

United States Courts  
Southern District of Texas  
FILED

DEC 15 2003

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Michael N. Milby, Clerk

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

In re ENRON CORPORATION	§	
SECURITIES, DERIVATIVE &	§	MDL No. 1446
"ERISA" LITIGATION	§	
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MARK NEWBY, et al.,	§	
Plaintiffs,	§	
	§	
vs.	§	CIVIL ACTION NO. H-01-3624
	§	AND CONSOLIDATED CASES
ENRON CORPORATION, et al.,	§	
	§	
Defendants.	§	
	§	
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**UNOPPOSED MOTION FOR ENTRY OF STIPULATION AND ORDER**

Credit Suisse First Boston LLC, Credit Suisse First Boston (USA), Inc. and Pershing LLC (collectively, for purposes of this Stipulation and Order, "CSFB") and Lead Plaintiff The Regents of the University of California ("Lead Plaintiff") have met and conferred regarding the November 14, 2003 Confidentiality Order entered by the Court at their request. After further consideration of the terms of the Confidentiality Order, which governs the confidentiality of CSFB's documents in the above-referenced action, CSFB and Lead Plaintiff respectfully submit the attached Stipulation and Order modifying the terms of the November 14, 2003 Confidentiality Order. Lead Plaintiff and CSFB have agreed to the terms of the attached Stipulation and Order.

1896

CSFB respectfully requests that the Court enter the attached Stipulation and Order.

Dated: December 15, 2003

Respectfully submitted,

*Lawrence D. Fender / by permission*

Lawrence D. Fender

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**ATTORNEYS FOR CREDIT SUISSE  
FIRST BOSTON LLC, CREDIT SUISSE  
FIRST BOSTON (USA), INC. AND  
PERSHING LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served on counsel electronically via the [www.esl3624.com](http://www.esl3624.com) website pursuant to the Court's order in *Newby v. Enron Corp. et al.* on this 15<sup>th</sup> day of December, 2003.

  
\_\_\_\_\_  
Odean L. Volker

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
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Defendants.	§	
	§	
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**STIPULATION AND ORDER**

Credit Suisse First Boston LLC, Credit Suisse First Boston (USA), Inc. and Pershing LLC (collectively, for purposes of this Stipulation and Order, "CSFB") and Lead Plaintiff The Regents of the University of California ("Lead Plaintiff") have met and conferred, and after further consideration of the terms of the Confidentiality Order entered on November 14, 2003, governing the confidentiality of CSFB's documents in the above-referenced action, respectfully submit this Stipulation and Order requesting that the Court modify the terms of that Confidentiality Order as set forth below.

IT IS HEREBY STIPULATED, CONSENTED TO AND AGREED, by and among counsel for the parties herein, and it is hereby ORDERED by the Court that:

1. The Confidentiality Order, entered on November 14, 2003, governing the confidentiality of documents produced by CSFB in the above-referenced action, is hereby

vacated. This Stipulation and Order shall govern the confidential treatment of documents or information produced by CSFB in the above-referenced action, including all cases within MDL No. 1446 and consolidated cases, as well as the use of such documents or information by the parties to the Action.

2. All documents listed on CSFB's Confidentiality Log, and the information reflected therein, (a) shall be used by all parties in the Action, solely in and for the purposes of the Action 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 Action 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 Action and the court-ordered mediator in the Action, 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 CSFB.

3. CSFB may designate additional documents, responses to interrogatories, requests for admission, deposition transcripts, and any other information containing the following categories of information as "Confidential": (a) personnel files and other personal information of current and former CSFB employees; and (b) personal information of CSFB's individual clients. Upon designating any of the foregoing materials as "Confidential", CSFB shall notify Lead Plaintiff in writing that such materials have been designated as "Confidential". Lead Plaintiff may object to CSFB's confidentiality designation(s) in the following manner:

a. Lead Plaintiff shall inform CSFB within thirty (30) days from receipt of the material or materials designated by CSFB whether it objects to CSFB's confidentiality

designation. If Lead Plaintiff objects to CSFB's confidentiality designation, CSFB, after being so informed, shall file with the Court within thirty (30) days a motion seeking a protective order requiring that the parties treat the designated material as confidential. Until any such motion is resolved by the Court, the parties to the Action shall treat as confidential the materials that are the subject of CSFB's motion for a protective order.

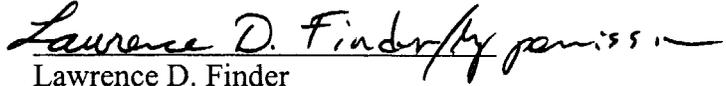
b. If Lead Plaintiff does not object to CSFB's confidentiality designation within thirty (30) days, the material or materials designated as "Confidential" by CSFB, and the information reflected therein, (a) shall be used by all parties in the Action, solely in and for the purposes of the Action and shall not be disclosed to anyone other than counsel of record in those cases, employees of counsel of record, employees of parties in the Action 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 Action and the court-ordered mediator in the Action, 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 CSFB.

4. Nothing in this Stipulation and Order shall prevent any party to the Action (including but not limited to the Lead Plaintiff in Newby) from subsequently challenging

CSFB's designation of the documents listed on its Confidentiality Log, or any other documents, as confidential (including but not limited to seeking appropriate relief from the Court).

Dated: December 15, 2003

Respectfully submitted,



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**ATTORNEYS FOR NATHANIEL PULSIFER**

SIGNED at Houston, Texas this \_\_\_ day of \_\_\_\_\_, 2003.

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MELINDA HARMON  
UNITED STATES DISTRICT JUDGE