United States Courts
Southern District of Texas
FILED

JAN 2 3 2002

Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK NEWBY, et al., Individually and On Behalf of All Others Similarly Situated,	§	Civil Action No. H-01-3624
	§	**(Consolidated)**
Plaintiffs,	§	CLASS ACTION
vs.	§	
ENRON CORP., et al.,	§	
Defendants.	§	

NOTICE OF WITHDRAWAL OF LEAD PLAINTIFF APPLICANTS

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PLEASE TAKE NOTICE that Amalgamated Bank, Deutsche Asset Management, HBK Investments and the Central States Pension Fund hereby withdraw as lead plaintiff applicants in favor of the appointment of the Regents of the University of California.

DATED: 1·23·02

Respectfully submitted,

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DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is 401 B Street, Suite 1700, San Diego, California 92101.

2. That on January 23, 2002, declarant served the NOTICE OF WITHDRAWAL OF LEAD PLAINTIFF APPLICANTS by depositing a true copy thereof in a United States mailbox at San Diego, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23rd day of January, 2002, at San Diego, California.

Debbie Granger

DEBBIE GRANGER

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Service List - 01/23/02
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK NEWBY, et al., Individually and On Behalf of All Others Similarly Situated, Plaintiffs, vs ENRON CORP , et al., Defendants.	§ § § § § § § § § § § §	Civil Action No. H-01-3624 **(Consolidated)** CLASS ACTION

DECLARATION OF AMALGAMATED BANK IN SUPPORT OF THE MOTION OF THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR APPOINTMENT AS LEAD PLAINTIFF AND FOR APPROVAL OF LEAD COUNSEL

I, Ronald E. Luraschi, submit this Declaration on behalf of Amalgamated Bank, as Trustee for The LongView Collective Investment Fund, LongView Core Bond Index Fund and Certain Other Trust Accounts, in support of the Motion of the Regents of the University of California to be appointed lead plaintiff.

1. Amalgamated Bank incurred significant damages as a result of its transactions in Enron securities and thus moved to be appointed lead plaintiff. Amalgamated Bank's goal was and continues to be to assure the vigorous prosecution of the claims of purchasers of Enron securities for the benefit of all Class members. In this regard, Amalgamated Bank has filed several motions to protect the interests of the Class by, among other things, attempting to preserve valuable evidence and freeze assets that might not otherwise be available to the Class when judgment is entered in this action.

2. Together with my colleague, Melissa Moye, I have actively overseen the prosecution of this action, including the preparation of Amalgamated Bank's motion to freeze assets and the motion to avert the further destruction of evidence by Arthur Andersen LLP.

3. After filing its motion to freeze assets, Amalgamated Bank conferred with representatives of The Regents of the University of California ("Regents") regarding the continued prosecution of this case. In an effort to streamline the prosecution of this case and conform with the Court's preference to appoint the single plaintiff with the largest losses, Amalgamated supports the motion for the appointment of The Regents as lead plaintiff. I am confident that the appointment of The Regents will ensure the best representation for the class and will lead to the optimum result for the class of defrauded investors.

4. Amalgamated Bank is committed to serving as a class representative and continuing to work with the Regents to oversee the prosecution of this case in a manner which will inure to the benefit of the class. I have conferred with representatives of The Regents who have indicated that The Regents are agreeable to continuing to work with Amalgamated Bank during the prosecution of this case.

5. Amalgamated Bank believes that it is imperative that this case be vigorously prosecuted in light of the adverse impact the defendants' wrongdoing has had on the integrity of the

U.S. financial system. Not only has Enron's collapse caused billions of dollars in damage to investors, but it has undermined the very foundation of our financial markets. Thus, as an experienced fiduciary, Amalgamated Bank is committed to vigorously and successfully vindicating the rights of all class members who have been victimized by defendants' alleged fraud and thereby assisting in restoring confidence of investors in the integrity and honesty of the financial markets.

6. In this regard, Amalgamated Bank is committed to working with the Regents by continuing to dedicate the necessary financial and human resources to the oversight and prosecution of this action, including the time and effort of Amalgamated Bank's senior executives and economists, as well as in-house and outside legal counsel to assist in overseeing and directing the efforts of class counsel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 21st day of January, 2002, at Houston, Texas.

AMALGAMATED BANK, AS TRUSTEE FOR THE LONGVIEW COLLECTIVE INVESTMENT FUND, LONGVIEW CORE BOND INDEX FUND AND CERTAIN OTHER TRUST ACCOUNTS

Ronald E. Luraschi
Senior Vice President

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK NEWBY, et al., Individually and On Behalf of All Others Similarly Situated,	§	Civil Action No. H-01-3624 (Consolidated)
Plaintiffs,	§	CLASS ACTION
vs.	§	
ENRON CORP., et al.,	§	
Defendants.	§	

DECLARATION OF ROBERT W. RODRIGUEZ, ESQ. AS COUNSEL FOR DEUTSCHE ASSET MANAGEMENT IN SUPPORT OF THE MOTION OF THE REGENTS AND FOR APPOINTMENT AS LEAD PLAINTIFF AND FOR APPROVAL OF LEAD COUNSEL

I, ROBERT W. RODRIGUEZ, am a member of the bar of the State of New York and a member of the firm of Lovell & Stewart LLP, counsel for Deutsche Asset Management International and Deutsche Asset Management Investment (collectively "DeAM") in this litigation. I submit this Declaration in support of the appointment of the Regents of the University of California as lead plaintiff.

