

FEB 17 2004

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Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re ENRON CORPORATION
SECURITIES DERIVATIVE &
"ERISA" LITIGATION

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MDL Docket No. 1446

MARK NEWBY, et al.,

Plaintiffs,

vs.

ENRON CORPORATION, et al.,

Defendants.

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Civil Action No. H-01-3624
And Consolidated Cases

PAMELA M. TITTLE, on behalf of herself
and a class of persons similarly situated, et al.,

Plaintiffs

vs.

ENRON CORPORATION, an Oregon
Corporation, et al.,

Defendants.

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Civil Action No. H-01-3913
And Consolidated Cases

**UNOPPOSED MOTION FOR EXTENSION OF
CERTAIN BRIEFING DEADLINES
RELATED TO OUTSIDE DIRECTORS' AND OTHERS' MEMORANDA
CONCERNING DISCOVERY OF EXAMINER TRANSCRIPTS**

Certain Financial Institution Defendants¹ file this motion for extension of certain briefing deadlines related to Outside Directors', Kenneth L. Lay's and Certain Private Action Plaintiffs' memoranda concerning discovery of Examiner transcripts, and respectfully show the Court as follows:

¹ For purposes of this memorandum, "Financial Institutions" refers to Bank of America Corporation, Bank of America Securities LLC, Barclays PLC, Barclays Bank PLC, Barclays Capital Inc., Canadian Imperial Bank of Commerce, CIBC World Markets Corp., CIBC World Markets plc, Credit Suisse First Boston LLC, Credit Suisse First Boston (USA), Inc., Pershing LLC, Lehman Brothers Holdings Inc., Lehman Brothers Inc., Merrill Lynch & Co., Inc., and Merrill Lynch, Pierce, Fenner & Smith Incorporated.

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During the hearing held on January 22, 2004, the Outside Directors and the Financial Institutions outlined a schedule for the filing of further briefs related to Lead Plaintiff's Motion to Compel the Banks to Produce the Sworn Statements and Deposition Transcripts of Their Employees (the "Motion"). Briefs in support of the Motion, such as that filed by Outside Directors, were to be filed 10 days after the hearing. The Outside Directors filed their "Memorandum Concerning Discovery of Examiner Transcripts" on February 2, 2004, and supplemented that memorandum on February 6, 2004. Under the schedule as originally contemplated, the Financial Institutions would have filed their response to the Outside Directors on February 17, 2004.

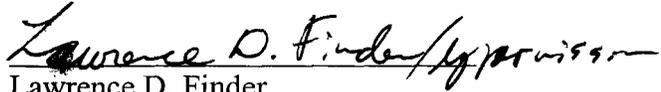
Parties in addition to the Outside Directors have also filed briefs regarding discovery of the Examiner transcripts as follows:

- February 5, 2004 - Defendant Kenneth L. Lay's Memorandum Concerning Discovery of Examiner Transcripts; and
- February 6, 2004 - Certain Private Action Plaintiffs' Corrected Joinder in Support of Lead Plaintiff's Motion and Outside Directors' Memorandum Concerning Discovery of Examiner Statements and Transcripts.

In the interest of more streamlined and efficient briefing in response to the various briefs that have been filed in support of the Motion, the Financial Institutions request that the deadline for the response to all of these briefs be extended to February 20, 2004 and the deadline for any reply be extended to February 25, 2004.

February 17, 2004

Respectfully submitted,



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CERTIFICATE OF CONFERENCE

On February 13, 2004, I conferred with Kathy Patrick, attorney for the Outside Directors, Paul O. Paradis, for the Private Action Plaintiffs, and Bruce Collins, attorney for Kenneth L. Lay. Each indicated that they were not opposed to the relief sought in this motion.



Odean L. Volker

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 website pursuant to the Court's order in *Newby v. Enron Corp. et al.* on this 17th day of February 2004.



Odean L. Volker

H-464113.1