United States Courts
Southern District of Texas
FILED
NOV 18 2002
Michael N. Milby, Clerk

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

IN Re: ENRON CORPORATION SECURITIES, DERIVATIVE & ERISA LITIGATION	)	MDL 1446
MARK NEWBY, et al., Plaintiffs, vs. ENRON CORPORATION, et al., Defendants.	)	CIVIL ACTION NO. H-01-3624 AND CONSOLIDATED CASES
DAVID A. HUETTNER, et al., Plaintiffs, -vs- EOTT ENERGY PARTNERS, L.P., et al., Defendants.	)	CIVIL ACTION NO. H-02-2984

PLAINTIFFS' SECOND MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS

Now come Plaintiffs, pursuant to Rule 6 of the Federal Rules of Civil Procedure, and move the Court for an additional extension of time within which to respond to the Motion to

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Dismiss for Failure to State a Claim and Renewed Motion to Transfer Venue filed September 20, 2002 and supplemented September 23, 2002, by Defendants EOTT Energy Partners, L.P., Gibbs, Coombe, Hultsman, Maddox, Menchaca, Sample, Ralph, and Whitty.

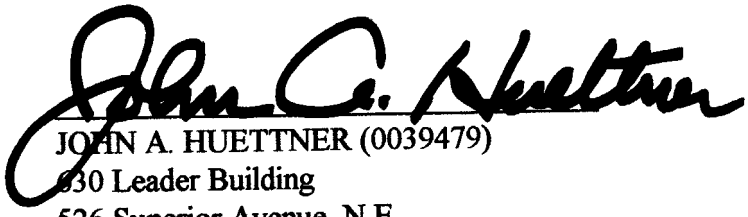
The Motion addresses complicated legal and factual issues and would be dispositive of Plaintiffs' entire case should it be granted. Plaintiffs have previously requested a thirty-day extension, until November 11, 2002, within which to respond to the Motion. Since then, the Court has not had the opportunity to rule on Plaintiffs' Motion, and Defendant EOTT Energy Partners, L.P. and its corporate general partner have filed for Chapter 11 protection, which, pursuant to Section 362 of the Bankruptcy Code (11 U.S.C. § 362), operates as a stay of all proceedings against the debtor(s) whether or not notice has been served.

Plaintiffs are in the process of seeking relief from the automatic stay and, until such stay is lifted, these proceedings ought to be stayed as well. Nonetheless, Plaintiffs are requesting additional time within which to respond to the Motion to Dismiss for at least an additional thirty days or until such time as the automatic stay with respect to EOTT and its corporate general partner are lifted.

Accordingly, for the foregoing reasons, Plaintiffs respectfully request that this Motion be granted and that Plaintiffs be afforded an additional thirty days, until December 12, 2002, or until such time as the automatic stay with respect to EOTT and its corporate general partner are lifted, within which to respond to the Motion to Dismiss for Failure to State a Claim and Renewed Motion to Transfer Venue filed September 20, 2002 and supplemented September 23, 2002, by

Defendants EOTT Energy Partners, L.P., Gibbs, Coombe, Hultsman, Maddox, Menchaca, Sample, Ralph, and Whitty.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Motion has been served by ordinary mail this 11th day of November, 2002, upon the following:

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