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

United States Courts
Southern District of Texas
ENTERED
JAN 23 2004
Michael N. Milby, Clerk of Court

In Re ENRON CORPORATION SECURITIES, DERIVATIVE & "ERISA" LITIGATION,	§ § §	MDL 1446
MARK NEWBY, ET AL., Plaintiffs VS. ENRON CORPORATION, ET AL., Defendants	§ § § § § § § § §	CIVIL ACTION NO. H-01-3624 AND CONSOLIDATED CASES
OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF ENRON CORP., Plaintiff, VS. ANDREW S. FASTOW, ET AL., Defendants.	§ § § § § § § § § §	CIVIL ACTION NO. H-04-0091

ORDER OF COORDINATION

Official Committee of Unsecured Creditors v. Fastow et al., H-04-0091 (alleging breach of fiduciary duty, fraud, civil conspiracy, aiding and abetting breaches of fiduciary duty,, gross negligence, negligence/malpractice, negligent misrepresentation, and breach of duty of care and seeking money had and received/fee forfeiture, accounting and disgorgement, constructive trust), was removed from state for a second time by newly added Defendant Jeffrey McMahon based on "related to" bankruptcy jurisdiction. Discovery in H-04-0091 will necessarily overlap that in *Newby v. Enron Corporation*, H-01-3624, since it arises from many of the same facts and alleges claims against many of the same parties,

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but it does not allege federal securities violations and thus should not be consolidated with *Newby*. To insure that this case receives all relevant pleadings and orders, the Court

ORDERS that the docketing clerk shall henceforth designate H-04-0091 as a "coordinated case" in conjunction with *Newby* and shall enter it as such on the docket sheet of *Newby*.

The Court further

ORDERS that the order setting a pretrial and scheduling conference before Judge Frances Stacy is VACATED and H-o4-0091 will proceed under the schedule in *Newby*.

Finally, the Court observes that H-04-0091 has been improperly designated on the docket sheet as a "28:1334 Bankruptcy Appeal," when it is a civil suit grounded in tort, brought on behalf of the Enron bankruptcy estate and authorized to go forward by the Enron bankruptcy court. The Court

ORDERS the docket clerk to recategorize the nature of this action appropriately.

SIGNED at Houston, Texas, this 22nd day of January, 2004.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE