

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EXPERI-METAL, INC.,
a Michigan corporation,

Plaintiff,

Case No. 2:09-CV-14890

v.

Hon. Patrick J. Duggan

COMERICA, INC.,
a foreign corporation,

Defendant.

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DECLARATION OF DEBRA S. NOSANCHUK

I, Debra S. Nosanchuk, declare:

1. I am a Vice President of Comerica Bank, and am familiar with Comerica Bank's online banking security systems and procedures.
2. When Experi-Metal enrolled in Comerica's online banking services, those services were provided through a program that was called NetVision.

3. Beginning January 23, 2006, NetVision became known as TM Connect Web. This was a name change only; NetVision and TM Connect Web are the same program.

4. When NetVision became known as TM Connect Web, the way in which a user accessed its online account did not change. Similarly, the wire transfer approval options that could be set for an account did not change.

5. Since the TM Connect Web program was known as NetVision, it has enabled customers to specify whether transfers initiated by their personnel may be processed without further approval, or whether additional personnel must log on and approve the transfers before they are processed.

6. Since the TM Connect Web program was known as NetVision, customers have been able to request that Comerica Bank's online wire transfer application require zero, one, or two approvers for each wire transfer.

7. Since the TM Connect Web program was known as NetVision, customers have been able to request that online wire transfer application require approval from one or more persons based on the dollar amount of the payment order.

8. When Experi-Metal signed up for online banking services through NetVision, now known as TM Connect Web, it designated Valiena Allison and Keith Maslowski as its online users, authorized to initiate monetary transfers for the account such as ACH transfers and wire transfers.

9. In January 2004, I trained Experi-Metal's online account administrator, Valiena Allison, on the use of Comerica's Wire Transfer Service through NetVision, now known as TM Connect Web. Exhibit A to this affidavit is a true and accurate copy of Comerica Bank's Treasury Management Customer Request log which reflects this training.

10. In January 2004, I told Valiena Allison that the Experi-Metal account could be set up to require approvals for wire transfers as described in paragraphs 6-8. She did not request this feature.

11. In April, 2008, Comerica Bank notified the administrators for all online banking accounts that, though it would still be providing online banking services through TM Connect Web, the way in which users logged in to TM Connect Web would be changing. Exhibit B to this affidavit is the template of one of the letters sent to these administrators stating that access to the TM Connect Web portal would be through the Comerica Business Connect web page, and through secure tokens.

12. Comerica Bank sent to the account administrators a list of the users for their accounts who had been active for the last six months, and a secure token that the administrator could distribute to each user. Comerica Bank asked the account administrators to notify Comerica Bank if the registration for any user should be removed. *See Ex B.*

13. Valiena Allison never advised Comerica Bank that Keith Maslowski should be removed as a TM Connect Web user, or otherwise revoked the authority he was granted to initiate monetary transfers.

14. Comerica Bank notified the administrators for all online banking accounts that an updated User Guide for online banking services would be available online on the Help and Support tab of the Comerica Business Connect web page. *See Ex B.*

15. The TM Connect Web User Guide attached as Exhibit 2-A to my prior affidavit was available online to all TM Connect Web users.

I declare under penalty of perjury that the foregoing is true and correct.

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Debra S. Nosanchuk
Debra S. Nosanchuk 5/4/10