

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

DATATREASURY CORPORATION,

Plaintiff

v.

WELLS FARGO & CO., et al.,

Defendants

CIVIL ACTION NO. 2:06-CV-72 DF

**DEFENDANTS KEYCORP'S AND KEYBANK NATIONAL ASSOCIATION'S REPLY
IN SUPPORT OF MOTION TO DISMISS, OR IN THE ALTERNATIVE, FOR MORE
DEFINITE STATEMENT**

Defendants KeyCorp and KeyBank National Association (collectively "KeyBank"), hereby file this Reply in Support of Motion to Dismiss, or in the Alternative, for More Definite Statement.

In support of this Motion and in the interest of brevity, KeyBank relies on and incorporates herein by reference as if set forth verbatim the arguments presented in the Reply in Support of Defendants' Motion to Dismiss or in the Alternative for More Definite Statement¹ ("Joint Reply") filed on June 21, 2006 (Docket No. 186). KeyBank bases this Reply on the arguments and legal authorities set forth in the Joint Reply, and seeks the same relief requested therein.

¹ The Joint Reply was filed on behalf of Defendants Wells Fargo & Co.; Wells Fargo Bank, N.A.; UBS Americas, Inc.; First Data Corporation, Bank of New York, Co., Inc.; The Bank of New York; Union Bank of California, N.A., Bank of America, NA; Bank of America Corporation; Lasalle Bank Corporation; Lasalle Bank, N.A.; Bank of Tokyo-Mitsubishi UFJ, Ltd; Wachovia Corporation; Wachovia Bank, N.A.; M&T Bank Corporation; M&T Bank; BB&T Corporation; Branch Banking and Trust Company; Comerica Incorporated; Comerica Bank & Trust, N.A.; Deutsche Bank Trust Company Americas; Citizens Financial Group, Inc.;

Dated: June 22, 2006

Respectfully submitted,

McKOOL SMITH, P.C.

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**ATTORNEYS FOR DEFENDANTS
KEYCORP AND KEYBANK
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Cullen/Frost Bankers, Inc.; Remitco, LLC; TeleCheck Services, Inc.; and The Frost National Bank.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who have consented to electronic service on this the 22nd day of June, 2006.

/s/ L. David Anderson
L. David Anderson