



1. On May 6, 2002, Defendant J.P. Morgan Chase & Co. ("JPMorgan Chase") filed a Notice of Removal in this matter pursuant to 15 U.S.C. §§ 77(p)(c), 77bb(f)(2) and 28 U.S.C. §§ 1331, 1334, 1367, 1441, 1446, and 1452.

2. JPMorgan Chase respectfully submits this Statement of Clarification in order to ensure its full compliance with Bankruptcy Rule 9027, and states the following in connection with its Notice of Removal:

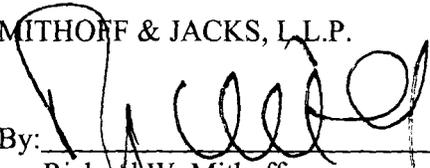
- Upon removal of this cause of action, this matter is a non-core bankruptcy matter. *See also* Notice of Removal, ¶ 18 (stating that this matter is "related to" the Enron bankruptcy under 28 U.S.C. §§ 1334 and 1452).
- JPMorgan Chase does not consent to entry of final orders or judgment by the bankruptcy judge. *See also* Notice of Removal, ¶ 28 (requesting consolidation before this Court).

3. JPMorgan Chase respectfully requests that these two statements be incorporated as clarified into the Notice of Removal.

Dated: Houston, Texas  
October 22, 2002

Respectfully submitted,

MITHOFF & JACKS, L.L.P.

By: 

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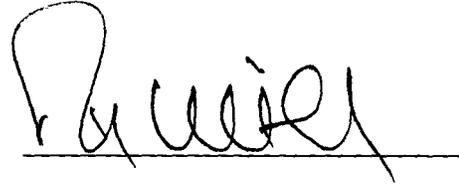
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**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing Defendant's Statement of Clarification has been served by mail upon the following this 22nd day of October, 2002:

Andrew J. Mytelka  
State Bar No. 1476700  
Greer, Herz & Adams, L.L.P.  
One Moody Plaza, 18<sup>th</sup> Floor  
Galveston, Texas, 77002

A handwritten signature in black ink, appearing to read "A. Mytelka", is written over a horizontal line.