

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

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Michael N. Milby, Clerk

In re ENRON CORPORATION §
SECURITIES LITIGATION §

This Document Relates To: §

MARK NEWBY, *et al.*, individually §
and on behalf of all others similarly §
situated, §

Plaintiffs, §

v. §

ENRON CORP., *et al.* §

Defendants. §

ABBHEY NATIONAL TREASURY §
SERVICES plc §

Plaintiff, §

v. §

CREDIT SUISSE FIRST BOSTON §
CORPORATION, et al §

Defendants. §

Civil Action No. H-01-3624
(Consolidated)

Civil Action No. H-02-3869

**DEFENDANTS CREDIT SUISSE FIRST BOSTON CORPORATION
AND J.P. MORGAN SECURITIES INC.'S FIRST SUPPLEMENTAL
NOTICE OF CONSOLIDATION, AND IN THE ALTERNATIVE,
FIRST SUPPLEMENTAL MOTION TO CONSOLIDATE**

1124

Defendants Credit Suisse First Boston Corporation (“CSFB Corp.”)¹ and J.P. Morgan Securities Inc. (formerly known as Chase Securities Inc.) (“JP Morgan Securities”)² file this First Supplemental Notice of Consolidation, and in the alternative, First Supplemental Motion to Consolidate pursuant to Local Rule 7.6 and the Court’s December 12, 2001 Order of Consolidation (Instrument # 17), and respectfully show the Court as follows:

On October 30, 2002, CSFB Corp. and JP Morgan Securities filed their Notice of Consolidation, and in the alternative, Motion to Consolidate (the “Notice”). At the time CSFB Corp. and JP Morgan Securities filed the Notice, they were not aware that on October 29, 2002 Abbey National Treasury Services, plc (“Abbey”) had filed its Amended Complaint. (A copy of the Amended Complaint is attached hereto as Exhibit 1).

The Amended Complaint is substantially the same as the Complaint except that the Amended Complaint attempts to state additional causes of action. The additional causes of action in the Amended Complaint arise out of the same factual allegations as stated in the Complaint – alleged securities fraud in the sale of certain senior secured notes issued by two Enron Corporation Special Purpose Entities and Enron’s allegedly fraudulent financial statements and Offering Memorandum

The December 12, 2001 Order of Consolidation provides:

Pursuant to Rule 42 of the Federal Rules of Civil Procedure and Local Rule 7.6, and to secure the interests of justice, the actions involving or related to the financial difficulties of Enron Corporation, pending in the Southern District of

¹ Abbey purports to be suing certain entities affiliated with Credit Suisse First Boston Corporation, which entities have not been properly served and are not subject to the jurisdiction of the Court. This submission is on behalf of Credit Suisse First Boston Corporation only, and does not waive any jurisdictional arguments available to its affiliates, including insufficiency of service of process.

² In addition, this submission is on behalf of J.P. Morgan Securities Inc. (formerly known as Chase Securities Inc.). However, because it is unclear whether J.P. Morgan Securities Inc. or any entity affiliated with it has been properly served, with either the original or the Amended Complaint, J.P. Morgan Securities Inc. does not waive any jurisdictional defenses available to it or its subsidiaries or affiliates, including but not limited to improper service and insufficient service of process.

Texas, are consolidated in the court in which the oldest related case was filed in this district, which is Civil Action No. H-01-3624, *Newby v. Enron Corporation, et al.* Other actions later filed in this District relating to the same core of operative facts and issues will also be consolidated in this Court.

See December 12, 2001 Order. (Instrument # 17) (A copy of which is attached hereto as Exhibit 2). As with the Complaint, the Amended Complaint attempts to state an action “involving or related to the financial difficulties of Enron Corporation, pending in the Southern District of Texas.” This action is also an action “later filed in this District relating to the same core of operative facts and issues” as in *Newby v. Enron Corporation, et al.* For the reasons stated herein, and in the Notice, Abbey’s action should be consolidated in *Newby v. Enron Corporation, et al.*

WHEREFORE, Credit Suisse First Boston Corporation and J.P. Morgan Securities Inc. respectfully requests that the *Abbey* action, Civil Action No. H-02-3869, be consolidated with Civil Action No. H-01-3624, *Newby v. Enron Corporation et al.*

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on counsel for Abbey National Treasury Services plc pursuant to the Federal Rules of Civil Procedure and a true and correct copy of the foregoing instrument was served electronically via the www.es13624.com website pursuant to the Court's order in *Newby v. Enron Corp. et al.* on this 6th day of November, 2002.



Odean L. Volker

The Exhibit(s) May

Be Viewed in the

Office of the Clerk