

MAY 30 2003

C.H.

Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re ENRON CORPORATION SECURITIES
LITIGATION

§ Civil Action No. H-01-3624
§ (Consolidated)

§ CLASS ACTION

This Document Relates To:

MARK NEWBY, et al., Individually and On
Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

ENRON CORP., et al.,

Defendants.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, et al., Individually and On
Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

KENNETH L. LAY, et al.,

Defendants.

**LEAD PLAINTIFF'S RESPONSE TO CERTAIN DEFENDANTS'
COMMENTS ON THE PROPOSED PRETRIAL SCHEDULING ORDER**

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In response to the positions taken by the banks, Enron, Vinson & Elkins, Andersen, and the Enron Insureds on the proposed pretrial scheduling order, and after discussions with counsel for several parties before and since the May 28 hearing, Lead Plaintiff informs the Court and counsel of two modifications to its proposal:

1. As to the proposed June 18 date for responses to the First Amended Consolidated Complaint, Lead Plaintiff will agree to a July 1 deadline so long as document production and other discovery commences now and continues without interruption. If defendants have 48 days to respond, then Lead Plaintiff requests 45 days to oppose any motions to dismiss that are filed.

2. As to case "consolidation," Lead Plaintiff believes that because most of the related class actions assert claims subsumed in the First Amended Consolidated Complaint filed in *Newby*, the following class actions should be held in abeyance pending the Court's class certification ruling:

Barbara G. Smith, et al. v. Kenneth L. Lay, et al., No. 5-01-CV-323 (E.D. Tex.), consolidated as No. H-03-0484.

Benjamin Goode v. Citigroup and J.P. Morgan Chase & Co., No. 02-CV-5268 (N.D. Ill.), consolidated as No. H-02-4149.

David R. Wortham v. Enron Corp., et al., No. 501CV299 (E.D. Tex.), consolidated as No. H-02-1831.

Hudson Soft Co. Ltd. v. Credit Suisse First Boston Corp., et al., No. 01-CV-5768 (S.D.N.Y.), consolidated as No. H-03-0860.

Investors Partner Life Ins. Co., et al. v. Kenneth L. Lay, et al., No. H-02-1364 (S.D. Tex.).

John Anson v. Kenneth Lay, et al., No. 5-01-CV-318 (E.D. Tex.), consolidated as No. H-02-1827.

John Barnett, M.D. v. Kenneth L. Lay, et al., No. 5-01-CV-320 (E.D. Tex.), consolidated as No. H-02-1826.

Kevin Lamkin, et al. v. UBS Paine Webber, Inc. and UBS Warburg, LLC, No. H-02-0851 (S.D. Tex.).

Leslie H. Duncan v. Kenneth L. Lay, et al., No. 5-01-CV-319 (E.D. Tex.), consolidated as No. H-02-1828.

Lila Ward v. Stanley C. Horton, et al., No. H-03-0484 (S.D. Tex.).

Mark E. McKinney v. Enron Corp, et al., No. 01-CV-2182 (S.D. Cal.), consolidated as No. H-02-1869.

Morgan Krim v. Kenneth L. Lay, et al., No. H-02-1239 (S.D. Tex.).

Peter J. Shortridge v. Jeffrey K. Skilling, et al., No. 02-400 (D. Minn.), consolidated as No. H-02-2997.

Phil E. Parham, et al. v. Kenneth L. Lay, et al., No. 5-01-CV-323 (E.D. Tex.), consolidated as No. H-02-1833.

Conseco Annuity Assurances v. Citigroup, No. 03-CV-1559 (S.D.N.Y.).

Pulsifer & Associates v. Kenneth L. Lay, et al., ("*Pulsifer I*"), No. H-01-4356 (S.D. Tex.).

Pulsifer v. Kenneth L. Lay, et al., ("*Pulsifer II*"), No. H-02-3010 (S.D. Tex.).

Shelly Douglass v. Kenneth L. Lay, et al., No. 5-01-CV-321 (E.D. Tex.), consolidated as No. H-02-1825.

Stephen A. McIntyre v. Kenneth L. Lay, et al., No. 4-01-CV-00836 (E.D. Ark.), consolidated as No. H-02-1923.

Steven Phillips v. Kenneth L. Lay, et al., No. 501CV322 (E.D. Tex.), consolidated as No. H-02-1829.

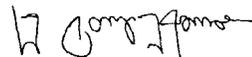
William E. Davis, et al. v. Enron Corp., et al., No. 5-01-CV-313 (E.D. Tex.), consolidated as No. H-02-1830.

As to the related non-class or "private" securities actions, Lead Plaintiff believes those cases should go forward and has no quarrel with the banks' scheduling proposal. In addition, *Washington State Inv. Bd., et al. v. Kenneth L. Lay, et al.*, No. H-02-3401 (S.D. Tex.), should go forward because it is brought by the Lead Plaintiff and the Washington State Investment Board.

DATED: May 30, 2003

Respectfully submitted,

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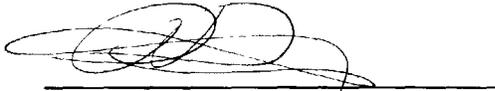
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by sending a copy via electronic mail to serve@ESL3624.com on this 30th day of May, 2003.

I further certify that a copy of the foregoing has been served via overnight mail on the following parties, who do not accept service by electronic mail on this 30th day of May, 2003.

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United States Trustee, Region 2
33 Whitehall Street, 21st Floor
New York, NY 10004

Deborah S. Granger

Deborah S. Granger