

documents identified on its confidentiality log. The JPMC Defendants filed their Motion for Confidential Treatment of Certain Documents with the Court on November 3, 2003, seeking confidential treatment of those documents list on the JPMC Defendants' confidentiality log, which was attached as Exhibit A to the affidavit of Melissa Vogel-Brown, Esq., sworn to on October 30, 2003 and submitted with the Motion.

The JPMC Defendants have conferred with counsel for the Lead Plaintiff in *Newby*, and they have represented that they do not oppose the JPMC Defendants' Motion for Confidential Treatment. The JPMC Defendants acknowledge that any party to the Consolidated action, including but not limited to the Lead Plaintiff in *Newby*, are not prevented from subsequently challenging the JPMC Defendants' designation of specific documents listed on its confidentiality log (including but not limited to seeking appropriate relief from this Court).

CONCLUSION

For the foregoing reasons, the JPMC Defendants respectfully request that the Court grant their unopposed motion for confidential treatment of certain documents.

Dated: December 8, 2003

MITHOFF & JACKS, L.L.P.

/s/ Richard Warren Mithoff

Richard Warren Mithoff
Attorney-in-Charge
Texas Bar No. 14228500
S.D. Tex. Bar No. 2102
Janie L. Jordan
Texas Bar No. 11012700
S.D. Tex. Bar No. 17407
One Allen Center, Penthouse
500 Dallas Street, Suite 3450
Houston, TX 77002
Telephone: (713) 654-1122
Telecopier: (713) 739-8085

OF COUNSEL:

Charles A. Gall
Texas Bar No. 07281500
S.D. Tex. Bar No. 11017
James W. Bowen
Texas Bar No. 02723305
S.D. Tex. Bar No. 16337
JENKENS & GILCHRIST,
A Professional Corporation
1445 Ross Avenue, Suite 3200
Dallas, TX 75202
Telephone: (214) 855-4500
Telecopier: (214) 855-4300

Bruce D. Angiolillo
Thomas C. Rice
David J. Woll
Jonathan K. Youngwood
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, NY 10017
Telephone: (212) 455-2000
Telecopier: (212) 455-2502

**ATTORNEYS FOR DEFENDANTS
J.P. MORGAN CHASE & CO.,
JPMORGAN CHASE BANK, AND
J.P. MORGAN SECURITIES INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been served upon all known counsel of record by electronic mail to the esl3624.com website on this 8th day of December, 2003.

/s/ Richard Warren Mithoff
Richard Warren Mithoff

Lead Plaintiff in *Newby* has represented to JPMC Defendants 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 JPMC Defendants' Confidentiality 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 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 JPMC Defendants.

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 JPMC Defendants' designation of the documents listed on its Confidentiality Log as confidential (including but not limited to seeking appropriate relief from the Court).

SIGNED at Houston, Texas, this ____ day of _____, 2003

MELINDA HARMON
UNITED STATES DISTRICT JUDGE