United States Courts
Southern District of Texas
FILED
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Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re ENRON CORPORATION SECURITIES LITIGATION	Consolidated Civil Action No. H-01-3624
This Document Relates To: MARK NEWBY, et al., Individually and on Behalf of All Others Similarly Situated, Plaintiffs, vs. ENRON CORP., et al., Defendants.	
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, et al., Individually and on Behalf of All Others Similarly Situated, Plaintiffs, vs. KENNETH L. LAY, et al., Defendants.	

UNOPPOSED AMENDED MOTION
OF MERRILL LYNCH & CO., INC. AND MERRILL LYNCH,
PIERCE, FENNER & SMITH INCORPORATED FOR A PROTECTIVE ORDER

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UNOPPOSED AMENDED MOTION
OF MERRILL LYNCH & CO., INC. AND MERRILL LYNCH,
PIERCE, FENNER & SMITH INCORPORATED FOR A PROTECTIVE ORDER

Defendants Merrill Lynch & Co., Inc. and Merrill Lynch, Pierce, Fenner & Smith Incorporated (collectively, "Merrill Lynch") respectfully submit this Unopposed Amended Motion for a Protective Order preserving the confidentiality of certain materials (the "Confidential Materials") produced by Merrill Lynch in the above-captioned matter and previously identified in Merrill Lynch's November 3, 2003 motion (the "November 3 Motion"). Subsequent to the filing of the November 3 Motion, Merrill Lynch and Lead Plaintiff have reached an agreement regarding the confidential treatment of the Confidential Materials, as reflected in the proposed Protective Order (attached hereto). Lead Plaintiff does not oppose this Motion.

As detailed in the November 3 Motion, the Confidential Materials represent a small percentage of the documents produced by Merrill Lynch to date, and include only those documents that either:

(1) contain sensitive or personal information relating to individuals or entities *not* parties to the present matter, or

(2) reveal confidential proprietary information that, if disclosed, would put Merrill Lynch at a competitive disadvantage.

Based on the reasons set forth in the November 3 Motion, Merrill Lynch respectfully requests that the Court issue the proposed Protective Order to preserve the confidential nature of the identified materials produced by Merrill Lynch. Nothing in the proposed Protective Order shall prevent any party to the above-captioned matter (including but not limited to Lead Plaintiff) from subsequently challenging Merrill Lynch's designation of the Confidential Materials as confidential (including but not limited to seeking appropriate relief from the Court).

Dated: November 26, 2003.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument, **Unopposed Amended Motion of Merrill Lynch & Co., Inc. and Merrill Lynch, Pierce, Fenner & Smith Incorporated for a Protective Order**, was served upon all known counsel of record by website, http: //www.esl3624.com, on this the, on this the **26th** day of **November, 2003**.

Please See Attached Service List

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