

Dated: July 26th, 2006

Respectfully submitted,

By: /s/ Douglas R. McSwane, Jr.

Willem G. Schuurman
Texas State Bar No. 17855200
Joseph D. Gray
Texas State Bar No. 24045970
VINSON & ELKINS L.L.P.
2801 Via Fortuna, Suite 100
Austin, Texas 78746
Phone: (512) 542-8400 –
Fax: (512) 236-3476
E-mail: bschuurman@velaw.com
JGray@velaw.com

-and-

Douglas R. McSwane, Jr.
Texas State Bar No. 13861300
POTTER MINTON, P.C.
110 North College
500 Plaza Tower
Tyler, Texas 75702
Phone: (903) 597-8311
Fax: (903) 593-0846

**ATTORNEYS FOR DEFENDANTS
MERCHANT MONEY TREE, INC.
FIRST FUNDS, LLC
REACH FINANCIAL, LLC**

By: /s/ Deborah Race

Otis W Carroll, Jr
Texas State Bar No. 03895700
Deborah Race
Texas State Bar No. 16448700
IRELAND CARROLL & KELLEY, PC
6101 S Broadway
Suite 500
Tyler, TX 75703
903-561-1600
E-Mail: drace@icklaw.com

Of Counsel:

Ronald S. Lemieux
PAUL HASTINGS JANOFSKY & WALKER LLP
Five Palo Alto Square
Sixth Floor
Palo Alto, CA 94306-2155
650/320-1821
Fax: 650/320-1900
Email: ronaldlemieux@paulhastings.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by facsimile transmission and/or first class mail this 26th day of July 2006.

/s/ Douglas R. McSwane, Jr.

Douglas R. McSwane, Jr.