

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

United States Courts
Southern District of Texas
ENTERED

In Re Enron Corporation
Securities, Derivative &
"ERISA Litigation

MDL-1446

OCT 02 2003

Michael N. Milby, Clerk

MARK NEWBY, ET AL.,
Plaintiffs

VS.
ENRON CORPORATION, ET AL.,
Defendants

CIVIL ACTION NO. H-01-3624
CONSOLIDATED CASES

MARY BAIN PEARSON, ET AL.,
Plaintiffs

VS.
ANDREW S. FASTOW, ET AL.,
Defendants.

CIVIL ACTION NO. H-02-3786

FRED A. ROSEN, ET AL.,
Plaintiffs

VS.
ANDREW S. FASTOW, ET AL.,
Defendants.

CIVIL ACTION NO. H-02-3787

HAROLD AHLICH, ET AL.,
Plaintiffs

VS.
ARTHUR ANDERSEN LLP, ET AL.,
Defendants.

CIVIL ACTION NO. H-02-3794

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RUBEN DELGADO, ET AL.,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	CIVIL ACTION NO. H-02-3795
	§	
ANDREW S. FASTOW, ET AL.,	§	
	§	
Defendants.	§	

ORDER OF REMAND

The above referenced individual cases were removed from state court¹ for a second time by a newly served defendant or defendants on "related to" bankruptcy jurisdiction grounds, pursuant to 28 U.S.C. §§ 1334 and 1452, after having been remanded previously for improper removal under the Securities Litigation Uniform Standards Act ("SLUSA"). Pending in each is an unanswered, second motion to remand: #5 in H-02-3786; #5 in H-02-3787; #5 in H-02-3794; and #5 in H-02-3795.

Plaintiffs argue that the removals were procedurally defective because not all defendants have joined in or consented to removal as required by 28 U.S.C. § 1446.

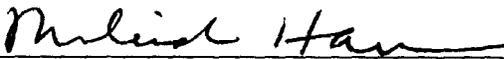
For the reasons indicated in the Court's memorandum and order of remand of G-02-585, #1661 in *Newby*, the Court

ORDERS that Plaintiffs' second motions to remand are GRANTED. Accordingly, H-02-3786 is REMANDED to the 164th Judicial District Court of Harris County, Texas; H-02-3787 is REMANDED to

¹ H-02-3786 was removed from the 164th Judicial District Court of Harris County, Texas; H-02-3787 was removed from the 333rd Judicial District Court of Harris County, Texas; H-02-3794 was removed from the 272nd Judicial District Court of Brazos County, Texas; and H-02-3795 was removed from the 55th Judicial District Court in Harris County, Texas.

the 333rd Judicial District Court of Harris County, Texas; H-02-3794 is REMANDED to the 272nd Judicial District Court of Brazos County, Texas; and H-02-3795 is REMANDED to the 55th Judicial District Court in Harris County, Texas.

SIGNED at Houston, Texas, this 1st day of October, 2003.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE