

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
FILED

MAY 14 2004



Michael N. Milby, Clerk

U.S. COURTS
SOUTHERN DISTRICT
OF TEXAS
MAY 16 PM 8:00
1011-1113

In Re ENRON CORPORATION §
SECURITIES LITIGATION §

MARK NEWBY, et al., individually and §
on behalf of all others similarly situated, §

Plaintiffs, §

vs. §

ENRON CORPORATION, et al., §

Defendants. §

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. §

CIVIL ACTION NO. H-01-3624
Consolidated Civil Action

**MERRILL LYNCH'S UNOPPOSED MOTION FOR EXTENSION OF
TIME TO RESPOND TO PLAINTIFFS' FIRST AMENDED COMPLAINT**

Defendants Merrill Lynch & Co., Inc. and Merrill Lynch, Pierce, Fenner & Smith Incorporated (collectively, "Merrill Lynch") respectfully submit this Unopposed Motion for Extension of Time to Respond to Plaintiffs' First Amended Consolidated Complaint for Violation of the Securities Laws (the "Amended Complaint").

2142

The Court entered its order on Merrill Lynch's motion to dismiss the Amended Complaint on March 29, 2004 (Docket No. 2036). Accordingly, Merrill Lynch's response to the Amended Complaint would otherwise be due no later than April 12, 2004.

Due to the length and complexity of the Amended Complaint, Merrill Lynch requests an additional extension of its time to answer. Merrill Lynch previously filed an Unopposed Motion for Extension of Time to Respond to Plaintiffs' First Amended Complaint (Docket No. 2070) seeking an extension until April 26, 2004, which the Court granted by Order dated April 15, 2004 (Docket No. 2087). A Second Unopposed Motion for Extension of Time to Respond to Plaintiffs' First Amended Complaint was also granted by Order of this Court (Docket No. 2112), extending the time to respond until May 17, 2004.

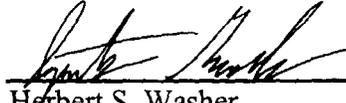
Plaintiffs have now agreed that Merrill Lynch's time to respond to the Amended Complaint may be extended from May 17, 2004 to May 21, 2004. Merrill Lynch believes that this brief extension of time is reasonable, and will not prejudice any party to this litigation.

CONCLUSION

Merrill Lynch respectfully requests that the Court grant this unopposed motion and enter an order extending the date by which Merrill Lynch must respond to the Amended Complaint from May 17, 2004 to May 21, 2004.

Dated: May 14, 2004
New York, New York

Respectfully submitted,



Herbert S. Washer
James D. Miller
Ignatius A. Grande
CLIFFORD CHANCE US LLP
200 Park Avenue
New York, NY 10166-0153
Telephone: (212) 878-8000
Facsimile: (212) 878-8375
Email: herbert.washer@cliffordchance.com
james.miller@cliffordchance.com
ignatius.grande@cliffordchance.com

Robert F. Serio
Marshall R. King
James L. Hallowell
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, New York 10166-0193
Telephone: (212) 351-4000
Facsimile: (212) 351-4035
Email: enronlitigation@gibsondunn.com

Taylor M. Hicks
Texas Bar No. 09585000
Southern District I.D. No. 3079
Stephen M. Loftin
Texas Bar No. 12489510
Southern District I.D. No. 12676
HICKS THOMAS & LILIENSTERN, LLP
700 Louisiana, Suite 1700
Houston, Texas 77002
Telephone: (713) 547-9100
Facsimile: (713) 547-9150
Email: thicks@hicks-thomas.com
sloftin@hicks-thomas.com

**Counsel for Defendants Merrill Lynch & Co.,
Inc. and Merrill Lynch, Pierce, Fenner & Smith
Incorporated**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **Unopposed Motion for Extension of Time to Respond to Plaintiffs' First Amended Complaint** was served upon all known counsel of record via the www.esl3624.com website, on this **14th** day of **May, 2004**.



Ignatius Grande