

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

**ACTUS, LLC,**

**Plaintiff,**

**v.**

**BANK OF AMERICA CORP., et al.,**

**Defendants.**

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**Civil Action No. 2:09-CV-102 [TJW]  
JURY TRIAL DEMANDED**

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**NOTICE OF APPEARANCE**

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**TO THE HONORABLE COURT:**

**NOTICE IS HEREBY GIVEN** that Eric W. Pinker of Lynn Tillotson, Pinker & Cox, L.L.P., 2100 Ross Ave., Suite 2700, Dallas, Texas 75201; telephone (214) 981-3800; facsimile (214) 981-3839, hereby makes his appearance as additional counsel of record for Defendant M&T Bank, Corp. in the above-numbered and styled cause.

Pursuant to the Federal Rules of Civil Procedure, please serve this office with all pleadings relating to this matter from this time forth. ECF Notices should be directed to the following e-mail addresses: epinker@lynnllp.com and fcrae@lynnllp.com.

November 19, 2009.

Respectfully submitted,

/s/ Eric W. Pinker

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**ATTORNEYS FOR DEFENDANTS  
VISA INC. AND M&T BANK, CORP.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, the foregoing was served on all counsel of record who have consented to electronic service. Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d), all others not deemed to have consented to electronic service were served with a true and correct copy of the foregoing via email on this 19th day of November, 2009.

/s/ Eric W. Pinker

ERIC W. PINKER

