

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

DATA TREASURY CORPORATION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 2:06-CV-72 DF
	§	
WELLS FARGO & COMPANY; et al.,	§	
	§	
Defendants.	§	

**AGREED MOTION FOR LEAVE TO EXTEND THE PAGE LIMIT
FOR SUR-REPLY**

Pursuant to Local Rule CV-7(a)(2), Plaintiff, DataTreasury Corporation, hereby moves for leave to file Plaintiff’s Sur-Reply In Support of Motion to Dismiss, or In the Alternative, to Stay Pending Arbitration (“Sur-reply”), in excess of the ten-page limit.

Local Rule CV-7(a)(2) limits reply briefs for dispositive motions to ten pages.

Plaintiff’s Sur-reply responds only to the relevant facts and arguments presented in [Datatresury Corporation v. Wells Fargo & Company et al](#) Defendants’ Reply brief, but, despite Plaintiff’s efforts to draft an appropriate reply within the 10-page limit, Plaintiff needs additional pages to adequately reply to Defendant’s arguments and precedent, many of which were not set forth in the original Motion, and appear for the first time in the Reply brief..

In total, Plaintiffs’ Sur-reply is eighteen pages and Plaintiff respectfully requests the Court’s leave to file Plaintiff’s Sur-reply In Support of Motion to Dismiss, or In the Alternative, to Stay Pending Arbitration, in excess of the 10-page limit. Defendant does not oppose Plaintiff’s request for leave. Plaintiff’s Sur-reply is attached as Exhibit A.

Respectfully Submitted,

/s/ Karl A. Rupp

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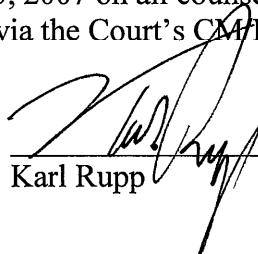
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on February 23, 2007 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).


Karl Rupp