

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

DATATREASURY CORPORATION	§	
<i>PLAINTIFF</i>	§	
	§	
vs.	§	Civil Action No. 2:06cv72
	§	JURY TRIAL DEMANDED
WELLS FARGO & COMPANY, et al.	§	
<i>DEFENDANTS</i>	§	

**PLAINTIFF DATATREASURY CORPORATION'S SURREPLY IN  
RESPONSE TO DEFENDANT FIRST CITIZENS BANCSHARES, INC.'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**

Comes now Plaintiff DataTreasury Corporation ("DataTreasury") and files its Surreply in Response to Defendant First Citizens Bancshares, Inc.'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. This surreply specifically addresses First Citizens Bancshares, Inc.'s alternative motion for failure to state a claim or for more definite statement.

DataTreasury respectfully requests that this Court deny First Citizens Bancshares, Inc.'s Motion. In support thereof, DataTreasury incorporates, in its entirety, its Surreply in Response to Defendants'<sup>1</sup> Reply in Support of Defendants' Motion to Dismiss or in the

<sup>1</sup> The Joint Reply was filed on behalf of Defendants 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; Wells Fargo Bank, N.A.

Alternative for More Definite Statement and the arguments and authorities cited therein  
filed on June 26, 2006 (Docket No. 220).

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 7th day of July, 2006.

/s/ R. Benjamin King  
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