

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

DATA TREASURY CORPORATION,

2:06-CV-72 DF

Plaintiff

v.

WELLS FARGO & COMPANY; WELLS FARGO BANK, NATIONAL ASSOCIATION; BANK OF AMERICA CORPORATION; BANK OF AMERICA, NATIONAL ASSOCIATION; U.S. BANCORP; U.S. BANK, NATIONAL ASSOCIATION; WACHOVIA CORPORATION; WACHOVIA BANK, NATIONAL ASSOCIATION; SUNTRUST BANKS, INC.; SUNTRUST BANK; BB&T CORPORATION; BRANCH BANKING AND TRUST COMPANY; BANCORPSOUTH, INC.; BANCORPSOUTH BANK; COMPASS BANCSHARES, INC.; COMPASS BANK; CULLEN/FROST BANKERS, INC.; THE FROST NATIONAL BANK; FIRST HORIZON NATIONAL CORPORATION; FIRST TENNESSEE BANK, NATIONAL ASSOCIATION; HSBC NORTH AMERICA HOLDINGS INC.; HSBC BANK USA, N.A.; HARRIS BANKCORP, INC.; HARRIS N.A.; NATIONAL CITY CORPORATION; NATIONAL CITY BANK; ZIONS BANCORPORATION; ZIONS FIRST NATIONAL BANK; BANK OF NEW YORK CO., INC.; THE BANK OF NEW YORK; UNIONBANCAL CORPORATION; UNION BANK OF CALIFORNIA, NATIONAL ASSOCIATION; BANK OF TOKYO-MITSUBISHI UFJ, LTD.; CITIZENS FINANCIAL GROUP, INC. CITY NATIONAL CORPORATION;

**CITY NATIONAL BANK; COMERICA INCORPORATED; COMERICA BANK & TRUST, NATIONAL ASSOCIATION; DEUTSCHE BANK TRUST COMPANY AMERICAS; FIRST CITIZENS BANCSHARES, INC.; FIRST CITIZENS BANK & TRUST COMPANY; KEYCORP; KEYBANK NATIONAL ASSOCIATION; LASALLE BANK CORPORATION; LASALLE BANK NA; M&T BANK CORPORATION; M&T BANK; THE PNC FINANCIAL SERVICES GROUP, INC.; PNC BANK, NATIONAL ASSOCIATION UBS AMERICAS, INC.; SMALL VALUE PAYMENTS COMPANY, LLC; THE CLEARING HOUSE PAYMENTS COMPANY, LLC; MAGTEK, INC; FIRST DATA CORPORATION; TELECHECK SERVICES, INC., REMITCO, LLC; and ELECTRONIC DATA SYSTEMS CORP,**

**Defendants**

**NOTICE OF ELECTRONIC COMMUNICATION PROTOCOL**

Pursuant to the Court's Order from Scheduling Conference and Docket Control Order (Docket No. 325), the parties notify the Court that all parties have established a single email address for each litigant group that may be used for electronic communications and service between and amongst themselves.

Dated: November 9, 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

**ATTORNEYS FOR DEFENDANTS  
BANK OF AMERICA CORPORATION,  
BANK OF AMERICA, NATIONAL  
ASSOCIATION**

By:/s/ Thomas M. Melsheimer by permission on behalf of the following counsel:

Danielle Williams  
Kilpatrick Stockton LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101

Bill Boice  
Audra Dial  
Kilpatrick Stockton LLP  
1100 Peachtree Street, Suite 2800  
Atlanta, Georgia 30309-4530

Kenneth Godlewski  
Stephen Baskin  
Kilpatrick Stockton LLP  
607 14th Street, NW, Suite 900  
Washington, DC 20005-2018

**ATTORNEYS FOR DEFENDANTS  
BB&T CORPORATION, BRANCH BANKING  
& TRUST CO., COMERICA BANK & TRUST,  
N.A., COMERICA, INC., M&T BANK, M&T  
CORPORATION, WACHOVIA  
CORPORATION, WACHOVIA BANK, N.A.**

Daniel A. DeVito  
Skadden, Arps, Slate, Meagher & Flom LLP  
Four Times Square  
New York, NY 10036

**ATTORNEYS FOR DEFENDANT  
VIEWPOINTE ARCHIVE SERVICES, LLC**

John G. Flaim  
Brian Hurst  
Brian C. McCormack  
Baker & McKenzie  
2001 Ross Avenue, Suite 2300  
Dallas, TX 75201-0800

**ATTORNEYS FOR DEFENDANTS  
WELLS FARGO & COMPANY, WELLS  
FARGO BANK, N.A.**

Raymond Sweigart  
Jack Barufka  
Scott Pivnick  
Pillsbury Winthrop Shaw Pittman LLP  
1650 Tysons Blvd.  
McLean, VA 22102-4859

