



3. Service of foreign defendants pursuant to the Hague Convention, as contemplated under Federal Rule of Civil Procedure 4(f), does not appear to be subject to the 120-day limitation for completion of service set forth in Federal Rule of Civil Procedure 4(m). However, to avoid unnecessary motion practice in the future, plaintiffs respectfully request that the Court sign the enclosed proposed Order enlarging plaintiffs' time to complete service by 120 days.

4. This action arises from the Enron securities fraud. Plaintiffs assert claims against Enron's accountants and underwriters with respect to their losses resulting from off-balance sheet securities issued by Enron-created Special Purpose Entities: Marlin Water Trust II 6.19% Senior Secured Notes, due July 15, 2003, and 6.31% Senior Secured Notes, due July 15, 2003.

5. All 21 domestic defendants in this action have already been served. The remaining 14 foreign defendants are located in five countries and must be served pursuant to the time-consuming requirements of the Hague Convention On The Service Abroad Of Judicial And Extra-Judicial Documents In Civil And Commercial Matters.

6. To do this, plaintiffs engaged an international service of process firm after this action was commenced and promptly forwarded the relevant documents for translation. Seventy pages of the documents to be served on the defendants had to be translated into three different foreign languages (German, French and Dutch).

7. Additionally, plaintiffs reproduced and shipped to the process server 13 boxes of documents, representing the copies requested by the process server to effectuate service abroad. The process server reports that the documents will be shipped to the appropriate foreign authorities within the next few days.

8. Because of the significant and time consuming work involved in preparing the relevant documentation for service in this instance and because plaintiffs have little or no control over when the foreign central authorities will complete service of process in each jurisdiction, plaintiffs respectfully request that the Court enlarge the time for the completion of service of process for an additional period of 120 days from February 26, 2003 until June 26, 2003.

9. Federal Rule of Civil Procedure 6(b) permits the Court to order the time for service enlarged “with or without motion or notice . . . if [, as here, the] request . . . is made before the expiration of the period originally prescribed . . . .”

10. Enlargement of time is appropriate here not only because of the unavoidable delay inherent in service of process under the Hague Convention, but also because, prior to expiration of 120 days from the filing of the complaint, each of the foreign defendants will have notice of the complaint that will be served on them *via* the Hague Convention. With one exception, each foreign defendant has an affiliated corporation in the United States. Copies of the summons and complaint have or will have been delivered to the foreign defendants at the offices of their corporate affiliates or their registered agents in the United States within 120 days of the filing of the complaint.

11. Accordingly, plaintiffs respectfully request that their Amended Motion to Enlarge the Time to Serve the Summons and Complaint in this action to June 26, 2003 be granted.

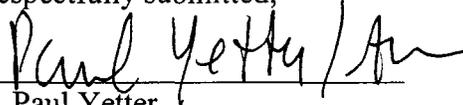
Dated: February 6, 2003

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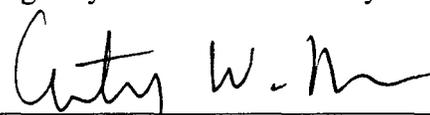
Respectfully submitted,

  
\_\_\_\_\_  
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ATTORNEY-IN-CHARGE FOR  
PLAINTIFFS

**CERTIFICATE OF CONFERENCE**

I certify that one or more opposing counsel have not responded to inquiries concerning their position on this Motion. The relief sought by the Motion is hereby believed to be opposed.

  
\_\_\_\_\_  
Autry W. Ross

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of February, 2003, a true and correct copy of the foregoing pleading was served on the following counsel pursuant to the Federal Rules of Civil Procedure:

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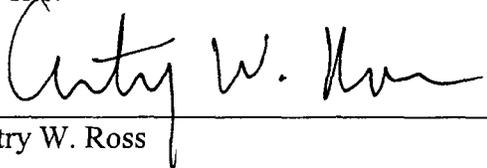
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I further certify that on this 6th day of February, 2003, service of the foregoing pleading was also performed electronically via the [www.csl3624.com](http://www.csl3624.com) web site.

  
\_\_\_\_\_  
Autry W. Ross

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

MARK NEWBY, et al.

Plaintiffs,

v.

ENRON CORPORATION, et al.,

Defendants

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§  
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§  
§  
§

Civil Action No. H-01-3624 ✓  
And Consolidated Cases

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INTERNATIONALE  
KAPITALANLAGEGESELLSCHAFT  
mbH, et al.

Plaintiffs,

v.

CREDIT SUISSE FIRST BOSTON  
CORPORATION, et al.

Defendants

§  
§  
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Civil Action No. H-02-4080

**ORDER**

The Court has considered plaintiffs' Amended Motion to Enlarge Time to Serve the Summons and Complaint and has determined that it should be GRANTED. Accordingly, pursuant to Federal Rules of Civil Procedure 4(m) and 6(b), plaintiffs are hereby granted a 120-day enlargement of time within which to serve the summons and complaint in this action to June 26, 2003.

SIGNED and ENTERED this \_\_\_\_ day of February , 2003.

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\_\_\_\_\_  
THE HONORABLE MELINDA HARMON  
UNITED STATES DISTRICT JUDGE