of New York entered into a non-prosecution agreement with the U.S. Attorney's Offices for the Eastern and Southern Districts of New York. The Company issued a press release related to the non-prosecution agreement on November 8, 2005, a copy of which is being filed as Exhibit 99 to this Form 8-K. The text of the non-prosecution agreement is filed herewith as Exhibit 99.1.

### ITEM 9.01 Financial Statements and Exhibits

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#### Index to and Description of Exhibits

(c)	Exhibit	Description
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	99	Press release dated November 8, 2005 related to the non-prosecution agreement with the U.S. Attorney's Offices for the Eastern and Southern Districts of New York.
	99.1	Non-prosecution agreement with the U.S. Attorney's Offices for the Eastern and Southern Districts of New York.

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SIGNATURE

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Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Dated: November 8, 2005

THE BANK OF NEW YORK COMPANY, INC.  
(Registrant)

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By: /s/ Thomas J. Mastro  
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Name: Thomas J. Mastro

Title: Comptroller