

SEP 18 2003

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Michael N. Milby, Clerk

In re ENRON CORPORATION
SECURITIES, DERIVATIVE & "ERISA"
LITIGATION

MDL 1446
and Consolidated, Related
and Coordinated Cases

This Document Relates To:

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

Civil Action No. H-01-3624
and Consolidated, Related
and Coordinated Cases

Plaintiffs,

vs.

ENRON CORP., et al.,

Defendants.

ORDER

Pending before the Court is the Agreed Motion for Interim Protective Order filed by the Lead Plaintiff in *Newby* and Defendants J.P. Morgan Chase & Co., J.P. Morgan Securities Inc., JP Morgan Chase Bank, Citigroup Inc., Citibank N.A., Salomon Smith Barney Inc., Salomon Brothers International, Credit Suisse First Boston LLC (formerly known as Credit Suisse First Boston Corporation), Credit Suisse First Boston (USA), Inc., Pershing LLC, Canadian Imperial Bank of Commerce, CIBC World Markets Corp., f/k/a CIBC Oppenheimer Corp., Bank of America Corporation, Banc of America Securities LLC, Merrill Lynch & Co., Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Barclays PLC, Barclays Bank PLC, Barclays Capital Inc., Lehman Brothers Inc. and Lehman Brothers Holdings Inc. (collectively, the "Bank Defendants").

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The Agreed Motion requests an Interim Confidentiality Order. The Court having considered the Agreed Motion is of the opinion that it should be, and hereby is:

ORDERED that the Agreed Motion is granted.

IT IS FURTHER ORDERED that:

1. All documents and written discovery (including but not limited to responses to Lead Plaintiff's interrogatories) produced by the Bank Defendants on or before October 1, 2003, and the information reflected therein, (a) shall be used by the *Newby* Plaintiffs, the Bank Defendants and any other parties in the *In re Enron Corporation Securities, Derivative and "ERISA" Litigation* (including all consolidated, related and coordinated cases) (collectively, the "Consolidated Actions"), solely in and for the purposes of the Consolidated Actions and shall not be disclosed to anyone other than counsel of record in those cases, employees of counsel of record, employees of parties in the Consolidated Actions for the purposes of assisting or consulting with counsel in those actions or in preparation for or during their depositions or trial testimony, experts retained by parties in the Consolidated Actions and the court-ordered mediator in these actions, each of whom shall restrict use and disclosure of such documents, written discovery and information as provided in this paragraph, and (b) shall not be filed with any court without first obtaining the consent of the Bank Defendant(s) that produced the material.
2. If any Bank Defendant wishes to file a confidentiality motion with respect to any documents or written discovery produced on or before October 1, 2003, such motion must be filed on or before October 15, 2003.
3. The restrictions of Paragraph 1 above shall lift on October 16, 2003 with respect to all documents and written discovery produced by the Bank Defendants on or before

October 1, 2003 that are *not* the subject of confidentiality motions filed by the Bank Defendants pursuant to Paragraph 2 above.

4. With respect to documents and written discovery that *are* the subject of a confidentiality motion filed pursuant to Paragraph 2 above, the restrictions of Paragraph 1 above shall remain in effect until the Court enters a decision resolving the confidentiality motion, at which time such decision shall govern.

5. With respect to all documents and written discovery produced by the Bank Defendants after October 1, 2003, the provisions of paragraphs 1-4 above shall apply, except that the Bank Defendants shall have thirty (30) days from the date of production or response date to file confidentiality motions, and the restrictions of Paragraph 1 shall lift on the thirty-first day from the date of production or response date with respect to documents and written discovery that are *not* the subject of a confidentiality motion.

6. Nothing in this Interim Confidentiality Order is intended, or shall be construed, to prohibit any party from seeking from the Court protective orders that would establish restrictions on the use and disclosure of documents and written discovery that would be more restrictive than, or otherwise different from, the restrictions on use and disclosure set forth in this Interim Confidentiality Order.

SIGNED at Houston, Texas, this 16th day of September, 2003



MELINDA HARMON
UNITED STATES DISTRICT JUDGE