United States Courts
Southern District of Texas
FILED
JUN 1 8 2003
Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

IN RE ENRON CORPORATION SECURITIES LITIGATION	Consolidated Civil Action No. H-01-3624
This Document Relates To: MARK NEWBY, et al., individually and on behalf of all others similarly situated, Plaintiffs, v. ENRON CORPORATION, et al., Defendants.	
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, et al., individually and on behalf of all others similarly situated, Plaintiffs, v. KENNETH L. LAY, et al., Defendants.	

DEFENDANT MERRILL LYNCH & CO., INC.'S
MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT

Defendants Merrill Lynch & Co., Inc. and Merrill Lynch, Piece, Fenner & Smith ("Merrill Lynch") files this its Motion to Dismiss Plaintiffs' Amended Complaint, and in support hereof will show the Court as follows:

1. For the reasons set forth in its Memorandum of Law of Defendants Merrill Lynch & Co., Inc. and Merrill Lynch, Piece, Fenner & Smith in support of their Motion to Dismiss Plaintiffs' Amended Complaint, which is filed contemporaneously herewith and is incorporated herein by reference, the claims asserted in Plaintiffs' Amended

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Complaint against Defendants Merrill Lynch should be dismissed in their entirety pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure.

2. Accordingly, Merrill Lynch respectfully requests that this Court grant its Motion to Dismiss Plaintiffs' Amended Complaint, enter an Order dismissing Plaintiffs' claims with prejudice without leave to amend further, and for all other relief to which Defendant shows itself justly entitled. A form of Order is attached for the Court's convenience.

Dated this the 18th day of June, 2003.

Respectfully submitted,

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon all known counsel of record by e-mail, facsimile or certified mail, return receipt requested, pursuant to the Court's Order dated April 10, 2002 (Docket No. 449), on this the **18th** day of **June, 2003**.

Please See Attached Service List

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