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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 § CIVIL ACTION NO. H-01-3624 _____
LITIGATION §

§ (Consolidated)

_____ §
This Document Relates To: §

MARK NEWBY, et al., individually and On §
Behalf of All Others Similarly Situated, §

Plaintiffs, §

vs. §

ENRON CORP. et al., §

Defendants. §

§ **CONDITIONAL WITHDRAWAL OF**
§ **PARTIAL OBJECTION BY PUTATIVE**
§ **CLASS MEMBERS TO LEAD PLAINTIFF'S**
§ **AMENDED MOTION FOR CLASS**
§ **CERTIFICATION**

_____ §
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. §

On October 23, 2003 certain Objectors¹ filed a Partial Objection By Putative Class

_____ §
¹ These include: Pacific Investment Management Company, LLC; Total Return Fund, a Series of PIMCO Funds; Maryland State Retirement and Pension Systems; Pitney Bowes Inc. Employees Retirement Plan; Nebraska Investment Council for the School Retirement System, the State Patrol Retirement System and the Judge's Retirement System; Employees' Retirement System of Baltimore County; Oppenheimer Capital Securities Investment Trust Total Return II Trust; Oppenheimer Capital Securities Investment Trust Moderate Duration Trust; Niagara Mohawk Pension Plan; Louisiana Firefighters Retirement System; Group Trust Agreement Pursuant to the Hewlett-Packard Company Deferred Profit-Sharing Plan and Retirement Plan and the Agilent Technologies, Inc. Deferred Profit Sharing Plan and Retirement Plan; San Diego City Employees' Retirement System; Kellogg Company Master Retirement Trust;

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Members to Lead Plaintiff's Amended Motion For Class Certification (the "Partial Objection"). On December 12, 2003, Lead Plaintiff submitted a Second Amended Proposed Order Granting Lead Plaintiff's Amended Motion for Class Certification (the "Second Amended Proposed Order"). Among other things, the Second Amended Proposed Order provides opt out rights with respect to purchases of Foreign Debt Securities, which include the Osprey Note purchases that were the subject of Objectors' Partial Objection. Second Amended Proposed Order, ¶ (iii). As drafted, the Second Amended Proposed Order eliminates Objectors' objections. Therefore, and conditioned upon the entry of an order that secures the opt out rights set forth in paragraph (iii) of the Second Amended Proposed Order, Objectors withdraw their Partial Objection.

DATED: December 19, 2003

Respectfully submitted,

By J. Michael Hennigan By: *JMH*
J. Michael Hennigan (Pro Hac Vice Pending)
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Directors Guild Of America - Producer Supplemental Pension Plan; Directors Guild Of America - Producer Basic Pension Plan; and Plan of Benefits of the Central Pension Fund of the International Union of Operating Engineers Participating Employers (the "Objectors").