**ATTORNEYS FOR DEFENDANTS  
BANK OF NEW YORK CO., INC., THE BANK  
OF NEW YORK, UNION BANK OF  
CALIFORNIA, N.A., UNIONBANCAL  
CORPORATION**

David L. Ward, Jr.  
Donalt J. Eglinton  
Ward and Smith, P.A.  
1001 College Court  
New Bern, NC 28562

Larry Carlson  
David Taylor  
Baker Botts L.L.P. (Dallas)  
2001 Ross Avenue  
Dallas, TX 75201-2980

**ATTORNEYS FOR DEFENDANTS  
FIRST CITIZENS BANCSHARES, INC.,  
FIRST CITIZENS BANK & TRUST CO.**

James H. Carter  
James T. Williams  
Jane Jaang  
Sullivan & Cromwell LLP  
125 Broad Street  
New York, New York 10004-2493

**ATTORNEYS FOR DEFENDANTS  
THE CLEARINGHOUSE PAYMENTS CO.,  
L.L.C. F/K/A  
SMALL VALUE PAYMENTS CO., L.L.C.**

Glen Boudreaux  
Tim Leonard  
Edward J. Nicholas  
Boudreaux Leonard Hammond Curcio  
2 Houston Center  
909 Fannin Street, Suite 2350  
Houston, TX 77010

**ATTORNEYS FOR DEFENDANTS  
HSBC NORTH AMERICA HOLDINGS, INC.,  
HSBC BANK USA, N.A.**

Kurt M. Sauer  
Daffer McDaniel  
The Chase Building  
700 Lavaca, Suite 720  
Austin, TX 78701-3119

**ATTORNEYS FOR DEFENDANTS  
CULLEN/FROST BANKERS, INC., THE  
FROST NATIONAL BANK**

Irah Donner  
Wilmer, Cutler, Pickering, Hale & Dorr  
399 Park Ave.  
New York, NY 10022

**ATTORNEY FOR DEFENDANTS  
HSBC NORTH AMERICA HOLDINGS, INC.,  
HSBC BANK USA, N.A.**

**McKOOL SMITH, P.C.**

SAM BAXTER  
Lead Attorney  
Texas State Bar No. 01938000  
[sbaxter@mckoolsmith.com](mailto:sbaxter@mckoolsmith.com)  
505 East Travis Street, Suite 105  
Marshall, Texas 75670  
Telephone: (903) 927-2111  
Telecopy: (903) 927-2622

THEODORE STEVENSON, III  
Texas State Bar No. 19196650  
[tstevenson@mckoolsmith.com](mailto:tstevenson@mckoolsmith.com)  
L. DAVID ANDERSON  
Texas State Bar No. 00796126  
[danderson@mckoolsmith.com](mailto:danderson@mckoolsmith.com)  
300 Crescent Court  
Suite 1500  
Telephone: (214) 978-4000  
Telecopier: (214) 978-4044

PETER J. AYERS  
Texas State Bar No. 24009882  
[payers@mckoolsmith.com](mailto:payers@mckoolsmith.com)  
GEOFFREY L. SMITH  
Texas State Bar No. 24041939  
[gsmith@mckoolsmith.com](mailto:gsmith@mckoolsmith.com)  
300 W. 6th Street, Suite 1700  
Austin, Texas 78701  
Telephone: (512) 692-8700  
Telecopy: (512) 692-8744

**ATTORNEYS FOR DEFENDANTS  
SUNTRUST BANKS, INC., SUNTRUST BANK,  
THE PNC FINANCIAL SERVICES GROUP,  
INC., PNC BANK, KEYCORP, AND  
KEYBANK NA**

**McKOOL SMITH, P.C.**

THEODORE STEVENSON, III  
Lead Attorney  
Texas State Bar No. 19196650  
tstevenson@mckoolsmith.com  
GARRET W. CHAMBERS  
Texas State Bar No. 00792160  
gchambers@mckoolsmith.com  
L. DAVID ANDERSON  
Texas State Bar No. 00796126  
danderson@mckoolsmith.com  
300 Crescent Court  
Suite 1500  
Telephone: (214) 978-4000  
Telecopier: (214) 978-4044  
PETER J. AYERS  
Texas State Bar No. 24009882  
payers@mckoolsmith.com  
GEOFFREY L. SMITH  
Texas State Bar No. 24041939  
gsmith@mckoolsmith.com  
300 W. 6th Street, Suite 1700  
Austin, Texas 78701  
Telephone: (512) 692-8700  
Telecopy: (512) 692-8744

