

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

United States Courts
Southern District of Texas
ENTERED

FEB 10 2004

In Re ENRON CORPORATION §
SECURITIES, DERIVATIVE & § MDL 1446
"ERISA" LITIGATION, §

Michael N. Milby, Clerk of Court

MARK NEWBY, ET AL., §
§
Plaintiffs §
§
VS. § CIVIL ACTION NO. H-01-3624
§ AND CONSOLIDATED CASES
ENRON CORPORATION, ET AL., §
§
Defendants §

UNICREDITO ITALIANO AND BANK §
PEKAO, 53/57 GRZYBOWSKA STREET §
STREET, 00-950 WARSAW, POLAND, §
§
Plaintiffs, §
§
VS. § CIVIL ACTION NO. H-04-0324
§
JP MORGAN CHASE, INC., §
CITIGROUP, JP MORGAN CHASE §
BANK, JP MORGAN SECURITIES §
INC., CITIBANK NA, CITIGROUP §
INC., AND CITIGROUP GLOBAL §
MARKETS, INC., §
§
Defendants. §

ORDER OF COORDINATION

Unicredito Italiano, et al. v. JP Morgan Chase, Inc. et al., H-04-0324, alleges common law causes of action under New York law aiding and abetting Enron, civil conspiracy, and breach of the duty of good faith and fair dealing based on Defendants' nondisclosure of material adverse changes in Enron's financial condition leading to Plaintiffs' funding of approximately \$55,000,000 on October 25, 2001 for credit facilities mismanaged by Defendant Banks for Enron and a 2001 Letter of Credit. This

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action was first transferred by the United States District Court of Delaware to the United States District Court of the Southern District of New York, and then to this Court by the Judicial Panel for Multidistrict Litigation for inclusion in MDL 1446.

To insure that this case receives all relevant pleadings and orders, the Court

ORDERS that the docketing clerk shall henceforth designate H-04-0324 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 all future requests shall be filed as motions, not submitted as letters, to insure that they are formally part of the record and that all parties have notice and an opportunity to respond. As a final matter, in response to Plaintiffs' letter of December 23, 2003, requesting direction as to if or when they should file their amended complaint as ordered by Judge Swain in New York, the Court

ORDERS that Plaintiffs shall file the amended pleading within twenty days of receipt of this order.

SIGNED at Houston, Texas, this 10th day of February, 2004.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE