

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

APR 12 2004

Michael N. Milby, Clerk

In re ENRON CORPORATION SECURITIES )  
LITIGATION )

\_\_\_\_\_  
This Document Relates To: )

MARK NEWBY, *et al.*, individually and on )  
behalf of all others similarly situated, )  
Plaintiffs, )

vs. )

ENRON CORP., *et al.* )  
Defendants. )

Civil Action No. H-01-3624  
(Consolidated)

\_\_\_\_\_  
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. )

**UNOPPOSED MOTION BY DEFENDANTS  
LEHMAN BROTHERS HOLDINGS INC. AND LEHMAN BROTHERS INC.  
FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' FIRST AMENDED  
CONSOLIDATED COMPLAINT**

2074

Defendants Lehman Brothers Holdings Inc. (“LBHI”) and Lehman Brothers Inc. (“LBI,” and collectively with LBHI, the “Lehman Defendants”), file this unopposed motion for an extension of time to respond to Plaintiffs’ First Amended Consolidated Complaint for Violation of the Securities Laws (the “Amended Complaint”), and respectfully show the Court as follows:

1. On March 31, 2004, this Court entered its order denying the Lehman Defendants’ motion to dismiss the 1933 Act claims in the Amended Complaint.<sup>1</sup> Therefore, pursuant to Rule 12(a)(4)(A) of the Federal Rules of Civil Procedure, the Lehman Defendants must answer those allegations on or about April 14, 2004.

2. Due to the length and complexity of the Amended Complaint, the Lehman Defendants request an extension of the date by which they must answer the 1933 Act claims. Plaintiffs and the Lehman Defendants have agreed that the date by which the Lehman Defendants must respond to the Amended Complaint should be extended from April 14, 2004 until April 30, 2004. This extension of time is reasonable and will not prejudice any party to this litigation.

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<sup>1</sup> On February 4, 2004, the Court dismissed the Section 10(b) and Section 20(a) claims against the Lehman Defendants because Lead Plaintiff withdrew its opposition to dismissal. (*See* Docket No. 1969.)

WHEREFORE, the Lehman Defendants respectfully request that the Court grant this unopposed motion and enter an order extending the date by which the Lehman Defendants must respond to the Amended Complaint from April 14, 2004 to April 30, 2004.

Dated: April 12, 2004  
Houston, Texas

Respectfully submitted,



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***Attorneys for Defendants Lehman Brothers  
Holdings Inc. and Lehman Brothers Inc.***

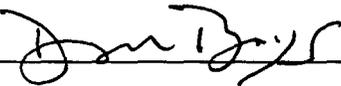
OF COUNSEL:

*\* signed by permission*

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing instrument was served on the attorneys of record for all parties to the above cause through esl3624.com in accordance with the Court's order regarding website service on the 12th day of April, 2004.

  
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**CERTIFICATE OF CONFERENCE**

I certify that counsel at Jones Day, Robert Micheletto and Erica Bachmann, conferred with counsel for plaintiffs, Helen Hodges and James Jaconette, on April 12, 2004 and that plaintiffs agreed to the disposition sought by this motion.

  
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