United States Courts
Southern District of Texas
ENTERED
APR 1 2 2004
Michael N. Milby, Clerk of Court

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

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
JOSEPH BLAZ, On Behalf of Himself and All Others Similarly Situated, Plaintiffs, VS. BANK OF AMERICA CORPORATION, BARCLAYS PLC, CANADIAN IMPERIAL BANK OF COMMERCE, CITIGROUP, INC., DEUTSCHE BANK AG, J.P. MORGAN CHASE & CO., and MERRILL LYNCH & CO., INC., Defendants.	§ § § § § § § § § § § § §	CIVIL ACTION NO. H-04-1119

ORDER OF CONSOLIDATION

H-04-1119, *Blaz, on Behalf of Himself and All Others Similarly Situated, v. Banc of America Corporation, et al.*, alleges Texas state law claims on behalf of purchasers of the publicly traded securities of Enron Corporation from April 11, 1997-October 15, 1998 alleges that Enron and the financial institution Defendants, with the aid of Arthur Andersen LLP, misrepresented and inflated Enron's financial conditions by use of "off-balance-sheet" transactions with secret Enron affiliates.

2072

Plaintiff asserts causes of action under Texas state law for fraud in stock transactions under Texas Business & Commerce Code § 27.01, fraudulent misrepresentation, negligent misrepresentation, and civil conspiracy. It was removed from 80th Judicial District Court of Harris County, Texas pursuant to the Securities Litigation Uniform Standards Act ("SLUSA"), 15 U.S.C. §§ 77p(c) and 78bb(f)(2), and pursuant to "related to bankruptcy jurisdiction under 28 U.S.C. §§ 1331, 1334(b), 1446, and 1452, and Rule 9027 of the Federal Rules of Bankruptcy Procedure.

Because the Court agrees that H-04-1119 is related to the subject matter of MDL 1446, the collapse of Enron Corporation and because if it survives a motion to dismiss pursuant to SLUSA, discovery in H-04-1119 will necessarily overlap with that in *Newby* since it arises from some nucleus of operative facts and alleges claims against some of the same Defendants, the Court

ORDERS that H-04-1119 is hereby TRANSFERRED to the undersigned judge's docket pursuant to the order of consolidation entered in lead case H-01-3624, *Newby v. Enron Corp., et al.* on December 12, 2001. The Court further

ORDERS that the Defendant Banks' motion to consolidate (instrument #6) H-04-1119 with MDL 1446 and *Newby* is hereby GRANTED. The Court additionally

ORDERS that the docketing clerk shall henceforth designate H-04-1119 as a "coordinated case" in conjunction with *Newby* and shall enter it as such on the docket sheet of *Newby*.

Finally, the Court

ORDERS that the scheduling conference set before the Honorable David Hittner on June 30, 2004 is CANCELLED, and this case shall proceed according the schedule established in *Newby*.

SIGNED at Houston, Texas, this 8th day of April, 2004.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE