

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

**DATA TREASURY CORPORATION,**

**Plaintiff**

v.

**WELLS FARGO & COMPANY; et al.**

**Defendants**

**2:06-CV-72 DF**

**JOINT MOTION TO EXTEND DEADLINES SET FORTH IN ORDER FROM  
SCHEDULING CONFERENCE AND DOCKET CONTROL ORDER**

Defendants Bank of America, N.A. and Bank of America, Corp. jointly move with Plaintiff Data Treasury Corp. to extend the deadlines stated in the Court's Order from Scheduling Conference and Docket Control Order (Docket No. 325, and hereafter "Court's Order"). The Court's Order requires the parties to submit by November 8: (1) a proposed protective order, or separate proposals for protective order, (2) proposals for a "deposition protocol order," (3) candidates for special master, (4) candidates for technical advisor, and (5) notice regarding the parties' efforts to establish e-mail addresses for each litigant group. (Court's Order at 3, 6).<sup>1</sup> Plaintiffs and all of the defendants<sup>2</sup> continue to negotiate these issues so that as many issues as possible may be resolved and/or presented to the Court in joint submissions. The parties believe that an additional day to negotiate and finalize their submissions will result in fewer submissions and issues for the Court. Accordingly, the parties

---

<sup>1</sup> The deadline for filing the Agreed Motion for Entry of Protective Order or the parties separate proposals for protective orders is set by Docket No. 347.

<sup>2</sup> Although Bank of America and Data Treasury jointly file this motion, all of the parties efforts to file joint submissions make this motion applicable to all parties.

respectfully request that the Court extend the deadlines in the Court's Order (Docket No. 325) from November 8, 2006 to November 9, 2006.

Dated: November 8, 2006

Respectfully submitted,

FISH & RICHARDSON P.C.

By: /s Thomas M. Melsheimer

Thomas M. Melsheimer  
Texas State Bar No. 13922550  
1717 Main Street  
Suite 5000  
Dallas, TX 75201  
214-747-5070 (Telephone)  
214-747-2091 (Telecopy)

Robert E. Hillman  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
617-542-5070 (Telephone)  
617-542-8906 (Telecopy)

Robert M. Parker  
Robert Christopher Bunt  
Parker & Bunt, P.C.  
100 E. Ferguson, Suite 1114  
Tyler, Texas 75702  
(903) 531-3535 (Telephone)  
(903) 533-9687 (Telecopy)

Michael E. Jones  
Texas Bar No. 10929400  
E. Glenn Thames, Jr.  
Texas Bar No. 00785097  
Potter Minton  
500 Plaza Tower  
110 North College, Suite 500  
Tyler, TX 75702

Counsel for Defendants  
BANK OF AMERICA CORPORATION,  
BANK OF AMERICA, NATIONAL  
ASSOCIATION

By: /s  
Karl Rupp  
With permission: R. Ritch Roberts  
Provost Umphrey Law Firm, LLP  
3232 McKinney Ave., Suite 700  
Dallas, TX 75204  
214-744-3000 (Telephone)  
214-744-3015 (Telecopy)

Attorney for Plaintiff  
DATA TREASURY CORPORATION

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on November 8, 2006 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s Thomas M. Melsheimer  
Thomas M. Melsheimer

90198598.doc