

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

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DATATREASURY CORP.	:	
	:	No. 2-06CV-72
Plaintiff,	:	
v.	:	REPLY IN SUPPORT OF
WELLS FARGO & CO., et al.,	:	MOTION TO DISMISS
	:	
	:	
Defendant.	:	
-----	X	

**REPLY OF DEFENDANT  
THE CLEARING HOUSE PAYMENTS COMPANY L.L.C.,  
JOINING IN CO-DEFENDANTS' REPLY IN SUPPORT  
OF THEIR MOTION TO DISMISS**

COMES NOW Defendant The Clearing House Payments Company L.L.C. ("TCH"), to respectfully submit the instant reply joining in the "Reply in Support of Defendants' Motion to Dismiss or, in the Alternative, for More Definite Statement" being filed today by co-defendants Bank of America Corporation, et al. (the "Joint Reply").

On June 1, 2006, many of TCH's co-defendants in this matter filed a "Joint Motion of Defendants to Dismiss, or in the Alternative, for More Definite Statement" (the "Joint MTD," Docket No. 80). TCH joined in the Joint MTD subject to several limitations it outlined for this Court in a separate joinder motion (the "TCH Joinder," Docket No. 82).

Plaintiff DataTreasury Corporation ("DataTreasury") has responded to the various motions to dismiss filed by the defendants, but none of its arguments saves its Complaint. As a matter of law, DataTreasury's Complaint fails to comply with the pleading standards set forth in the Federal Rules of Civil Procedure, and this Court can


and should dismiss DataTreasury's Complaint. TCH, again in an effort to reduce this Court's burden, joins in the Joint Reply of its co-defendants, subject to the limitations TCH has previously outlined in the TCH Joinder.

TCH does not reiterate here the qualifications previously set forth in the TCH Joinder. However, TCH does hereby inform the Court that TCH has continued to advise DataTreasury that Small Value Payments Company ("SVPCo") cannot be a proper defendant in this matter because SVPCo has not existed as a corporate entity since July 2004, when it merged into TCH. TCH, as the successor-in-interest to SVPCo, has made additional attempts to reach an agreement with DataTreasury on dismissal of SVPCo, but DataTreasury still has not provided TCH with any substantive response on this issue.

In light of the foregoing, and subject to the qualifications set forth more fully in the TCH Joinder, TCH respectfully requests that this Court grant the Joint MTD and such other and further relief this Court deems necessary.

Dated: June 21, 2006

Respectfully submitted,



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*Attorneys for Defendant The Clearing House  
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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing instrument was served upon all counsel of record in the above entitled and numbered cause via ECF on this the 21st day of June, 2006.