

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

DATATREASURY CORPORATION §
PLAINTIFF §

vs. §

WELLS FARGO & COMPANY; WELLS FARGO BANK, NATIONAL ASSOCIATION; BANK OF AMERICA CORPORATION; BANK OF AMERICA, NATIONAL ASSOCIATION; U.S. BANCORP; U.S. BANK, NATIONAL ASSOCIATION; WACHOVIA CORPORATION; WACHOVIA BANK, NATIONAL ASSOCIATION; SUNTRUST BANKS, INC.; SUNTRUST BANK; BB&T CORPORATION; BRANCH BANKING AND TRUST COMPANY; BANCORPSOUTH, INC.; BANCORPSOUTH BANK; COMPASS BANCSHARES, INC.; COMPASS BANK; CULLEN/FROST BANKERS, INC.; THE FROST NATIONAL BANK; FIRST HORIZON NATIONAL CORPORATION; FIRST TENNESSEE BANK, NATIONAL ASSOCIATION; HSBC NORTH AMERICA HOLDINGS INC.; HSBC BANK USA, N.A.; HARRIS BANKCORP, INC.; HARRIS N.A.; NATIONAL CITY CORPORATION; NATIONAL CITY BANK; ZIONS BANCORPORATION; ZIONS FIRST NATIONAL BANK; BANK OF NEW YORK CO., INC.; THE BANK OF NEW YORK; UNIONBANCAL CORPORATION; UNION BANK OF CALIFORNIA, NATIONAL ASSOCIATION; BANK OF TOKYO-MITSUBISHI UFJ, LTD.; CITIZENS FINANCIAL GROUP, INC. CITY NATIONAL CORPORATION; CITY NATIONAL BANK; COMERICA INCORPORATED; COMERICA BANK & TRUST, NATIONAL ASSOCIATION;

Civil Action No. 2:06cv72

JURY TRIAL DEMANDED

DEUTSCHE BANK TRUST COMPANY §
AMERICAS; FIRST CITIZENS §
BANCSHARES, INC.; FIRST CITIZENS §
BANK & TRUST COMPANY; KEYCORP; §
KEYBANK NATIONAL ASSOCIATION; §
LASALLE BANK CORPORATION; §
LASALLE BANK NA; M&T BANK §
CORPORATION; M&T BANK; THE PNC §
FINANCIAL SERVICES GROUP, INC.; §
PNC BANK, NATIONAL ASSOCIATION §
UBS AMERICAS, INC.; SMALL VALUE §
PAYMENTS COMPANY, LLC; THE §
CLEARING HOUSE PAYMENTS §
COMPANY, LLC; MAGTEK, INC; FIRST §
DATA CORPORATION; TELECHECK §
SERVICES, INC., REMITCO, LLC and §
ELECTRONIC DATA SYSTEMS CORP. §
§ JURY TRIAL DEMANDED
DEFENDANTS §

**PLAINTIFF DATATREASURY CORPORATION'S RESPONSE TO
MOTION OF DEFENDANTS FIRST HORIZON NATIONAL CORPORATION
AND FIRST TENNESSEE BANK, NATIONAL ASSOCIATION TO DISMISS, OR
IN THE ALTERNATIVE, FOR MORE DEFINITE STATEMENT**

Comes now Plaintiff DataTreasury Corporation (“DataTreasury”) and files its Response to Motion of Defendants First Horizon National Corporation and First Tennessee Bank, National Association to Dismiss, or in the Alternative, for More Definite Statement. DataTreasury respectfully requests that this Court deny First Horizon National Corporation and First Tennessee Bank, National Association’s Motion in its entirety. In support thereof, DataTreasury incorporates, in its entirety, its Response to Defendants’ Various Motions to Dismiss, or in the Alternative for More Definite Statement and the arguments and authorities cited therein filed on June 14, 2006.

Respectfully submitted,

/s/ R. Benjamin King

C. CARY PATTERSON
State Bar No. 15587000
ANTHONY BRUSTER
State Bar No. 24036280
BRADY PADDOCK
State Bar No. 00791394
R. Benjamin King
State Bar No. 24048592
NIX PATTERSON & ROACH L.L.P.
2900 St. Michael Drive, Suite 500
Texarkana, Texas 75503
Tel. (903)223-3999; Fax (903)223.8520

ROD A. COOPER
Texas Bar No. 90001628
THE COOPER LAW FIRM
545 E. John Carpenter Freeway, Ste .1460
Irving, Texas 75062
Tel. (972)831-1188; Fax (972)692-5445
rcooper@cooperiplaw.com

EDWARD L. HOHN
Texas Bar No. 09813240
NIX PATTERSON & ROACH, L.L.P.
205 Linda Drive
Daingerfield, Texas 75638
Tel. (903)645-7333; Fax (903)645-4415
edhohn@nixlawfirm.com

JOE KENDALL
Texas Bar No. 11260700
KARL RUPP
Texas Bar No. 24035243
PROVOST UMPHREY, L.L.P.
3232 McKinney Avenue, Suite 700
Dallas, Texas 75204
Tel. (214)744-3000; Fax (214) 744-3015
jkendall@provostumphrey.com

EDWARD CHIN
State Bar No. 50511688
THE CHIN LAW FIRM
11602 Island Breeze St.
Pearland, Texas 77584
(713) 436-0564; (866) 317-3953 (fax)
edchin@chinlawfirm.com

ERIC M. ALBRITTON
Texas Bar No. 00790215
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, Texas 75606
Tel. (903)757-8449; Fax (903)758-7397
ema@emafirm.com

T. JOHNNY WARD JR.
Texas Bar No. 00794818
THE LAW OFFICE OF T. JOHN WARD, JR.
P.O. Box 1231
Longview, Texas 75606
Tel. (903)757-6400; Fax (903) 757-2323
jw@jwfirm.com

*Counsel for Plaintiff DataTreasury
Corporation*

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served via the Court's electronic filing system on all counsel who have consented to electronic service on this the 14th day of June, 2006.

/s/ R. Benjamin King
Nix, Patterson & Roach LLP