1. DeAM incurred significant losses as a result of its purchases of Enron stock during the Class Period.

2. On or about December 21, 2001 DeAM, together with several other class members, filed a motion in this consolidated class action to be appointed lead plaintiff pursuant to the Private Securities Litigation Reform Act of 1995 (the "PSLRA").

3. On or about January 11, 2002, Judge Rosenthal issued an order transferring the consolidated action to this Court.

4. In light of the fact that the action is now pending before this Court. We advised DeAM of this Court's interpretation of the lead plaintiff provisions of the PSLRA and preference for a single strong lead plaintiff. We recommended that DeAM withdraw its lead plaintiff application in favor of the appointment of the Regents of the University of California, the lead plaintiff applicant which we understand possesses the most significant financial interest in the relief sought by the Class and otherwise complies with the lead plaintiff provisions of the PSLRA. The Regents have already expressed their commitment to, and are in the process of, actively prosecuting of this case. Thus, DeAM's withdrawal of its lead plaintiff application in favor of the appointment of the Regents of the University of California as lead plaintiff is in the best interests of the Class by ensuring that the efforts of Class counsel is directed by an active, competent and interested lead plaintiff and not the other way around.

I declare under the laws of the United States of America that the foregoing is true and correct.

Executed this 21st day January, 2002 at New York, New York.

Robert W. Rodriguez
[NAME]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK NEWBY, et al., Individually and On Behalf of All Others Similarly Situated,	§	Civil Action No. H-01-3624 (Consolidated)
Plaintiffs,	§	CLASS ACTION
vs.	§	
ENRON CORP., et al.,	§	
Defendants.	§	

DECLARATION OF DEUTSCHE ASSET MANAGEMENT IN SUPPORT OF THE MOTION OF THE REGENTS AND FOR APPOINTMENT AS LEAD PLAINTIFF AND FOR APPROVAL OF LEAD COUNSEL

I, Marcus Gochring, on behalf of Deutsche Asset International GmbH and Deutsche Asset Management Investments GmbH (collectively "DeAM"), submit this Declaration in withdral of its prior motion to be appointed lead plaintiff and in support of the Amended Motion of the Regents of the University of California, the Retirement Systems of the States of Georgia, Ohio and Washington and Amalgamated Bank to be appointed lead plaintiff.

1. DeAM suffered significant losses as a result of purchasing Enron stock.

2. Together with several other class members, DeAM filed a motion to be appointed lead plaintiff.

3. DeAM withdraws from seeking lead plaintiff status. As explained by our legal counsel in the matter, it would be in the best interests of the class to withdraw in favor of the appointment of a small group of lead plaintiffs which have suffered significant losses. I am informed that the members of this lead plaintiff group are institutional investors; they are more proximate to Houston, (the location where this action is pending); and, they have assigned their own in-house lawyers and executives direct the efforts of class counsel. I am informed that proximity and resource allocation will substantially benefit the class by adding greater efficiency to prosecution of this case. Also, this lead plaintiff group have already diligently investigated, developed and prosecuted this case to date.

Executed this 22 day January, 2002 at _____, _____.

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[NAME]

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK NEWBY, et al., Individually and On Behalf of All Others Similarly Situated,	§	Civil Action No. H-01-3624 (Consolidated)
Plaintiffs,	§	CLASS ACTION
vs.	§	
ENRON CORP., et al.,	§	
Defendants.	§	

DECLARATION OF HBK INVESTMENTS L.P. IN SUPPORT OF THE MOTION OF THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR APPOINTMENT AS LEAD PLAINTIFF AND FOR APPROVAL OF LEAD COUNSEL

I, David C. Haley, on behalf of HBK Investments L.P., submit this Declaration in support of the appointment of the Regents of the University of California as lead plaintiff.

1. In December 2001, HBK joined the motion of Amalgamated Bank, the Regents of the University of California and others to be appointed lead plaintiff. HBK sought to be appointed lead plaintiff along with its co-movants because of the importance of the Enron securities litigation, the fact that HBK suffered significant losses from its transactions in Enron securities during the Class Period and the desire of HBK and its co-movants to vigorously prosecute the action. HBK's primary goal was, and continues to be, to ensure the vigorous prosecution of the claims that have been brought on behalf of purchasers of Enron securities.

2. HBK instructed its counsel to confer with other potential lead plaintiff movants both prior to and after the filing of the lead plaintiff motions. On or about January 11, 2002, the consolidated securities class action captioned *Newby v. Enron Corp., et al.*, was transferred to this Court. Soon thereafter, HBK instructed its counsel to continue to confer with its co-movants and the other moving parties concerning a resolution of the lead plaintiff matter. HBK has agreed to withdraw as lead plaintiff applicant in favor of its co-movant, the Regents of the University of California which it believes to have suffered a loss of approximately $145 million as a result of defendants' alleged wrongdoing.

3. In light of the magnitude of the loss suffered by the Regents and the fact that the Regents has represented that it has the necessary time and resources to the prosecution of this action, including the commitment of the Regents' staff, to the direction and oversight of the prosecution of this action, we believe that it is in the best interests of the Class for HBK to withdraw as a lead plaintiff applicant in favor of the appointment of the Regents as lead plaintiff.

4. HBK withdraws from the lead plaintiff motion and supports the appointment of the Regents. We believe that our withdrawal will streamline the prosecution of this litigation, and allow us to act consistent with this Court's interpretation of the securities laws, thereby ensuring that the

case is directed by an institutional investor that will diligently investigate, develop and prosecute this case for the benefit of the Class..

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 18th day of January, 2002, at Dallas, Texas.

HBK INVESTMENTS L.P.

DAVID C. HALEY

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