

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.	§	

**DEFENDANT FIRST CITIZENS BANCSHARES, INC.’S  
UNOPPOSED MOTION FOR PERMISSION TO EXCEED PAGE LIMIT OF  
REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS**

Defendant First Citizens BancShares, Inc. (“First Citizens BancShares”) moves for permission to exceed the page limit for First Citizens BancShares’s Reply in Support of its Motion to Dismiss for Lack of Personal Jurisdiction, or in the Alternative, for Failure to State a Claim or for a More Definite Statement. Local Rule CV-7(a)(1) sets forth a ten page limit for a reply brief to an opposed dispositive motion, including attachments. First Citizens BancShares’s reply brief and single attachment total 18 pages. As reflected in the certificate of conference, this motion for permission to exceed the page limit is unopposed.

Respectfully submitted,

/s/ Larry D. Carlson  
 Larry D. Carlson, Attorney-in-Charge  
 Texas State Bar No. 03814500  
 E-Mail: [larry.carlson@bakerbotts.com](mailto:larry.carlson@bakerbotts.com)  
 David O. Taylor  
 Texas State Bar No. 24042010  
 E-Mail: [david.taylor@bakerbotts.com](mailto:david.taylor@bakerbotts.com)  
 BAKER BOTTS L.L.P.  
 2001 Ross Avenue  
 Dallas, Texas 75201

Telephone: (214) 953-6500  
Facsimile: (214) 953-6503

Donalt J. Eglinton  
E-Mail: [dje@wardandsmith.com](mailto:dje@wardandsmith.com)  
WARD AND SMITH, P.A.  
Post Office Box 867  
New Bern, North Carolina 28563  
Telephone: (252) 672-5456  
Facsimile: (252) 672-5477

ATTORNEYS FOR DEFENDANT  
FIRST CITIZENS BANCSHARES, INC.

### **CERTIFICATE OF CONFERENCE**

I certify that I communicated with opposing counsel concerning this motion on the 30th day of June, 2006, in a good faith attempt to resolve this matter without Court intervention. This Motion is unopposed.

/s/ Larry D. Carlson  
Larry D. Carlson

### **CERTIFICATE OF SERVICE**

I certify that on the 30th 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/ Larry D. Carlson  
Larry D. Carlson