

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

DATATREASURY CORP.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	No. 2:06-cv-0072-DF
	§	JURY TRIAL DEMANDED
WELLS FARGO & COMPANY, et. al.	§	
	§	
Defendants	§	
	§	

**DATA TREASURY CORPORATION’S MOTION TO PERMIT WITHDRAWAL
OF PLAINTIFF’S PROPOSED DEPOSITION PROTOCOL ORDER, AND FOR
ENTRY OF JOINTLY PROPOSED DEPOSITION PROTOCOL ORDER**

COMES NOW DataTreasury Corporation (“DataTreasury”) and moves the Court for an Order permitting the withdrawal of Plaintiff’s previously proposed position Protocol Order, and for entry of the jointly proposed Deposition Protocol Order. In support wherefore, DataTreasury states as follows:

- (1) On November 9, 2006, the parties submitted to the Court a Joint Motion for Entry of a Deposition Protocol Order (Docket #353);
- (2) As exhibits to this Motion, the parties submitted for the Court’s consideration two different and alternate versions of a Deposition Protocol Order, one proposed by DataTreasury (Docket #353, Attachment 2), the other by Defendants (Docket #353, Attachment 1). The two proposals are identical, except for certain minor provisions concerning the methodology for the video-recording of depositions;
- (3) To expedite resolution of the controversy, DataTreasury now requests that the Court permit withdrawal of the Deposition Protocol Order it earlier proposed

to the Court, and that the Court instead adopt and enter the now-unanimously proposed Deposition Protocol Order originally advanced by Defendants (Docket #353, Attachment 1).

For the foregoing reasons, DataTreasury respectfully requests that the Court grant the relief described herein.

Respectfully submitted,

/s/ Karl A. Rupp_____

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served via the Court's electronic filing system on all counsel who have consented to electronic service on this the 10th day of July, 2007.

/s/ Karl A. Rupp _____

Karl A. Rupp

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that a conference with defense counsel took place on August 13, 2007 regarding the foregoing document and the Motion is unopposed.

/s/ Karl A. Rupp _____

Karl A. Rupp