

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 §

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**PLAINTIFF DATATREASURY CORPORATION’S RESPONSE TO  
 HSBC BANK USA, N.A.’S MOTION TO DISMISS, OR IN THE ALTERNATIVE,  
 FOR MORE DEFINITE STATEMENT**

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Comes now Plaintiff DataTreasury Corporation (“DataTreasury”) and files its  
 Response to HSBC Bank USA, N.A.’s Motion to Dismiss, or in the Alternative, for More  
 Definite Statement. DataTreasury respectfully requests that this Court deny HSBC Bank  
 USA, N.A.’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

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### **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