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

United States Courts
Southern District of Texas
FILED

SEP 30 2002

C.H.

Michael N. Milby, Clerk

MARK NEWBY,
Plaintiff, §

VS. §

ENRON CORP., ET AL.,
Defendants. §

Consolidated Lead No. H-01-3624 ✓

AMERICAN NATIONAL INSURANCE
COMPANY, ET AL.,
Plaintiffs, §

VS. §

J.P. MORGAN CHASE & COMPANY,
Defendant. §

Civil Action No. G-02-0299

**DEFENDANT J.P. MORGAN CHASE & CO.'S UNOPPOSED MOTION FOR LEAVE
TO FILE AND/OR SUBSTITUTE REVISED OPPOSITION**

Defendant J.P. Morgan Chase & Co. ("JPMorgan Chase") files this Unopposed Motion for Leave to File and/or Substitute Revised Opposition to Plaintiffs' Motion for Reconsideration and Request for Permission to Appeal Pursuant to 28 U.S.C. § 1292(b), and in support hereof will show as follows:

I.

On September 27, 2002, JPMorgan Chase timely filed its Opposition to Plaintiffs' Motion for Reconsideration and Request for Permission to Appeal Pursuant to 28 U.S.C. § 1292(b) ("Opposition"). The Opposition contains inadvertent formatting errors, and JPMorgan Chase hereby requests that the Court substitute a revised version of its Opposition. A copy of the revised version of the Opposition is attached as Exhibit 1.

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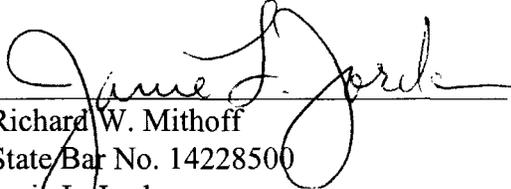
Counsel for JP Morgan Chase has conferred with Plaintiffs' counsel, and they have indicated that they do not oppose this Motion.

JP Morgan Chase respectfully requests that the Court grant this Motion and that the Court substitute the attached revised Opposition.

Dated: Houston, Texas
September 30, 2002

Respectfully submitted,

MITHOFF & JACKS, L.L.P.

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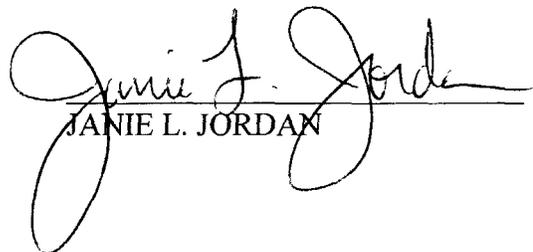
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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing motion has been served by mail upon the following this 30th day of September, 2002 and served upon on all known counsel via the website:

Andrew J. Mytelka
State Bar No. 1476700
Greer, Herz & Adams, L.L.P.
One Moody Plaza, 18th Floor
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JANIE L. JORDAN

The Exhibit(s) May
Be Viewed in the
Office of the Clerk