

Exhibit A

Cause No.: 2:06-CV-72 DF
DataTreasury Corporation
v.
Wells Fargo & Company, et al.

Transcript of the Testimony of
David Anderson

February 7, 2007

By: Lisa Gretarsson, CSR

Gretchen Shore Court Reporting & Litigation Support
Phone:(903) 758-2183
Fax:(903) 758-4890
Email:gretchenshore@gretchenshore.com
Internet: www.gretchenshore.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

3	DATA TREASURY CORPORATION,) (
) (
4	Plaintiff,) (
) (
5	VS) (CIVIL ACTION NO.
) (2:06-CV-72 (DF)
6	WELLS FARGO & COMPANY,) (
	et al.,) (
7) (
	Defendants.) (

VIDEOTAPED ORAL DEPOSITION OF DAVID ANDERSON

FEBRUARY 7, 2007

VIDEOTAPED ORAL DEPOSITION OF DAVID ANDERSON,
produced as a witness at the instance of the Plaintiff,
and duly sworn, was taken in the above-styled and
above-numbered cause on the 7th day of February, 2007,
from 9:21 a.m. to 4:27 p.m., before Lisa J. Gretarsson,
CSR in and for the state of Texas, reported by machine
shorthand, at the offices of Pillsbury, Winthrop, Shaw,
Pittman, LLP, 50 Fremont, Suite 400, located in the city
of San Francisco, state of California, pursuant to the
Federal Rules of Civil Procedure and the provisions
stated on the record.

1 Q. In your role as an officer of UnionBanCal, 09:57
2 does the term "commercial deposits" have any meaning to 09:57
3 you? 09:57

4 A. UnionBanCal has no commercial deposits, has no 09:57
5 products or services. 09:57

6 Q. In your role as an employee of Union Bank of 09:57
7 California, does the term "commercial deposits" have any 09:57
8 particular meaning to you? 09:57

9 A. Yes. 09:57

10 Q. And what is that understanding? How is 09:57
11 that -- let me rephrase that. How is that relevant to 09:57
12 Union Bank of California? 09:57

13 A. It's a product. 09:57

14 Q. What kind of product? 09:57

15 A. It's a product or service of a commercial 09:57
16 bank. 09:58

17 Q. Can you describe what a -- in more detail what 09:58
18 a commercial deposit is? 09:58

19 A. I'm not involved in that area. 09:58

20 Q. Do you have any understanding as to what a 09:58
21 commercial deposit is? 09:58

22 A. As any individual would. 09:58

23 Q. And as an individual, what is your 09:58
24 understanding of what a commercial deposit is? 09:58

25 A. Opening accounts for customers who want to 09:58

1 A. Wire transfer instructions. 10:02

2 Q. Can you think of any other examples? 10:02

3 A. I suppose writing and depositing, anything 10:02

4 else that can go on in a customer's account initiated by 10:02

5 the customer. So I suppose maybe that example of your 10:02

6 debit to that account is a transaction. I'm not sure 10:02

7 I'd consider it a treasury-management function. That's 10:03

8 a customer-initiated transaction. 10:03

9 Q. And these examples that you just gave, would 10:03

10 you consider those to be banking activities? 10:03

11 A. Servicing a customer's account is a banking 10:03

12 activity. 10:03

13 Q. In your role as an officer of UnionBanCal, 10:03

14 does the term "real estate lending" have any meaning to 10:03

15 you? 10:03

16 A. No. The UnionBanCal has no products or 10:03

17 services for customers. 10:03

18 Q. In your role as an employee of Union Bank of 10:03

19 California, does the term "real estate lending" have any 10:03

20 meaning to you? 10:03

21 A. Yes. It's a -- a product of -- of a 10:03

22 commercial bank. 10:04

23 Q. And would this encompass the loan of funds to 10:04

24 purchase real estate, I presume? 10:04

25 A. I think that that's a common reason why people 10:04

1 A. He described the departments that I would be 09:37
2 in charge of and the general roles and responsibilities 09:37
3 that would go to administer those departments. 09:37

4 Q. And at that time what departments did 09:38
5 Mr. Matson indicate that you would be in charge of? 09:38

6 A. Controller's department, accounts payable and 09:38
7 payroll department. 09:38

8 Q. And what entity were those departments of? 09:38
9 Were those -- let me rephrase that. Were those 09:38
10 departments of UnionBanCal or Union Bank of California? 09:38

11 A. Union Bank. 09:38

12 Q. Okay. Is there a controller's department of 09:38
13 UnionBanCal? 09:38

14 A. No. 09:38

15 Q. Is there an accounts payable department of 09:38
16 UnionBanCal? 09:38

17 A. No. 09:39

18 Q. Is there a payroll department of UnionBanCal? 09:39

19 A. No. UnionBanCal has no employees. 09:39

20 Q. You also indicated that Mr. Matson -- you'd 09:39
21 also indicated that Mr. Matson stated that your general 09:39
22 roles and responsibility would be to administer those 09:39
23 departments. What were your general roles and 09:39
24 responsibilities, as Mr. Matson laid them out, in 09:39
25 regards to administering the controller's department? 09:39

