

Appendix K

Revised: 12/3/03

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

FILED  
05 JUL 11 PM 3:23  
TEXAS-EASTERN  
BY *MW*

APPLICATION TO APPEAR PRO HAC VICE

1. This application is being made for the following: Case # 2:06-cv-72  
Style: Data Treasury Corporation v. Wells Fargo & Company, et. al.
2. Applicant is representing the following party/ies:  
Wachovia Bank National Association and Wachovia Corporation
3. Applicant was admitted to practice in North Carolina (state) on August 26, 1994 (date).
4. Applicant is in good standing and is otherwise eligible to practice law before this court. **Yes**
5. Applicant is not currently suspended or disbarred in any other court. **No**
6. Applicant has/**has not** had an application for admission to practice before another court denied (please circle appropriate language). If so, give complete information on a separate page.
7. Applicant has/**has not** ever had the privilege to practice before another court suspended (please circle). If so, give complete information on a separate page.
8. Applicant has/**has not** been disciplined by a court or Bar Association or committee thereof that would reflect unfavorably upon applicant's conduct, competency or fitness as a member of the Bar (please circle). If so, give complete information on a separate page.
9. Describe in detail on a separate page any charges, arrests or convictions for criminal offense(s) filed against you. Omit minor traffic offenses. **None**
10. There are no pending grievances or criminal matters pending against the applicant. **None**
11. Applicant has been admitted to practice in the following courts: U.S. Court of Appeal for the Federal Fourth and Eleventh Circuits, U.S. District Court for the Eastern District of North Carolina, Middle District of North Carolina, Western District of North Carolina, District of Colorado and Central District of Illinois.
12. Applicant has read and will comply with the Local Rules of the Eastern District of Texas, including Rule AT-3, the "Standards of Practice to be Observed by Attorneys." **Yes**
13. Applicant has included the requisite \$25 fee (see Local Rule AT-1(d)). **Yes**
14. Applicant understands that he/she is being admitted for the limited purpose of appearing in the case specified above only. **Yes**

**Application Oath:**

I, John Steven Gardner do solemnly swear (or affirm) that the above information is true; that I will discharge the duties of attorney and counselor of this court faithfully; that I will demean myself uprightly under the law and the highest ethics of our profession; and that I will support and defend the Constitution of the United States.

Date July 3, 2006

Signature *John Steven Gardner*

Name (please print) John Steven Gardner

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State Bar Number 20984  
Firm Name Kilpatrick Stockton LLP  
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Applicant is authorized to enter an appearance as counsel for the party/parties listed above. This application has been approved for the court this 11<sup>th</sup> day of July, 2006.

David J. Maland, Clerk

U.S. District Court, Eastern District of Texas

By Mae Velvin  
Deputy Clerk