

UNITED STATES DISTRICT COURT
FOR THE 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-DF

JURY TRIAL DEMANDED

**ORDER GRANTING DEFENDANT FIRST-CITIZENS BANK & TRUST COMPANY'S
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Before the Court is Defendant First-Citizens Bank & Trust Company's Motion to Dismiss for Failure to State a Claim, or in the Alternative, for a More Definite Statement. After considering the Motion to Dismiss for Failure to State a Claim, the parties' filings, the pleadings, and the governing law, the Court finds the motion well taken. Accordingly, it is:

ORDERED that Defendant First-Citizens Bank & Trust Company's Motion to Dismiss for Failure to State a Claim is GRANTED; and

ORDERED that Plaintiff DataTreasury Corporation's claims against Defendant First-Citizens Bank & Trust Company be, and hereby are, DISMISSED without prejudice.