

MAR 19 2003

Michael N. Milby, Clerk

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

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|----------------------------|---|------------------------------|
| In Re Enron Corporation | § | |
| Securities, Derivative & | § | MDL-1446 |
| "ERISA Litigation | § | |
| <hr/> | | |
| THIS DOCUMENT RELATES TO: | § | |
| | § | |
| All Cases | § | |
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| MARK NEWBY, ET AL., | § | |
| | § | |
| Plaintiffs | § | |
| | § | |
| VS. | § | CIVIL ACTION NO. H-01-3624 ✓ |
| | § | CONSOLIDATED CASES |
| ENRON CORPORATION, ET AL., | § | |
| | § | |
| Defendants | § | |

ORDER OF CLARIFICATION AND MODIFICATION

Pending before the Court in the above referenced cause is Credit Suisse First Boston Corporation and the Regents of the University of California's joint request for clarification of the Court's Memorandum and Order Re Secondary Actors' Motions to Dismiss (instrument #1272) regarding whether the consolidated complaint asserts a claim under § 11 of the Securities Act of 1933, 15 U.S.C. §§ 77k, against Credit Suisse First Boston Corporation.

Movants agree, and after reviewing the matter the Court concurs, that the consolidated complaint at ¶¶ 1005 through 1006 (pp. 490-91), listing the defendants against which or whom a claim under § 11 is asserted, does not mention Credit Suisse First Boston Corporation. Furthermore, no opposition from other parties has been filed to the joint request.

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Accordingly, finding the motion to be well taken, the Court

ORDERS that the request for clarification is GRANTED and that the Court's Memorandum and Order Re Secondary Actors' Motions to Dismiss (#1194) is hereby MODIFIED to delete any reference(s) to and/or finding of a § 11 claim against Credit Suisse First Boston Corporation.

SIGNED at Houston, Texas, this 17th day of March, 2003.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE