

JUN 18 2003

BC

Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

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IN RE ENRON CORPORATION	:	Consolidated Civil Action
SECURITIES LITIGATION	:	No. H-01-3624

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This Document Relates To:

MARK NEWBY, et al., individually and on behalf of all others similarly situated,	:	
Plaintiffs,	:	

v.

ENRON CORPORATION, et al.,	:	
Defendant.	:	

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THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, et al., individually and on behalf of all others similarly situated,	:	
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Plaintiff,

v.

KENNETH L. LAY, et al.,	:	
Defendant.	:	

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**APPENDIX TO DEFENDANT BANK OF AMERICA CORPORATION'S  
AND BANC OF AMERICA SECURITIES LLC'S MOTION TO DISMISS  
THE FIRST AMENDED CONSOLIDATED COMPLAINT**

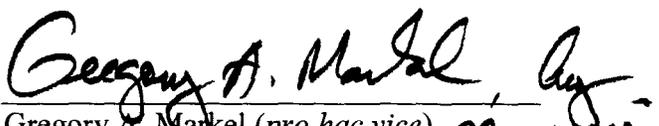
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Table of Contents

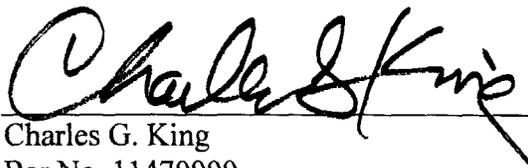
- Exhibit 1: Marlin Water Trust II and Marlin Water Capital Corp. II Offering Memorandum for €515,000,000 6.19% Senior Secured Notes Due 2003 and \$475,000,000 6.31% Senior Secured Notes Due 2003, dated July 12, 2001
- Exhibit 2: Marlin Water Trust II and Marlin Water Capital Corp. II Offering Memorandum for \$475,000,000 6.31% Senior Secured Notes Due 2003 and €515,000,000 6.19% Senior Secured Notes Due 2003, dated July 12, 2001

Dated: June 18, 2003

CADWALADER, WICKERSHAM & TAFT  
LLP

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Attorneys for Defendants Bank of America  
Corporation and Banc of America Securities  
LLC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Appendix to Defendant Bank of America Corporation's and Banc of America Securities LLC's Motion to Dismiss the First Amended Consolidated Complaint was served on all counsel of record by website, <http://www.esl3624.com>, pursuant to the Court's Order, on this the 18th day of June 2003.

  
\_\_\_\_\_  
Ronit Setton  
*permission* 

The Exhibit(s) May  
Be Viewed in the  
Office of the Clerk