

APR 2 2004

BC

Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re ENRON CORPORATION
SECURITIES LITIGATION

Plaintiffs,

vs.

ENRON CORP., et al.

Defendants.

MDL Docket No. 1446

No. H-01-CV-3624

(Consolidated Action)

U.S. COURTS
SOUTHERN DISTRICT
OF TEXAS

2004 APR 20 PM 5:17

FILED

MARK NEWBY, et al.

Plaintiffs,

vs.

ENRON CORP., et al.

Defendants.

CLASS ACTION

No. H-01-CV-3624

(Consolidated Action)

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA, et al., Ind. and on
behalf of all others simliarily situated

Plaintiffs,

vs.

KENNETH L. LAY, et al

Defendants.

PIRELLI ARMSTRONG TIRE
CORPORATION RETIREE
MEDICAL BENEFITS TRUST,
Derivatively On Behalf of ENRON
CORPORATION, et al.,

Plaintiffs,

vs.

ENRON CORP., et al.,

Defendants.

No. H-01-CV-3645

(Consolidated Action)

[Caption continued on next page]

2013

APR 21 2004



Michael N. Milby, Clerk

CALIFORNIA PUBLIC EMPLOYEES, §
RETIREMENT SYSTEM §
Plaintiff, §

vs. §

BANC OF AMERICA SECURITIES, §
LLC, ET AL §

C.A. No.: H-03-3481
(Coordinated Case)

RICHARD CHOUCROUN, MICHEAL §
KALIL, PJ ELLISON KALIL, ET AL §
Plaintiffs, §

vs. §

ARTHUR ANDERSEN LLP §

C.A. No.: H-03-3320
(Coordinated Case)

PAUL OKOMO §
Plaintiff, §

vs. §

BANC OF AMERICA SECURITIES §
LLC, ET AL §

C.A. No.: H-03-3508
(Coordinated Case)

DEFENDANT ANDREW S. FASTOW'S
MOTION TO SUBSTITUTE ATTORNEY-IN-CHARGE

Defendant Andrew S. Fastow files this Motion to Substitute Attorney-in-Charge:

1. Defendant Andrew S. Fastow ("Fastow") is represented in this matter by John Keker of Keker & Van Nest, L.L.P. as Attorney-in-Charge and Craig Smyser of Smyser Kaplan & Veselka, L.L.P. as Co-Counsel.

2. Fastow wishes to substitute as attorney-in-charge Craig Smyser, Smyser Kaplan & Veselka, L.L.P., 700 Louisiana, 2300 Bank of America Center, Houston, Texas

77002, (713) 221-2330 (phone), (713) 221-2320 (facsimile) in place of his prior attorney-in-charge, John Kecker.

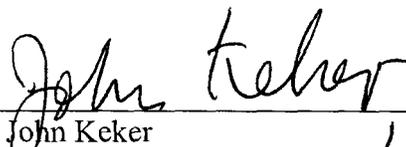
3. Prior counsel for Fastow does not oppose this Motion to Substitute Attorney-in-Charge. Fastow also asks that John Kecker and the firm of Kecker & Van Nest, L.L.P. be permitted to withdraw as his attorney-in-charge and that Craig Smyser continue as attorney-in-charge.

4. Fastow's change in attorney-in-charge is not sought for purposes of delay but so that justice may be done.

For the reasons stated above, Fastow respectfully requests that this Motion to Substitute Attorney-in-Charge be granted.

Respectfully submitted,

KEKER & VAN NEST, LLP

By: 

John Kecker

710 Sansome Street
San Francisco, California 94111
(415) 391-5400
(415) 397-7188 - Facsimile

by CS

**ATTORNEY-IN-CHARGE FOR
DEFENDANT ANDREW FASTOW**

OF COUNSEL:

SMYSER KAPLAN & VESELKA, L.L.P.

Craig Smyser

State Bar No. 18777575

Fed. ID No. 848

700 Louisiana, Suite 2300

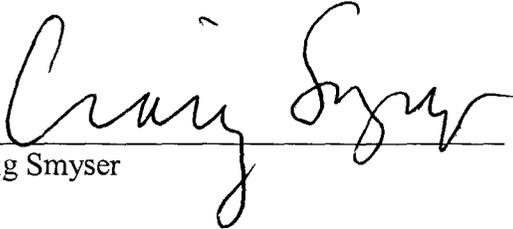
Houston, Texas 77002

(713) 221-2300

(713) 221-2320 - Facsimile

CERTIFICATE OF SERVICE

This is to certify that on **April 20th**, 2004 a true and correct copy of the above and foregoing instrument was served on all counsel of record by posting same to the website ESL3624 in accordance with Court Order in this matter.



Craig Smyser