

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

DATATREASURY CORPORATION,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 2:06-CV-72-DF
v.	§	
	§	JURY TRIAL DEMANDED
WELLS FARGO & COMPANY, et al.	§	
	§	
Defendants.	§	

**REPLY IN SUPPORT OF DEFENDANT FIRST-CITIZENS BANK & TRUST
COMPANY’S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, OR IN
THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT**

Defendant First-Citizens Bank & Trust Company (“First-Citizens Bank”) moved pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss DataTreasury’s claims against First-Citizens Bank for failure to state a claim upon which relief may be granted. In the alternative, First-Citizens Bank moved pursuant to Federal Rule of Civil Procedure 12(e) for a more definite statement of DataTreasury’s claims. DataTreasury responded to First-Citizens Bank’s motion in a response filed June 14, 2006.

In support of the Motion and in the interest of brevity, First-Citizens Bank relies on and incorporates herein by reference the arguments presented in the Reply in Support of Defendants’ Motion to Dismiss or in the Alternative for More Definite Statement, filed on June 21, 2006 (Docket No. 186), by the codefendants listed below.¹

¹ The Reply in Support of Defendants’ Motion to Dismiss or in the Alternative for More Definite Statement, filed on June 21, 2006 (Docket No. 186), was filed by the following codefendants: Bank of America Corporation; Bank of America, N.A.; Bank of New York Co., Inc.; Bank of Tokyo-Mitsubishi UFJ, Ltd.; BB&T Corporation; Branch Banking and Trust Company; Citizens Financial Group, Inc.; Comerica Bank & Trust, N.A.; Comerica Incorporated; Cullen/Frost Bankers, Inc.; Deutsche Bank Trust Company Americas; First Data Corporation; LaSalle Bank Corporation; LaSalle Bank, N.A; M&T Bank Corporation.; M&T Bank; Remitco, LLC; TeleCheck Services, Inc.; The Bank of New York; The Frost National Bank; UBS Americas, Inc.; Union Bank of California, N.A.; Wachovia Bank, N.A.; Wachovia Corporation; Wells Fargo & Company; and Wells Fargo Bank, N.A.

Respectfully submitted,

/s/ David O. Taylor

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ATTORNEYS FOR DEFENDANT
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COMPANY

CERTIFICATE OF SERVICE

I certify that on the 21st day of June, 2006, all counsel who are deemed to have consented to electronic service are being served with a copy of this document by the Court's Electronic Filing System, pursuant to Local Rule CV-5(a)(3)(A).

/s/ David O. Taylor
David O. Taylor