1 not speculating when you gave that answer and I'm just 11:33
2 curious as to who those individuals are. 11:33
3 A. Officers, directors and employees of Union 11:33
4 Bank of California. There are 10,000 employees. I'm 11:33
5 not knowledgeable of all of those areas, but there are 11:33
6 policies of Union Bank and I'm knowledgeable that there 11:33
7 are policies of Union Bank. 11:34
8 Q. And how do you know that those policies are 11:34
9 adopted by -- at the recommendation of officers, 11:34
10 directors or employees of Union Bank of California? 11:34
11 A. Because they are disseminated throughout the 11:34
12 organization. 11:34
13 Q. Who disseminates them? 11:34
14 A. There's a department that does that. 11:34
15 Q. What department does that? 11:34
16 A. I don't know the name of that department, but 11:34
17 it is a -- just a communications department. 11:34
18 Q. Do you know who's in charge of the 11:34
19 communications department? 11:34
20 A. No, I do not. 11:34
21 Q. Given the overlap of directors of the Union 11:34
22 Bank of California and UnionBanCal Corporation, do you 11:34
23 honestly believe, as you sit here, as an officer of 11:35
24 UnionBanCal Corporation, that one of its subsidiary 11:35
25 organizations would not adopt a policy directed to that 11:35

1 that they are an officer or employee of one of those 10:50
2 companies, an officer of UnionBanCal Corporation or an 10:50
3 officer of Union Bank of California, possibly an 10:50
4 employee of Union Bank of California, or an officer or 10:50
5 an employee of an organization that's affiliated with 10:50
6 UnionBanCal Corporation. 10:50

7 Q. How many directors are there on the 10:51
8 UnionBanCal Corporation board? 10:51

9 A. I'm sorry, how many -- 10:51

10 Q. Directors. 10:51

11 A. -- directors? I think it's indicated here on 10:51
12 the piece of paper. 10:51

13 Q. And what is that number? 10:51

14 A. It says on here 17 members. 10:51

15 Q. And how many members are there on the board of 10:51
16 directors for Union Bank of California? 10:51

17 A. There are 16 members, as indicated by this 10:51
18 list. 10:51

19 Q. And of the 17 members that are -- or the 17 10:51
20 individuals listed here that are members of the board of 10:52
21 directors for UnionBanCal Corporation, how many of those 10:52
22 also serve as directors for Union Bank of California? 10:52

23 A. I think, as indicated on here, that 16 members 10:52
24 of the board of directors of UNBC also serve as 10:52
25 directors of Union Bank of California. 10:52

1 was, do the shareholders of Union Bank of California ' 10:59
2 elect -- 10:59
3 A. Yes, the shareholder. 10:59
4 Q. So shareholders in the singular here. 10:59
5 A. Yes. There is one shareholder. 10:59
6 Q. And that shareholder is UnionBanCal 10:59
7 Corporation, correct? 10:59
8 A. Yes, it is. 11:00
9 Q. Do you know who votes on behalf of UnionBanCal 11:00
10 Corporation for the directors of Union Bank of 11:00
11 California? 11:00
12 A. The directors of UnionBanCal Corporation vote 11:00
13 on behalf of the -- of the shareholder of Union Bank of 11:00
14 California. 11:00
15 Q. So the directors of UnionBanCal Corporation 11:00
16 vote on UnionBanCal Corporation's behalf as the sole 11:00
17 shareholder of Union Bank of California. 11:00
18 A. I believe that's the case. 11:00
19 Q. How many directors of Union Bank of California 11:01
20 are also directors of UnionBanCal Corporation? 11:01
21 A. According to this list, 16. 11:01
22 Q. So all 16 members of the board of directors 11:01
23 for Union Bank of California also serve as the board of 11:01
24 -- on the board of directors for Union Bank of 11:01
25 California. Is that your understanding? 11:01

1 FOR THE PLAINTIFF:

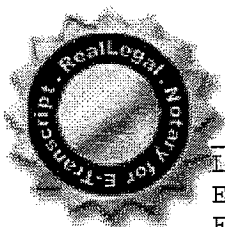
2 R. Benjamin King, Esq.
 NIX PATTERSON & ROACH, L.L.P.
 3 2900 St. Michael Drive, Suite 500
 Texarkana, Texas 75503
 4 Telephone: 903-223-3999
 Facsimile: 902-223-8520
 5 E-mail: benking@nixlawfirm.com

6 FOR THE DEFENDANT, UNIONBANCAL CORP.

7 Raymond L. Sweigart, Esq.
 Brian Harris, Esq.
 8 PILLSBURY, WINTHROP, SHAW, PITTMAN, LLP
 1650 Tysons Boulevard
 9 McLean, Virginia 22102
 Telephone: 703-770-7900
 10 Facsimile: 703-770-7901
 E-mail: raymond.sweigart@pillsburylaw.com

11
 12 I further certify that I am neither attorney nor
 13 counsel for nor related to or employed by any of the
 14 parties to the action in which this deposition is taken,
 15 and further that I am not a relative or employee of any
 16 attorney or counsel employed by the parties hereto or
 17 financially interested in the action.

18 In witness whereof, I have hereunto set my hand
 19 and affixed my seal this _____ day of _____,
 20 2007.



Lisa J. Grejarsson

 LISA J. GREJARSSON, CSR No. 4486

Expiration Date: 12-31-08
 Firm Registration No. 90
 208 N. Green Street, Ste. 201
 Longview, TX 75601
 903/758-2183 (telephone)
 903/758-4890 (fax)

21
 22
 23
 24
 25