

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

COPY

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

IN RE ENRON CORP. SECURITIES, § MDL 1446
DERIVATIVE & "ERISA" LITIGATION §

MARK NEWBY, et al., §
Plaintiffs, §

v. §

Consolidated Lead No. H-01-3624 ✓

ENRON CORP., et al., §
Defendants. §

This document relates to:

SILVERCREEK MANAGEMENT INC.; §
SILVERCREEK LIMITED PARTNERSHIP; §
SILVERCREEK II LIMITED; §
ONYX INDUSTRIAL PARTNERS, LIMITED; §
and PEBBLE LIMITED PARTNERSHIP, §
Plaintiffs, §

v. §

Civil Action No. H-03-00815

CITIGROUP, INC.; §
BANK OF AMERICA CORPORATION; §
J.P. MORGAN SECURITIES, INC.; §
J.P. MORGAN CHASE & COMPANY; §
CREDIT SUISSE FIRST BOSTON; §
DEUTSCHE BANK ALEX BROWN, INC.; §
DUETSCHKE BANK AG; §
BARCLAY'S CAPITAL INC., §
BARCLAY'S PLC; MERRILL LYNCH & CO.; §
ANDERSEN WORLDWIDE S.C.; §
ANDERSEN CO.; §
ARTHUR ANDERSEN-PUERTO RICO; §
ANDERSEN LLP; §
ARTHUR ANDERSEN-BRAZIL; §
ARTHUR ANDERSEN; §
JOSEPH F. BERARDINO; THOMAS H. BAUER; §
DAVID B. DUNCAN; DEBRA A. CASH; §

1286

DONALD DREYFUSS; JAMES A. FRIEDLIEB;	§
DAVID STEPHEN GODDARD, JR.;	§
GARY B. GOOLSBY;	§
MICHAEL M. LOWTHER;	§
BENJAMIN S. NEUHAUSEN;	§
DAVID MICHAEL C. ODOM;	§
RICHARD R. PETERSEN;	§
JOHN E. STEWART; MICHAEL L. BENNETT;	§
WILLIAM E. SWANSON; ROGER D. WILLARD;	§
MICHAEL D. JONES; GREGORY W. HALE;	§
JOHN E. SORRELLS; DANNY D. RUDLOFF;	§
PHILLIP A. RANDALL;	§
ROMAN W. McALINDON; C. E. ANDREWS;	§
VINSON & ELKINS L.L.P.;	§
KIRKLAND & ELLIS;	§
KENNETH LAY; JEFFREY K. SKILLING;	§
ANDREW S. FASTOW; ROBERT A. BELFER;	§
NORMAN P. BLAKE; RONNIE C. CHAN;	§
JOHN H. DUNCAN; JOE H. FOY;	§
WENDY L. GRAMM;	§
KENNETH L. HARRISON;	§
ROBERT K. JAEDICKE;	§
CHARLES A. LeMAISTRE;	§
REBECCA MARK-JUSBASCHE;	§
JOHN MENDELSON;	§
JEROME J. MEYER;	§
PAULO V. FERRAZ PERIERA;	§
FRANK SAVAGE;	§
JOHN A. URQUHART;	§
JOHN WAKEHAM;	§
HERBERT S. WINOKER, JR.;	§
RICHARD CAUSEY;	§
RICHARD BUY;	§
JOHN V. DERRICK, JR.;	§
	§
Defendants.	§

NOTICE OF CONSOLIDATION

TO THE HONORABLE JUDGE OF SAID COURT:

This Notice of Consolidation is filed on behalf of the undersigned pursuant to the order of United States District Judge Lee Rosenthal, entered December 13, 2001, in the consolidated Enron-related securities litigation now pending in the Houston Division, *Newby v. Enron Corporation, et al.*, Civil Action No. H-01-3624, providing that “all actions involving or relating to the financial difficulties of Enron Corporation, pending in the Southern District of 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.” A copy of Judge Rosenthal’s December 12, 2001, Order is attached as Exhibit A.

This action was filed in United States District Court for the Southern District of New York on November 7, 2002, and subsequently transferred to the United States District Court for the Southern District of Texas by Conditional Transfer Order (“CTO-9”) of the Judicial Panel on Multidistrict Litigation on January 15, 2003. CTO-9 was entered in the United States District Court for the Southern District of Texas on March 4, 2003. This transferred action is a later filed action relating “to the same core of operative facts and issues” as *Newby*. Therefore, this action should be consolidated with *Newby* in the Houston Division of the United States District Court for the Southern District of Texas.

WHEREFORE, Defendant prays that this action be consolidated as a securities action with Civil Action No. H-01-3624, *Newby v. Enron Corporation, et al.*, now pending before United States

District Judge Melinda Harmon in the Houston Division of the United States District Court for the Southern District of Texas.

Respectfully submitted,
GRAVES, DOUGHERTY, HEARON & MOODY
A Professional Corporation

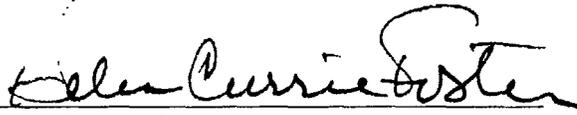
By John J. McKetta III
John J. McKetta, III *w/permission*
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Federal ID No. 29895 *Foster*
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ATTORNEYS FOR DEFENDANT REBECCA MARK-
JUSBASCHE

CERTIFICATE OF SERVICE

The foregoing document has been served upon Plaintiffs' counsel in Civil Action No. H-03-00815 by certified United States mail, return receipt requested, to the addresses listed below on this 14th day of March, 2003. Additionally, the foregoing document has been served to counsel of record in Civil Action No. H-01-3624 (Consolidated Cases) via <http://www.es13624.com>.

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Helen Currie Foster

The Exhibit(s) May
Be Viewed in the
Office of the Clerk