

**EXHIBIT 2 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 Q. (BY MR. KING) I'll wait for your counsel to 12:45  
2 track it down before I start asking you questions about 12:45  
3 it. 12:45

4 MR. SWEIGART: Okay. I'm on 8. 12:45

5 MR. KING: Fantastic. 12:45

6 MR. SWEIGART: Thank you. 12:45

7 MR. KING: No problem. And if I jump 12:45  
8 ahead and you guys have any problems finding it, just 12:45  
9 let me know and stop me before I get -- before I go into 12:45  
10 it. 12:45

11 Q. (BY MR. KING) Have you had a chance to read 12:45  
12 that paragraph on the public policy committee? 12:45

13 A. Yes, I did. 12:45

14 Q. Okay. And it states in there that the public 12:45  
15 policy committee is a joint committee of UnionBanCal and 12:45  
16 Union Bank of California, correct? 12:45

17 A. Uh-huh (affirmative). 12:45

18 Q. Does that refresh your recollection in any way 12:45  
19 as to whether or not Union Bank of California has a 12:45  
20 public policy committee at the appointment of its board 12:45  
21 of directors? 12:45

22 A. Yes, it does. 12:45

23 Q. Okay. And do you -- would you agree that the 12:45  
24 public policy committee is a committee that's appointed 12:46  
25 by the board of directors of Union Bank of California? 12:46

1 A. I'm not sure that that says that. 12:46

2 Q. Is it your understanding, in your role as an 12:46

3 employee of Union Bank of California, whether or not the 12:46

4 board of directors appoints a public policy committee? 12:46

5 A. That's just conjecture on my part as to who 12:46

6 would actually appoint it. It is a joint committee of 12:46

7 the two companies. 12:46

8 Q. And who are the -- who are the directors that 12:46

9 serve on the public policy committee as of December 31, 12:46

10 2005? 12:46

11 A. They're listed here, that you're showing me. 12:46

12 Q. Okay. Can you name those, please? 12:46

13 A. Sure. Mary Metz, Aida Alvarez, J. Fernando 12:46

14 Niebla, Carl Robertson and Dean Yoost. 12:47

15 Q. Now, other than Mr. Robertson, all of those 12:47

16 are also directors of both UnionBanCal Corporation and 12:47

17 Union Bank of California, correct? 12:47

18 A. That's correct. 12:47

19 Q. And Mr. Robertson is only a director of Union 12:47

20 Bank of California, correct? 12:47

21 A. Yes, he is. 12:47

22 Q. Okay. Given that this is a joint committee 12:47

23 between UnionBanCal and Union Bank of California, I'll 12:47

24 go back to a question I posed earlier. In your position 12:47

25 as both an officer of UnionBanCal Corporation and an 12:47

1 Q. (BY MR. KING) Okay. 12:52

2 A. So it's discussed within it. 12:52

3 Q. Okay. Do you see the executive compensation 12:52

4 and benefits committee? 12:52

5 A. I do. 12:52

6 Q. Okay. Is that a -- 12:52

7 MR. KING: I'm sorry. It's at the -- 12:52

8 it's still on page 8. I believe it's at the top of that 12:52

9 page. 12:52

10 MR. SWEIGART: Okay. Got it. 12:52

11 Q. (BY MR. KING) Is the executive compensation 12:52

12 and benefits committee, as described here, a committee 12:52

13 of UnionBanCal Corporation? 12:52

14 A. You know, it does not, that I can see, 12:52

15 identify it as which one. It is whether it's combined 12:53

16 or separate. That's one of the reasons why earlier in 12:53

17 our conversation I wasn't -- I wasn't sure. 12:53

18 Q. So you don't know if this is a committee -- 12:53

19 well, does -- 12:53

20 A. It absolutely is a committee of UnionBanCal 12:53

21 Corporation. 12:53

22 Q. You just don't know whether or not it's also a 12:53

23 committee of Union Bank of California. 12:53

24 A. I believe it is, although I'm not sure. 12:53

25 Q. Okay. Who makes up the executive compensation 12:53

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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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