

NOV 22 2005

Michael N. Milby, Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re Enron Corporation Securities, Derivative & "ERISA Litigation	§ § § §	MDL-1446
MARK NEWBY, ET AL.,	§ § § § § §	
Plaintiffs	§ § § § § §	
VS.	§	CIVIL ACTION NO. H-01-3624
ENRON CORPORATION, ET AL.,	§ § § § § §	CONSOLIDATED CASES
Defendants	§ § § § § §	
MARY BAIN PEARSON AND JOHN MASON,	§ § § § § §	
Plaintiffs,	§ § § § § §	
VS.	§	CIVIL ACTION NO. H-03-5332
ANDREW S. FASTOW, ET AL.,	§ § § § § §	
Defendants.	§ § § § § §	
FRED A. AND MARIAN ROSEN, ET AL.	§ § § § § §	
Plaintiffs,	§ § § § § §	
VS.	§	CIVIL ACTION NO. H-03-5333
ANDREW S. FASTOW, ET AL.,	§ § § § § §	
Defendants.	§ § § § § §	
HAROLD AND FRANCES AHLICH, ET AL.,	§ § § § § §	
Plaintiffs,	§ § § § § §	
VS.	§	CIVIL ACTION NO. H-03-5334
ANDREW S. FASTOW, ET AL.,	§ § § § § §	
Defendants.	§ § § § § §	

RUBEN AND IRENE DELGADO, ET AL.	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. H-03-5335
	§	
ANDREW S. FASTOW, ET AL.,	§	
	§	
Defendants.	§	
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RICHARD CHOUCROUN, ET AL.,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. H-03-3320
	§	
ARTHUR ANDERSEN L.L.P., ET AL.,	§	
	§	
Defendants.	§	
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JANE BULLOCK, ET AL.,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. H-04-4455
	§	
ARTHUR ANDERSEN, L.L.P., ET AL.	§	
	§	
Defendants.	§	

ORDER

Pending before the Court is Third-Party Bank Defendants' Motion to Compel Certain Plaintiffs to Appear for Deposition and to Compel Further Discovery Responses (#4174 in *Newby*, and entered in each member case).


During a telephone conference on the afternoon of November 21, 2005, counsel for the Bank Defendants represented that the issues¹ had been narrowed to seeking to compel the

¹ Counsel have agreed regarding Plaintiffs Roger Powell and Anthony Tobin, who are too ill to travel to Houston, that if they are to testify at trial, they will be provided for deposition beforehand. Counsel have also resolved issues of compelling further written discovery responses from Plaintiffs Henry Boehm, Delbert Stark, Dr. Robert Stark, Preston Clayton, Rietta

depositions of four Plaintiffs who have thus far not provided their attorney with dates for their depositions: Patrick Carney, Gregg Carr, and Clive and Nancy Runnells. Having considered the arguments of counsel, the Court

ORDERS that the motion to compel is GRANTED and that Patrick Carney, Gregg Carr, and Clive and Nancy Runnells shall appear for depositions by the close of discovery on November 30, 2005 or shall agree before the close of discovery on a future date for their depositions. Failure to comply may result in dismissal of their claims.

SIGNED at Houston, Texas, this 21st day of November, 2005.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE

Huchmacher, Scott Grace, and Stephen T. Johnson.