

**EXHIBIT 1 to DEFENDANT UNIONBANCAL
CORPORATION'S MOTION FOR
CLARIFICATION OR FOR A PROTECTIVE
ORDER REGARDING DISCOVERY ORDER
(D.E. NO. 597) AND ENLARGEMENT OF TIME**

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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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION

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

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 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 THE VIDEOGRAPHER: We're off the record 01:57
2 at 1:57. 01:57

3 (Recess taken 1:57 to 2:10) 01:57

4 THE VIDEOGRAPHER: Back on the record at 02:10
5 2:10. 02:10

6 Q. (BY MR. KING) Mr. Anderson, we just came back 02:10
7 from a quick break. I just want to go back and clean up 02:10
8 a couple of things before I move on. 02:10

9 Earlier, I believe before lunch, if I'm 02:10
10 not mistaken, we had talked about the board of directors 02:10
11 meetings that were held in January of this year -- 02:10

12 A. Uh-huh (affirmative). 02:10

13 Q. -- by Union Bank of California and UnionBanCal 02:10
14 Corporation. And I believe you had indicated that you 02:10
15 thought both of those were held beginning the morning of 02:10
16 January 23rd. 02:11

17 A. That's correct. 02:11

18 Q. Were those board of directors meetings held 02:11
19 simultaneously with each other? 02:11

20 A. I don't know about this one specifically, but 02:11
21 usually they -- they can be. They're separate business 02:11
22 for both boards, but if it applies to all the 02:11
23 organizations, they could be combined. 02:11

24 Q. To the best of your knowledge, are they 02:11
25 usually combined? 02:11

1 A. I -- I'd say most of the time that they are 02:11
2 combined. 02:11

3 Q. And during the course of those meetings when 02:11
4 they're combined, is there any way to distinguish when 02:11
5 members of the board of directors are speaking on behalf 02:11
6 of UnionBanCal Corporation or Union Bank of California? 02:11

7 A. Yes, I believe so. 02:11

8 Q. And what are -- what are those procedures? 02:11

9 A. Well, the -- the item before the -- the board 02:11
10 would be addressed to that specific board members, such 02:11
11 as the filing of a proxy. The approval of the proxy or 02:12
12 the SEC documents are approved by the board of directors 02:12
13 of UnionBanCal Corporation. So if the business 02:12
14 pertained to that particular company, it would be 02:12
15 addressed to those members. 02:12

16 Q. Would both boards be in the -- conducting 02:12
17 the -- 02:12

18 MR. KING: Strike that. 02:12

19 Q. (BY MR. KING) When the proxy statement, for 02:12
20 example, is up for approval, are members of Union Bank 02:12
21 of California, members of that board of directors, also 02:12
22 in the meeting with the board of directors for 02:12
23 UnionBanCal Corporation? 02:12

24 A. I believe so, particularly in the case of the 02:12
25 proxy, because some of the board committees are only 02:12

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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. Gretarsson

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