**ATTORNEYS FOR DEFENDANT  
ELECTRONIC DATA SYSTEMS CORP.**

**McKOOL SMITH, P.C.**

ROBERT M. MANLEY  
Lead Attorney  
Texas State Bar No. 00787955  
rmanley@mckoolsmith.com  
SAM BAXTER  
Texas State Bar No. 01938000  
sbaxter@mckoolsmith.com  
L. DAVID ANDERSON  
Texas State Bar No. 00796126  
danderson@mckoolsmith.com  
300 Crescent Court  
Suite 1500  
Telephone: (214) 978-4000  
Telecopier: (214) 978-4044  
  
PETER J. AYERS  
Texas State Bar No. 24009882  
payers@mckoolsmith.com  
GEOFFREY L. SMITH  
Texas State Bar No. 24041939  
gsmith@mckoolsmith.com  
300 W. 6th Street, Suite 1700

Austin, Texas 78701  
Telephone: (512) 692-8700  
Telecopy: (512) 692-8744

ROBERT MASTERS  
Paul, Hastings, Janofsky & Walker, LLP  
875 15th Street, N.W.  
Washington, DC 20005  
Tel: (202) 551-1763  
Fax: (202) 551-1705  
robertmasters@paulhastings.com

PAUL WILSON  
Paul, Hastings, Janofsky & Walker, LLP  
875 15th Street, N.W.  
Washington, DC 20005  
Tel: (202) 551-1748  
Fax: (202) 551-0148  
paulwilson@paulhastings.com

BRANDON WHITE  
Paul, Hastings, Janofsky & Walker, LLP  
875 15th Street, N.W.  
Washington, DC 20005  
Tel: (202) 551-1754  
Fax: (202) 551-0154  
brandonwhite@paulhastings.com

**ATTORNEYS FOR DEFENDANTS HARRIS  
BANKCORP, INC. AND HARRIS N.A.**

Edward G. Poplawski (Pro Hac Vice)  
E-Mail: EPoplaws@Sidley.com  
Jeffrey A. Finn (Pro Hac Vice)  
E-Mail: JFinn@Sidley.com  
Carissa A. Tener (Pro Hac Vice)  
E-Mail: CTener@Sidley.com  
SIDLEY AUSTIN L.L.P.  
555 West Fifth Street, Suite 4000  
Los Angeles, California 90013  
tel. 213-896-6000  
fax 213-896-6600

Lance Lee  
Texas Bar No. 240004762  
Young, Pickett & Lee, L.L.P.  
4122 Texas Blvd.  
P.O. Box 1897  
Texarkana, Texas 75504  
tel. 903-794-1303  
fax 903-792-5098  
E-Mail: WLanceLee@aol.com



**COUNSEL FOR FIRST DATA  
CORPORATION, TELECHECK SERVICES,  
INC.;REMITCO, LLC, LASALLE BANK  
CORPORATION, LASALLE BANK NA,  
DEUTSCHE BANK TRUST COMPANY  
AMERICAS, BANK OF TOKYO-MITSUBISHI  
UFJ, LTD.**

ANDRWS KURTH LLP

Jerry L. Beane  
Texas Bar No. 01966000  
[jerrybeane@andrewskurth.com](mailto:jerrybeane@andrewskurth.com)  
Gerald C. Conley  
Texas Bar NO. 04664200  
[geraldconley@andrewskurth.com](mailto:geraldconley@andrewskurth.com)  
Kay Lynn Brumbaugh  
Texas Bar No. 00785152  
[kaylynnbrumbaugh@andrewskurth.com](mailto:kaylynnbrumbaugh@andrewskurth.com)  
Tonya M. Gray  
Texas Bar No. 24012726  
[tonyagray@andrewskurth.com](mailto:tonyagray@andrewskurth.com)  
1717 Main Street, Suite 3700  
Dallas, TX 75201  
Telephone: 214-659-4400  
Telecopy: 214-659-4401

**ATTORNEYS FOR DEFENDANTS COMPASS  
BANCSHARES, INC. AND COMPASS BANK,  
FIRST HORIZON NATIONAL  
CORPORATION  
FRIST TENNESSEE BANK, N.A.**

VINSON ELKINS

William L. LaFuze  
Texas Bar No. 11792500  
[wlafuze@velaw.com](mailto:wlafuze@velaw.com)  
D. Ferguson McNiel  
Texas Bar No. 13830300  
[fmcniel@velaw.com](mailto:fmcniel@velaw.com)  
2300 First City Tower  
1001 Fannin St.  
Houston, TX 77002  
Telephone: 713-758-2595  
Telecopy: 713-615-5017

Scott W. Breedlove  
Texas Bar No. 00790361  
[sbreedlove@velaw.com](mailto:sbreedlove@velaw.com)  
Vinson & Elkins LLP  
3700 Trammell Crow Center

