

NOV 13 2003

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

Michael N. Milby, Clerk of Court

In Re ENRON CORPORATION	§	
SECURITIES, DERIVATIVE &	§	MDL 1446
"ERISA" LITIGATION,	§	
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MARK NEWBY, ET AL.,	§	
	§	
Plaintiffs	§	
	§	
VS.	§	CIVIL ACTION NO. H-01-3624
	§	CONSOLIDATED CASES
ENRON CORPORATION, ET AL.,	§	
	§	
Defendants.	§	
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THE REGENTS OF THE UNIVERSITY	§	
OF CALIFORNIA, ET AL.,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	
	§	
KENNETH L. LAY, ET AL.,	§	
	§	
Defendants	§	
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WASHINGTON STATE INVESTMENT	§	
BOARD and EMPLOYER-TEAMSTERS	§	
LOCAL NOS. 175 and 505 PENSION	§	
TRUST FUND, ET AL.,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	
	§	
KENNETH L. LAY, ET AL.,	§	
	§	
Defendants	§	
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PAMELA M. TITTLE, on behalf of	§	
herself and a class of persons	§	
similarly situated, ET AL.,	§	
	§	
Plaintiffs	§	
	§	
VS.	§	CIVIL ACTION NO. H-01-3913
	§	CONSOLIDATED CASES
ENRON CORP., an Oregon	§	
Corporation, ET AL.,	§	
	§	
Defendants.	§	

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ORDER NUNC PRO TUNC RE

MEMORANDUM, FINDINGS OF FACT, AND CONCLUSIONS OF LAW

ENTERED ON November 5, 2003 (#1826)

A letter from Keith Parks dated November 7, 2003 has correctly pointed out that the Court inadvertently omitted the word "not" on page 20 in the following sentence, which should read as follows:

Instead, that role with regard to Enron fell to the United States' Arthur Andersen LLP, its Professional Services Group, and its partners in the United States; Plaintiffs' claims against these defendants are not released by the proposed settlement.

Moreover, Mr. Parks objects to footnote 3 of the same memorandum, but actually meant to identify footnote 2 on page 3, which states that the allocation of 80.5% of the Expense Fund to the *Newby* and *Washington State Board* cases collectively and 19.5% of the Expense Fund to the *Tittle* case is not before the Court today. What the Court meant to state was that a request for award of attorney's fees from this fund is not currently before it, but that any such award will ultimately have to be approved by the Court. The Court does approve the 80.5%/19.5% allocation of the Expense Fund as set out in the stipulation.

Finally, with respect to the Court's concern about potential class members who received late notice and voiced objections by letter to the court or the lawyers, counsel have assured the Court that the objections will be deemed timely and the

objectors may exclude themselves from the class if they have so chosen.

SIGNED at Houston, Texas, this **12**th day of November, 2003.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE