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JAN 17 2003

Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

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:  
IN RE ENRON CORPORATION :  
SECURITIES LITIGATION :  
:  
-----X

Consolidated Civil Action  
No. H-01-3624

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:  
This Document Relates To: :  
:  
MARK NEWBY, et al., individually and :  
on behalf of all others similarly situated, :  
:  
  : Plaintiffs, :  
:  
  : v. :  
:  
ENRON CORPORATION, et al., :  
:  
  : Defendants. :  
:  
-----X

-----X  
:  
THE REGENTS OF THE UNIVERSITY :  
OF CALIFORNIA, et al., individually and :  
on behalf of all others similarly situated, :  
:  
  : Plaintiffs, :  
:  
  : v. :  
:  
KENNETH L. LAY, et al., :  
:  
  : Defendants. :  
:  
-----X

**DEFENDANT MERRILL LYNCH & CO., INC.'S SUPPLEMENTAL SUBMISSION  
IN FURTHER SUPPORT OF ITS MOTION FOR RECONSIDERATION  
OR CERTIFICATION PURSUANT TO 28 U.S.C. § 1292(b)**

On January 7, 2003, defendant Merrill Lynch & Co., Inc. ("Merrill Lynch") moved for reconsideration of the Court's Memorandum and Order re Secondary Actors' Motions to Dismiss,

#1229

dated December 19, 2002 and entered December 20, 2002 (the "Order"), or, alternatively, for certification of the Order for interlocutory appeal pursuant to 28 U.S.C. § 1292(b).

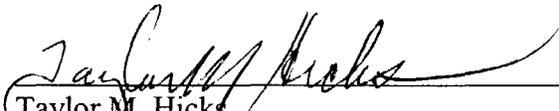
On January 13, 2003, defendants Canadian Imperial Bank of Canada, Barclays PLC, Citigroup, Inc., Credit Suisse First Boston Corp., and J.P. Morgan Chase & Co. (the "Secondary Actor Bank Defendants") filed a motion seeking section 1292(b) certification for immediate appeal of the Order.

Merrill Lynch hereby adopts the arguments made by the Secondary Actor Bank Defendants as additional reasons for granting Merrill Lynch's motion requesting certification, as an alternative to reconsideration and dismissal of the claims against Merrill Lynch. Like the Secondary Actor Bank Defendants, Merrill Lynch agrees that if certification is granted, Merrill Lynch will not seek a stay of the underlying proceedings in connection with this request to appeal, and will seek expedited review in the Fifth Circuit Court of Appeals.

Dated: January 17, 2003

Respectfully submitted,

HICKS THOMAS & LILIENSTERN, LLP

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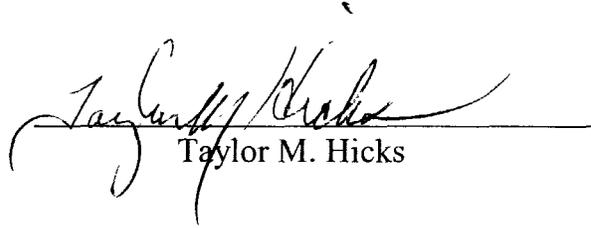
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Merrill Lynch & Co., Inc.'s Supplemental Submission in Further Support of Its Motion for Reconsideration or Certification Pursuant to 28 U.S.C. § 1292(b) was served upon all known counsel of record by website, <http://www.es13624.com>, pursuant to the Court's Order dated August 7, 2002 (Docket No. 984), on this the **17th** day of **January, 2003**.

***Please See Attached Service List***

  
Taylor M. Hicks