

CLERK, U. S. DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

03/12/03  
FILED  
MICHAEL N. MILBY, CLERK  
BY DEPUTY H. A. P. P. W.

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

United States Courts  
Southern District of Texas  
ENTERED

MAR 13 2003

Michael N. Milby, Clerk of Court

In Re ENRON CORPORATION §  
SECURITIES, DERIVATIVE & § MDL 1446  
"ERISA" LITIGATION, §

MARK NEWBY, ET AL., §  
§  
Plaintiffs §

VS. §

ENRON CORPORATION, ET AL., §  
§  
Defendants §

CIVIL ACTION NO. H-01-3624  
AND CONSOLIDATED CASES

PAMELA M. TITTLE, on behalf of §  
herself and a class of persons §  
similarly situated, ET AL., §  
§  
Plaintiffs §

VS. §

ENRON CORP., an Oregon §  
Corporation, ET AL., §  
§  
Defendants. §

CIVIL ACTION NO. H-01-3913  
CONSOLIDATED CASES

ORDER

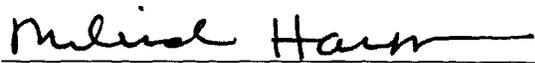
Pending before the Court in *Newby* is Certain Defendants' (Richard A. Causey, Richard Buy, Kenneth Rice, Mark Frevert, Jeffrey McMahon, Steven Kean and Joseph Sutton's) motion for protection from Bankruptcy Rule 2004 subpoenas (instrument #1264), requesting the Court to quash certain subpoenas issued by the Texas Bankruptcy Court on or about February 14, 2003 on behalf of Neal Batson, the Enron Corporation's Examiner appointed by Enron Bankruptcy Judge Arthur Gonzalez, with Judge Gonzalez's permission.

#1275

The Court has examined carefully both the motion and its attachments and the Examiner's response with exhibits. In light of the "Discovery Sharing Stipulation" prohibiting sharing of the discovery obtained from Richard Buy and Richard A. Causey with the Creditors' Committee and other entities, the Examiner's willingness to expand that stipulation to protect the remainder of the Officer Defendants from the Creditor's Committee's use of Bankruptcy Rule 2004 to obtain discovery, the Examiner's showing that he does not share a common interest with the Creditors' Committee, and the Examiner's recognition that Defendants' traditional discovery objections would be appropriately recognized, the Court finds the discovery sought by the Examiner should be allowed to go forward. Accordingly, the Court

ORDERS that Certain Defendants' motion for protection (#1264) is DENIED.

**SIGNED** at Houston, Texas, this 12<sup>th</sup> day of March, 2003.

  
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MELINDA HARMON  
UNITED STATES DISTRICT JUDGE