

IRVING EHRENHAUS, On Behalf Of Himself And
All Others Similarly Situated,

Plaintiff,

(CLASS ACTION)

v.

JOHN D. BAKER, II, PETER C. BROWNING,
JOHN T. CASTEEN, III, JERRY GITT, WILLIAM
H. GOODWIN, JR., MARYELLEN C.
HERRINGER, ROBERT A. INGRAM, DONALD
M. JAMES, MACKEY J. MCDONALD, JOSEPH
NEUBAUER, TIMOTHY D. PROCTOR, ERNEST
S. RADY, VAN L. RICHEY, RUTH G. SHAW,
LANTY L. SMITH, G. KENNEDY THOMPSON,
DONA DAVIS YOUNG, WACHOVIA
CORPORATION, and WELLS FARGO &
COMPANY,


Defendants.

MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs hereby move for an injunction preliminarily and permanently enjoining defendants and all of those acting in concert with them from consummating (1) the merger announced on October 3, 2008, pursuant to which Wachovia Corporation ("Wachovia") will merge with Wells Fargo & Company ("Wells Fargo") and (2) the share exchange announced on October 3, 2008, pursuant to which Wachovia plans to issue to Wells Fargo preferred stock that votes as a single class with Wachovia's common stock, representing 39.9 percent of Wachovia's voting power. The bases for this Motion shall be set forth in a brief to be filed on a schedule to be set by the Court.

Dated: October ¹⁴ 2008

GREG JONES & ASSOCIATES, P.A.

By: 

Greg Jones, Esq.
3015 Market Street
Wilmington NC 28403
(910) 251-2240
(910) 251-1520 fax

Attorneys for Plaintiff

OF COUNSEL:

WOLF POPPER LLP
Robert M. Komreich, Esq.
Carl L. Stine, Esq.
Anthony Green, Esq.
845 Third Avenue
New York, New York 10022
(212) 759-4600

CERTIFICATE OF SERVICE

This is to certify that the undersigned counsel has this day served the *Motion for Preliminary Injunction* in the referenced case upon the below-named individuals and/or corporations by depositing a copy of document, postage pre-paid, in the United State Mail, addressed to:

**Wells Fargo & Company
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603**

**Dona Davis Young
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603**

**Wachovia Corporation
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603**

**G. Kennedy Thompson
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603**

**Lanty L. Smith
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603**

**Ruth G. Shaw
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603**

**Van L. Richey
c/o Corporation Service Company**

327 Hillsborough Street
Raleigh, NC 27603

Joseph Neubauer
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

Ernest S. Rady
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

Timothy D. Proctor
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

Mackey J. McDonald
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

Donald M. James
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

Robert A. Ingram
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

MaryEllen C. Herringer
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

William H. Goodwin, Jr.
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

Jerry Gitt
c/o Corporation Service Company

327 Hillsborough Street
Raleigh, NC 27603

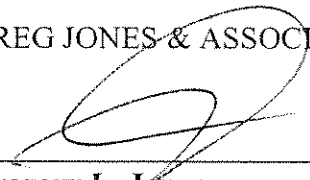
John T. Casteen, III
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

John D. Baker, II
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

Peter C. Browning
c/o Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

This the 15 day of October, 2008.

GREG JONES & ASSOCIATES, P.A.



Gregory L. Jones
NC State Bar No.: 13001
3015 Market Street
Wilmington, NC 28403
(910) 251-2240
Attorney for Plaintiff