

ORIGINAL

United States Courts
Southern District of Texas
FILED

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

OCT 27 2003

Michael N. Milby, Clerk

In Re Enron Corporation	§	
Securities, Derivative & ERISA Litigation	§	MDL-1446
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MARK NEWBY,	§	
Plaintiff,	§	
	§	
vs.	§	Consolidated Lead No. H-01-3624
	§	
ENRON CORP., et al.,	§	
Defendants.	§	
	§	
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**DEFENDANT REBECCA MARK-JUSBASCHE'S RESPONSE TO LEAD
PLAINTIFF'S AMENDED MOTION FOR CLASS CERTIFICATION**

TO THE HONORABLE MELINDA F. HARMON:

Defendant Rebecca Mark-Jusbasche respectfully states that, as to the claims dismissed by this Court against her¹, including claims under the Securities and Exchange Act of 1934 (Sections 10(b), 20(a), 20A and Rule 10b-5) and the Securities Act of 1933 (Section 15), she files no response to Lead Plaintiff's Amended Motion for Class Certification; as to the sole remaining claim against her under Section 11 of the 1933 Act and involving the 7% Exchangeable Notes, Mark-Jusbasche joins the brief of the Outside Directors.

¹ See Memorandum and Order Re: Insider Defendant Rebecca Mark-Jusbasche (*Newby* Dkt. Entry # 1300), entered March 25, 2003.

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Respectfully submitted,

GRAVES, DOUGHERTY, HEARON & MOODY
A Professional Corporation

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the above and foregoing document has been served upon counsel by posting the same to the website @ESL3624.com pursuant to the order entered by United States District Judge Melinda Harmon, Southern District of Texas, Houston Division, in Civil Action No. H-01-3624 (Consolidated Cases) (Instrument # 819), and via U.S. Mail, certified and return receipt requested, on the following parties who do not accept service by electronic mail, as shown below, on this the 23rd day of October, 2003:

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