



Anthony K. Bruster
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Mr. Larry D. Carlson
BAKER BOTTS L.L.P.
2001 Ross Avenue
Dallas, Texas 75201

Re: *DataTreasury Corporation vs. Wells Fargo, et al.*, (First Citizens Bancshares, Inc., and First Citizens Bank & Trust Company); In the Eastern District of Texas, Marshall Division; Civil Action No. 2:06cv72;

Dear Larry:

As you know from our 30(b)(6) deposition this week related to the Court's ability to assert jurisdiction over First Citizens Bancshares, Inc. there are a number of documents in your client's possession that were not produced but are responsive to the jurisdictional discovery requests we served. By way of example, I would refer you to the following documents discussed in your client's deposition: (1) all documents related to the management fee that First Citizens Bancshares, Inc. ("Bancshares") pays every month to First Citizens Bank & Trust ("FCB&T") for services that FCB&T employees perform for Bancshares, including the most recent schedule reflecting same that Mr. Gray created; (2) all documents reflecting the flow of funds between FCB&T and Bancshares, including all documents reflecting dividend payments, shared expenses, and other financial documents; (3) all insurance applications signed by officers or directors of Bancshares, or that reference Bancshares and its subsidiaries in any way; (4) all insurance policies that have been issued to Bancshares but that also provide coverage for Bancshares' subsidiaries, including FCB&T; (5) all documents related to Bancshares payments made to FCB&T for FCB&T's performance of services related to dealing with investor and stock issues of Bancshares; (6) all minutes and other documents related to all meetings of the Boards of Directors of Bancshares and FCB&T (this should actually be one set of documents, seeing as how these are joint Boards that meet simultaneously); (7) all minutes from all committee meetings for the committees of the Boards of Directors for Bancshares and FCB&T; (8) all documents reflecting shared services, manpower, and finances between Bancshares, FCB&T, and Ironstone Bank; (9) all communications and documents of any nature transmitted between the Officers and Directors of Bancshares and the Officers and Directors of its subsidiaries

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FCB&T and Ironstone Bank, and (10) documents responsive to Request for Production No. 23 concerning documents related to business transactions in Texas conducted by Bancshares Officers and Directors.

As you know, Bancshares and FCB&T have represented to us and to the Court that they are separate legal entities following all corporate formalities. However, they produced no documents to support this fact, and the testimony of the corporate representative revealed that the Boards of Directors are 100% overlapping, meet jointly, and have joint committees and shared officers. The documents requested above are unquestionably relevant to determine the veracity of these positions. In the spirit of cooperation, and despite our previous requests that these documents are responsive to, we will limit the time frame of our requests above to all documents from within the last five (5) years.

Please produce all documents identified above by Wednesday, February 14, 2007. As you know, we are under a strict time schedule for jurisdictional discovery based on Judge Craven's order, and we are required to supplement our briefing by Friday, February 16. If the documents identified above are not produced by February 14, we will file a Motion to Compel in addition to our supplemental briefing discussing First Citizens' failure to produce this information.

Finally you will recall several discussions in Thursday's deposition of First Citizens Bank & Trust Company where documents that are responsive to discovery have not yet been collected for production in this case. We trust that all responsive documents identified as relevant during the deposition but not yet included in the data gathering process will be collected and produced.

We look forward to receiving all of the documents discussed above. Please contact me with any questions.

Very truly yours,



Anthony Bruster

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