2001 Ross Ave.  
Dallas, TX 75201-2975  
Telephone: 214-220-7700  
Telecopy: 214-220-7716

Harry Lee Gillam, Jr.  
Texas Bar No. 07921800  
[gil@gillamsmithlaw.com](mailto:gil@gillamsmithlaw.com)  
Melissa Richards Smith  
Texas Bar No. 24001351  
[melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com)  
Gillam & Smith LLP  
110 South Bolivar, Suite 204  
Marshall, TX 75670  
Telephone: 903-934-8450  
Telecopy: 903-934-9257

**ATTORNEYS FOR  
UBS AMERICAS, INC.**

IRELL & MANELLA LLP

Betsy Rosenblatt  
[brosenblatt@irell.com](mailto:brosenblatt@irell.com)  
Andrew Weiss  
[aweiss@irell.com](mailto:aweiss@irell.com)  
1800 Avenue of the Stars  
Suite 900  
Los Angeles, CA 90067  
Telephone: 310-203-7106  
Telecopy: 310-556-5206

**ATTORNEYS FOR  
CITY NATIONAL BANK  
CITY NATIONAL CORP.**

SMEAD, ANDERSON & DUNN LLP

Melvin R. Wilcox, III  
[mrw@smeadlaw.com](mailto:mrw@smeadlaw.com)  
2110 Horseshoe Lane  
P.O. Box 3343  
Longview, TX 75606  
Telephone: 903-232-1892  
Telecopy: 903-232-1881

Of Counsel:  
John J. Feldhaus  
[jfeldhaus@foley.com](mailto:jfeldhaus@foley.com)  
Anthony H. Son  
[ason@foley.com](mailto:ason@foley.com)  
FOLEY & LARDNER LLP  
3000 K Street, N.W.  
Washington, DC 20007

Telephone: 202-672-5300

**ATTORNEYS FOR  
U.S. BANCORP, U.S. BANK, NATIONAL  
ASSOCIATION, NATIONAL CITY  
CORPORATION AND NATIONAL CITY  
BANK, ZIONS BANCORPORATION AND  
ZIONS FIRST NATIONAL BANK**

SKADDEN ARPS SLATE MEAGHER & FLOM

Daniel A. DeVito  
4 Times Square  
New York, NY 10036  
Telephone: 212-735-3210  
Telecopy: 917-777-3210  
[ddevito@skadden.com](mailto:ddevito@skadden.com)

Philip Philbin  
Russ Emerson  
Haynes & Boone  
901 Main St., Suite 3100  
Dallas, TX 75202  
Telephone: 214-651-5684  
Telecopy: 214-200-0672

**ATTORNEYS FOR  
VIEWPOINTE ARCHIVE SERVICES, LLC**

HUGHES & LUCE LLP

John H. McDowell, Jr.  
[john.mcdowell@hughesluce.com](mailto:john.mcdowell@hughesluce.com)  
Greg Perrone  
[gregory.perrone@hughesluce.com](mailto:gregory.perrone@hughesluce.com)  
Hughes & Luce LLP  
1717 Main Street, Suite 2800  
Dallas, TX 75201  
Telephone: 214-939-5413  
Telecopy: 214-939-5849

**ATTORNEYS FOR  
BANCORPSOUTH, INC., AND  
BANCORPSOUTH BANK**

STANDLEY LAW GROUP LLP

Jeffrey Standley  
[jstandley@standleyllp.com](mailto:jstandley@standleyllp.com)  
495 Metro Place South  
Suite 210  
Dublin, OH 43017  
Telephone: 614-792-5555  
Telecopy: 614-792-5536

Claude Welch  
[cwelch@consolidated.net](mailto:cwelch@consolidated.net)  
115 W. Shepherd Ave.  
Lufkin, TX 75904-3808  
Telephone: 936-639-3311  
Telecopy: 936-639-3049

**ATTORNEYS FOR  
CITIZENS FINANCIAL GROUP, INC.**

**NIX PATTERSON & ROACH, L.L.P.**

Edward L. von Hohn  
Attorney in Charge  
Texas Bar No. 09813240  
205 Linda Drive  
Daingerfield, TX 75638  
Telephone: 903-645-7333  
Telecopy: 903-645-4415  
[edhohn@nixlawfirm.com](mailto:edhohn@nixlawfirm.com)

Joe Kendall  
Karl Rupp  
Provost Umphrey Law Firm, L.L.P.  
3232 McKinney Avenue, Suite 700  
Dallas, TX 75204

Rodney A. Cooper, JD, MA  
The Cooper Law Firm  
5215 N. O'Connor Blvd.  
Suite 1900  
Irving, TX 75039

**ATTORNEYS FOR PLAINTIFF  
DATATREASURY CORPORATION**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on 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

90198874.doc