United States Courts
Southern District of Texas
FILED

MAY 2 1 2003

Michael N. Milby, Clerk of Court

CD

AO 399 (Rev. 10/95)

WAIVER OF SERVICE OF SUMMONS

TO: Helen J. Hodges
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, JP Morgan Chase Bank c/o Bruce Angiolillo, acknowledge receipt of your request
(DEFENDANT NAME)

that I waive service of summons in the action of In re Enron Corp. Sec. Litig. (Newby),
(CAPTION OF ACTION)

which is case number H-01-3624 in the United States District Court
(DOCKET NUMBER)

for the Southern District of Texas.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an

answer or motion under Rule 12 is not served upon you within 60 days after 05/16/2003.
(DATE REQUEST WAS SENT)

or within 90 days after that date if the request was sent outside the United States.

May 20, 2003
(DATE)

Bruce D. Angiolillo
(SIGNATURE)
SIMPSON THACHER & BARTLETT

Printed/Typed Name: Bruce Angiolillo

As Counsel of JP Morgan Chase Bank
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had

1409

UNITED STATES DISTRICT COURT

Southern District of Texas, Houston Division

In re ENRON CORPORATION SECURITIES LITIGATION

V.

This Document Relates To:

ALL ACTIONS

SUMMONS IN A CIVIL CASE

CASE NUMBER: H-01-3624 **(Consolidated)**

TO: (Name and address of Defendant)

J.P. MORGAN CHASE BANK, by and through its attorney of record
Bruce D. Angiolillo
Simpson Thacher & Bartlett
425 Lexington Avenue
New York, NY 10017-3954

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

ROGER B. GREENBERG
SCHWARTZ, JUNELL, CAMPBELL & OATHOUT, L.L.P.
909 FANNIN, SUITE 2000
HOUSTON, TEXAS 77010
(713) 752-0017
FAX: (713) 752-0327

an answer to the complaintwhich is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Mr. Michael N. Milby
CLERK

May 15, 2003
DATE

C. Taylor
(By) DEPUTY CLERK