

United States Courts  
Southern District of Texas  
FILED  
JUN 06 2003  
Michael N. Milby, Clerk

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

In re ENRON CORPORATION SECURITIES  
LITIGATION

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§ 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.

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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.

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**LEAD PLAINTIFF'S OPPOSITION TO CERTAIN DIRECTORS' AND  
OFFICERS' JOINDERS IN THE OUTSIDE DIRECTOR DEFENDANTS'  
MOTION FOR PROTECTIVE ORDER**

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On May 27, 2003, defendants Richard B. Buy, Richard A. Causey, Mark A. Frevert, Steven J. Kean, Mark E. Koenig, Jeffrey McMahon, Cindy K. Olson, Paulo V. Ferraz Pereira, Joseph W. Sutton (served on May 28, 2003), John A. Urquhart and Lawrence Greg Whalley (collectively, "Movants") joined in the Outside Directors Defendants' Motion For Protective Order. Like the Outside Directors, none of these defendants has met his/her burden of showing a "particular and specific demonstration of fact" necessitating entry of a protective order. *In re Terra Int'l*, 134 F.3d 302, 306 (5th Cir. 1998). Nor have they made any showing the Southern District of Texas's or the Court's previous confidentiality orders are insufficient. Movants also fail to submit any evidence of "harassment."

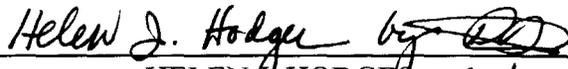
Defendant Urquhart claims Lead Plaintiff can articulate "no basis" for seeking his account, income tax and contact information since no allegations of fraud are asserted against him. Urquhart Motion for Protective Order at 2-3. Like the Outside Directors, Urquhart ignores the fact he is defending the lawsuit against him by claiming, in part, he acted with reasonable care and in good faith. Outside Directors' Answer at 28, 31 (Thirteenth and Thirtieth Affirmative Defenses). Accordingly, the requested information is relevant and must be produced. *See* Fed. R. Civ. P. 26(b)(1) (Lead Plaintiff is entitled to discover information relevant to the "defense of any party.").

Lead Plaintiff hereby incorporates its Memorandum of Law in Opposition to the Outside Directors' Motion for Protective Order. For all these reasons, Movants' request for a protective order should be denied.

DATED: June 6, 2003

Respectfully submitted,

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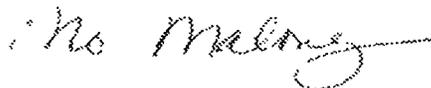
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing LEAD PLAINTIFF'S OPPOSITION TO CERTAIN DIRECTORS' AND OFFICERS' JOINDERS IN THE OUTSIDE DIRECTOR DEFENDANTS' MOTION FOR PROTECTIVE ORDER has been served by sending a copy via electronic mail to serve@ESL3624.com on this 6th day of June, 2003.

I further certify that a copy of the foregoing LEAD PLAINTIFF'S OPPOSITION TO CERTAIN DIRECTORS' AND OFFICERS' JOINDERS IN THE OUTSIDE DIRECTOR DEFENDANTS' MOTION FOR PROTECTIVE ORDER has been served via overnight mail on the following parties, who do not accept service by electronic mail on this 6th day of June, 2003.

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



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Mo Maloney