

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

In re ENRON CORPORATION §  
SECURITIES, DERIVATIVE & §  
"ERISA" LITIGATION §

MDL No. 1446

United States Courts  
Southern District of Texas  
ENTERED

MARK NEWBY, et al., §  
Plaintiffs, §

DEC 24 2003

Michael N. Milby, Clerk of Court

vs. §

CIVIL ACTION NO. H-01-3624  
AND CONSOLIDATED CASES

ENRON CORPORATION, et al., §  
Defendants. §

**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

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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,

*Lawrence D. Finder by permission*

Lawrence D. Finder

Southern Dist. Id. No. 602

Texas Bar No. 07007200

**HAYNES AND BOONE, LLP**

1000 Louisiana Street, Suite 4300

Houston, TX 77002-5012

Telephone: (713) 547-2000

Telecopier: (713) 547-2600

**ATTORNEY-IN-CHARGE FOR CREDIT  
SUISSE FIRST BOSTON LLC, CREDIT  
SUISSE FIRST BOSTON (USA), INC. AND  
PERSHING LLC**

OF COUNSEL:

Richard W. Clary

Julie A. North

**CRAVATH, SWAINE & MOORE LLP**

Worldwide Plaza

825 Eighth Avenue

New York, NY 10019-7475

Telephone: (212) 474-1000

Telecopier: (212) 474-3700

George W. Bramblett, Jr.  
Southern Dist. Id. No. 10132  
Texas Bar No. 02867000

Noel M.B. Hensley  
Southern Dist. Id. No. 10125  
Texas Bar No. 09491400

**HAYNES AND BOONE, LLP**

901 Main Street, Suite 3100  
Dallas, TX 75202-3789  
Telephone: (214) 651-5000  
Telecopier: (214) 651-5940

Odean L. Volker  
Southern Dist. Id. No. 12685  
Texas Bar No. 20607715

**HAYNES AND BOONE, LLP**

1000 Louisiana Street, Suite 4300  
Houston, TX 77002-5012  
Telephone: (713) 547-2000  
Telecopier: (713) 547-2600

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

**MILBERG WEISS BERSHAD**

**HYNES & LERACH LLP**

William S. Lerach  
Darren J. Robbins  
Helen J. Hodges  
Byron S. Georgiou  
G. Paul Howes  
James I. Jaconette  
Michelle M. Ciccarella  
James R. Hail  
John A. Lowther  
Alexandra S. Bernay  
Matthew P. Siben  
Robert R. Henssler, Jr.

*Helen J. Hodges / by permission*

HELEN J. HODGES

401 B. Street, Suite 1700

San Diego, CA 92101

Telephone: 619/231-1058

**MILBERG WEISS BERSHAD**

**HYNES & LERACH LLP**

Steven G. Schulman  
Samuel H. Rudman  
One Pennsylvania Plaza  
New York, NY 10119-1065  
Telephone: 212/594-5300

**LEAD COUNSEL FOR PLAINTIFFS**

**SCHWARTZ, JUNELL, CAMPBELL  
& OATHOUT, LLP**

Roger B. Greenberg  
State Bar No. 08390000  
Federal I.D. No. 3932

*Roger B. Greenberg / by permission*

ROGER B. GREENBERG

Two Houston Center

909 Fannin, Suite 2000

Houston, TX 77010

Telephone: 713/752-0017

HOEFFNER & BILEK, LLP  
Thomas E. Bilek  
Federal Bar No. 9338  
State Bar No. 0213525  
440 Louisiana, Suite 720  
Houston, TX 77002  
Telephone: 713/227-7720

**ATTORNEYS IN CHARGE**

BERGER & MONTAGUE, P.C.  
Sherrie R. Savett  
1622 Locust Street  
Philadelphia, PA 19103  
Telephone: 215/875-3000

**ATTORNEYS FOR STARO ASSET MANAGEMENT**

WOLF POPPER LLP  
Robert C. Finkel  
845 Third Avenue  
New York, NY 10022  
Telephone: 212/759-4600

SHAPIRO HABER & URMY LLP  
Thomas G. Shapiro  
75 State Street  
Boston, MA 02109  
Telephone: 617/439-3939

**ATTORNEYS FOR NATHANIEL PULSIFER**

SIGNED at Houston, Texas this 23<sup>rd</sup> day of December 2003.



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MELINDA HARMON  
UNITED STATES DISTRICT JUDGE