United States Courts
Southern District of Texas
FILED

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Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK NEWBY, et al., Individually and On Behalf of All Others Similarly Situated,	§	Civil Action No. H-01-3624
	§	**(Consolidated)**
	§	
Plaintiffs,	§	CLASS ACTION
	§	
vs.	§	
	§	
ENRON CORP., et al.,	§	
	§	
Defendants.	§	

DECLARATION OF CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM IN SUPPORT OF THE MOTION OF THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR APPOINTMENT AS LEAD PLAINTIFF AND FOR APPROVAL OF LEAD COUNSEL

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COMES NOW class member California Public Employees' Retirement System ("CalPERS"), and files this declaration in support of the motion of the Regents of the University of California ("Regents"), to be appointed lead plaintiff and the approval of its selection of lead counsel.

1. CalPERS is the largest public retirement system in the United States. It is responsible for administering the retirement plans of over 1.2 million of California's public servants, both actively employed and retired. Over 2,400 governmental employers throughout California participate in CalPERS and contribute to help fund the retirement benefits of their employees. This number includes over 1,000 school districts and over 1,400 local governmental entities, as well as the State of California.

2. CalPERS has a significant financial interest in the relief sought by the Class in the consolidated fraud class action captioned *Newby, et al. v. Enron Corp.*, Civil Action No. H-01-3624. During the Class Period, CalPERS bought and sold stock, netting an estimated loss of approximately $19.6 million.

3. In 1986 CalPERS first began to exercise the shareowner rights and responsibilities which have come to be known globally as "corporate governance." CalPERS has been a leader in the corporate governance movement since that time, individually discussing these issues with directors and officers of over 2,000 U.S. companies. The cornerstone of this program is to seek to improve corporate long-term, sustainable performance by assuring full accountability of corporate officials. Fundamental to full accountability – as well as to the integrity of the financial markets – is honest and transparent financial reporting.

4. In 1998, CalPERS adopted a policy and procedures for evaluating federal securities fraud class actions. This policy also seeks to assure corporate accountability through honest financial reporting.

5. CalPERS views these issues as essential to the integrity of the financial markets, and has so spoken in a number of different forums, including in testimony before the U.S. Congress,

Securities and Exchange Commission, the Financial Accounting Standards Board, the International Accounting Standards Board, all of the national exchanges, and trade organizations including the Business RoundTable and National Association of Corporate Directors.

6. With these goals in mind, CalPERS supports the appointment of the Regents of the University of California as lead plaintiff because it believes that the Regents has the resources and expertise to best represent the Class in a diligent manner, consistent with the Private Securities Litigation Reform Act of 1995 ("PSLRA").

7. CalPERS further supports the appointment of Milberg Weiss Bershad Hynes & Lerach as lead counsel. CalPERS has worked with the Milberg Weiss firm on another PSLRA matter, and has had the opportunity to personally evaluate this firm's experience, expertise and resources. CalPERS believes that Milberg Weiss, under the direction of the lead plaintiff, will diligently pursue representation of the Class.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 25th day of January, 2002, at Sacramento, California.

CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM

by KAYLA J. GILLAN
its CalPERS General Counsel

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DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is 401 B Street, Suite 1700, San Diego, California 92101.

2. That on January 28, 2002, declarant served the DECLARATION OF CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM IN SUPPORT OF THE MOTION OF THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR APPOINTMENT AS LEAD PLAINTIFF AND FOR APPROVAL OF LEAD COUNSEL by depositing a true copy thereof in a United States mailbox at San Diego, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day of January, 2002, at San Diego, California.

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