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Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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,

Plaintiffs,

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

vs.

ENRON CORP., et al.,

Defendants.

CONFIDENTIALITY ORDER

Pending before the Court is the Unopposed Motion for Confidentiality Order filed by Bank of America Corporation and Banc of America Securities LLC (collectively, "BofA"). The Motion requests a Confidentiality Order. Counsel for Lead Plaintiff in *Newby* has represented to BofA that it does not oppose the Motion. The Court having considered the Motion is of the opinion that it should be, and hereby is:

ORDERED that the Motion is granted.

IT IS FURTHER ORDERED that:

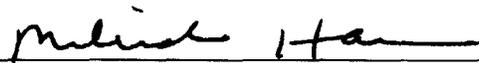
1. All documents listed on BofA's Confidential Documents Log, and the information reflected therein, (a) shall be used by all parties in the *In re Enron Corporation Securities, Derivative and "ERISA" Litigation* (including all consolidated, related and

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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, nonparty witnesses 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 BofA.

2. Nothing in this Confidentiality Order shall prevent any party to the Consolidated Actions (including but not limited to the Lead Plaintiff in *Newby*) from subsequently challenging BofA's designation of the documents listed on its Confidential Documents Log as confidential (including but not limited to seeking appropriate relief from the Court).

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



MELINDA HARMON
UNITED STATES DISTRICT JUDGE