

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

DATATREASURY CORPORATION,

Plaintiff,

v.

WELLS FARGO & COMPANY, et al.,

Defendants.

2:06-CV-72 DF

ORDER GRANTING UNOPPOSED MOTION TO STAY PENDING APPEAL

On this day, the Court considered Wells Fargo & Company and Wells Fargo Bank, N.A.'s (collectively "Wells Fargo") Unopposed Motion to Stay Pending Appeal (the "Unopposed Motion"). After considering the Unopposed Motion and other matters of record, the Court is of the opinion that the Unopposed Motion is meritorious and should be granted. It is therefore,

ORDERED that this lawsuit as between DataTreasury and Wells Fargo is hereby stayed in its entirety, including but not limited to any and all motion practice, discovery requests, depositions of witnesses, and any other pending deadlines between DataTreasury and Wells Fargo, until Wells Fargo exhausts its appellate remedies with respect to this Court's order denying Wells Fargo's Motion to Dismiss or, in the Alternative, to Stay Pending Arbitration. While neither Wells Fargo nor DataTreasury have presently expressed any reason to lift the stay before Wells Fargo exhausts such appellate remedies, nothing in this Order shall prevent either party from filing a motion to lift the stay in the event it becomes necessary to file such a motion. In the event that a motion to lift the stay is filed, the non-filing party shall have the opportunity to

oppose such a motion in accordance with the Federal Rules of Civil Procedure and this Court's Local Rules. Further, Wells Fargo shall not argue to any appellate court or arbitration panel that DataTreasury's agreement to stay this lawsuit as to Wells Fargo constitutes DataTreasury's express or implied agreement that arbitration is the proper forum to resolve the disputes between Wells Fargo and DataTreasury.