

# **Exhibit A**

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

DATATREASURY CORPORATION,

Plaintiff

v.

WELLS FARGO & COMPANY, et al,

Defendants

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Civil Action No.: 2:06-CV-72

**FIRST CITIZENS BANCSHARES, INC.'S OBJECTIONS AND RESPONSES TO  
PLAINTIFF DATATREASURY CORPORATION'S FIRST SET OF REQUESTS  
FOR ADMISSION REGARDING JURISDICTIONAL DISCOVERY**

Defendant First Citizens BancShares, Inc. ("BancShares") files the following responses and objections to Plaintiff Datatresury Corporation's First Set of Requests for Admissions.

**REQUEST FOR ADMISSION NO. 1:** Admit that one of First Citizens Bancshares, Inc.'s banking subsidiaries is First Citizens Bank and Trust Company.

**ANSWER:** Admit.

**REQUEST FOR ADMISSION NO. 2:** Admit that First Citizens Bancshares, Inc. operates First Citizens Bank and Trust Company.

**ANSWER:** BancShares objects to this request as vague and ambiguous with respect to the term "operates." BancShares also objects to this request to the extent that it calls for a legal conclusion. Subject to and without waiver of these objections, denied.

**REQUEST FOR ADMISSION NO. 3:** Admit that First Citizens Bancshares, Inc. controls First Citizens Bank and Trust Company.

**ANSWER:** BancShares objects to this request as vague and ambiguous with respect to the term “controls.” BancShares also objects to this request to the extent that it calls for a legal conclusion. Subject to and without waiver of these objections, denied.

**REQUEST FOR ADMISSION NO. 4:** Admit that First Citizens Bancshares, Inc. directs the operations of First Citizens Bank and Trust Company.

**ANSWER:** BancShares objects to this request as vague and ambiguous with respect to the terms “directs” and “operations.” BancShares also objects to this request to the extent that it calls for a legal conclusion. Subject to and without waiver of these objections, denied.

**REQUEST FOR ADMISSION NO. 5:** Admit that First Citizens Bank and Trust Company performs electronic banking transactions within the geographical boundaries of the Eastern District of Texas.

**ANSWER:** Denied.

**REQUEST FOR ADMISSION NO. 6:** Admit that First Citizens Bancshares, Inc. provides financial services to clients.

**ANSWER:** BancShares objects to this request as vague and ambiguous with respect to the terms “financial services” and “clients.” Subject to and without waiver of these objections, denied.

**REQUEST FOR ADMISSION NO. 7:** Admit that First Citizens Bancshares, Inc. operates branch offices in the state of Texas.

**ANSWER:** BancShares objects to this request as vague and ambiguous with respect to the term “operates.” BancShares also objects to this request to the extent that it calls for a legal conclusion. Subject to and without waiver of these objections, denied.

**REQUEST FOR ADMISSION NO. 8:** Admit that First Citizens Bancshares, Inc. has an interest in real estate located within the State of Texas.

**ANSWER:** Denied.

**REQUEST FOR ADMISSION NO. 9:** Admit that in the last three years First Citizens Bancshares, Inc. has reported revenue that is generated from business conducted in Texas.

**ANSWER:** BancShares objects to this request as vague and ambiguous with respect to the phrases “reported revenue” and “generated from business conducted in Texas.” As a result, BancShares is unable to admit or deny this request as phrased. Subject to and without waiver of these objections, BancShares admits that filings including information consolidated from its separate subsidiaries may report revenue of those subsidiaries from business in Texas.

**REQUEST FOR ADMISSION NO. 10:** Admit that within the last three years, First Citizens Bancshares, Inc. has provided operational support to First Citizens Bank and Trust Company.

**ANSWER:** Denied.

**REQUEST FOR ADMISSION NO. 11:** Admit that within the last three years, First Citizens Bancshares, Inc. has provided financial support to First Citizens Bank and Trust Company.

**ANSWER:** Denied.

**REQUEST FOR ADMISSION NO. 12:** Admit that First Citizens Bank and Trust Company is subject to personal jurisdiction within the Eastern District of Texas in the above-styled cause.

**ANSWER:** BancShares objects to this request as seeking a legal conclusion. Subject to and without waiver of this objection, denied.

Dated: January 22, 2007.

Respectfully submitted,

/s/ Larry D. Carlson

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ATTORNEYS FOR DEFENDANTS FIRST-  
CITIZENS BANK & TRUST COMPANY AND  
FIRST CITIZENS BANCSHARES, INC.

### CERTIFICATE OF SERVICE

I certify that on January 22, 2007, all counsel who are deemed to have consented to electronic service are being served with a copy of this document via electronic transmission.

/s/ Larry D. Carlson

Larry D. Carlson