

Exhibit B

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

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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 page 18 of the 10-K filing. I would like for you to 03:46

2 look down at the paragraph by Mr. Flynn's name. 03:47

3 A. Yes. 03:47

4 Q. And on the third sentence by Mr. Flynn's name, 03:47

5 it says, He, Mr. Flynn, served as vice chairman and head 03:47

6 of the commercial financial services group of Union -- 03:47

7 A. I'm sorry, third line or third sentence? You 03:47

8 said sentence, I believe. 03:47

9 Q. I'm sorry, third line. I apologize. 03:47

10 A. Thank you. 03:47

11 Q. He, Mr. Flynn, served as vice chairman and 03:47

12 head of the commercial financial services group of 03:47

13 UnionBanCal Corporation and Union Bank of California. 03:47

14 Do you see that? 03:47

15 A. Yes. 03:47

16 Q. And earlier you had said that commercial 03:47

17 financial services was a banking activity, correct? 03:48

18 A. Yes. 03:48

19 Q. Is it your testimony that UnionBanCal 03:48

20 Corporation does not engage in banking activities? 03:48

21 A. Yes. 03:48

22 Q. If UnionBanCal Corporation does not engage in 03:48

23 banking activities, can you explain to the judge and 03:48

24 jury why UnionBanCal Corporation has a commercial 03:48

25 financial services group when you earlier said 03:48

1 commercial financial services is a banking activity? 03:48

2 MR. SWEIGART: Object to the form. 03:48

3 A. I think as I said before, that is his title. 03:48

4 It happens that UnionBanCal Corporation does not have 03:48

5 commercial financial services operations. 03:48

6 Q. (BY MR. KING) But UnionBanCal Corporation 03:49

7 apparently has a group that's dedicated to commercial 03:49

8 financial services; is that correct? 03:49

9 A. In the bank, Union Bank of California. It is 03:49

10 very clear from looking at the footnotes to the 03:49

11 financial statements that UnionBanCal has no commercial 03:49

12 banking activities. 03:49

13 Q. Well, I'm looking at this paragraph right now, 03:49

14 Mr. Anderson, and in this paragraph it specifically 03:49

15 says, Mr. Flynn has served as vice chairman and head of 03:49

16 the commercial financial services group of UnionBanCal 03:49

17 Corporation. Now, does UnionBanCal Corporation have a 03:49

18 commercial financial services group? 03:49

19 A. No, it does not. 03:49

20 Q. So this is an inaccurate statement in the 03:49

21 10-K. 03:49

22 MR. SWEIGART: Object to the form. 03:49

23 A. It is an accurate statement. 03:49

24 Q. (BY MR. KING) Did UnionBanCal Corporation 03:50

25 have a commercial financial services group from April 03:50

1 FOR THE PLAINTIFF:

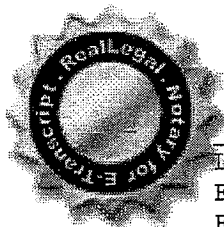
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 12 I further certify that I am neither attorney nor
 13 counsel for nor related to or employed by any of the
 14 parties to the action in which this deposition is taken,
 15 and further that I am not a relative or employee of any
 16 attorney or counsel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

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