

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
CIVIL ACTION NO: 08 CVS 22632

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

Plaintiff,

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, MACKKEY
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.

NOTICE OF DESIGNATION OF ACTION
AS MANDATORY COMPLEX BUSINESS
CASE UNDER N.C. GEN. STAT. § 7A-45.4

Pursuant to N.C. Gen. Stat. § 7A-45.4, Irving Ehrenhaus hereby designates the above-captioned action as a mandatory complex business case. In good faith and based on information reasonably available, Irving Ehrenhaus, through counsel, hereby certifies that this action meets the following criteria for designation as a mandatory complex business case pursuant N.C. Gen. Stat. § 7A-45.4(a), and should be adjudicated in the Business Court:

- (1) The law governing corporations, partnerships, limited liability companies, and limited liability partnerships.
- (2) Securities law.
- (3) Antitrust law, except claims based solely on unfair competition under N.C. Gen. Stat. § 75-1.1.
- (4) State trademark or unfair competition law, except claims based solely on unfair competition under N.C. Gen. Stat. § 75-1.1.

_____ (5) Intellectual property law.

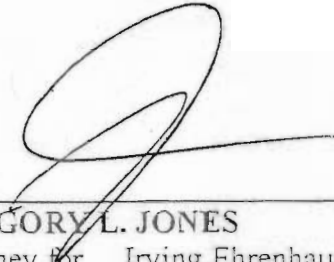
_____ (6) The Internet, electronic commerce, and biotechnology.

Briefly explain (attach additional sheets if necessary) why the action falls within the specific categories of N.C. Gen. Stat. 7A-45.4(a) checked above, as well as any additional information you believe may be helpful to the Court in determining whether the Business Court should retain jurisdiction of this matter:

This is a class action on behalf of the public stockholders of Wachovia Corporation ("Wachovia" or the "Company") in connection with a proposed acquisition of Wachovia by Wells Fargo & Company ("Wells Fargo") in breach of defendants' fiduciary duties (the "Merger"). Plaintiff alleges that he and the other public stockholders of the Company's common stock are entitled to enjoin the Merger, or alternatively, to recover damages in the event the Merger is consummated. Plaintiff alleges that the Merger provides Wachovia's public shareholders with inadequate consideration and is the product of a severely flawed sales process. Wachovia's Board of Directors (the "Board") has essentially disenfranchised the voters of Wachovia and locked up the vote in favor of the Merger when, in connection with the Merger Agreement, Wachovia and Wells Fargo entered into a share exchange agreement under which Wachovia is issuing Wells Fargo preferred stock that votes as a single class with Wachovia's common stock representing 39.9 percent of Wachovia's voting power.

A copy of all pleadings listed in N.C. R. Civ. P. 7(a) that have been filed to date in this action are attached hereto as Appendix A for the convenience of the Court.

This 1st day of Oct, 2008.



GREGORY L. JONES
Attorney for Irving Ehrenhaus
NC State Bar No.: 13001
3015 Market Street
Wilmington, NC 28403
(910) 251-2240

327 Hillsborough Street
Raleigh, NC 27603

CERTIFICATE OF SERVICE

This is to certify that the undersigned counsel has this day served the *Notice of Designation of Action as Mandatory Complex Business Case Under NC General Statute 7A-45.4* 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:

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

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


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