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

In re ENRON CORPORATION SECURITIES, DERIVATIVE &"ERISA" LITIGATION	§	**MDL-1446**
MARK NEWBY, et al.,	§	
Plaintiffs,	§	
v.	§	**CIVIL ACTION NO: H-01-3624 AND CONSOLIDATED AND COORDINATED CASES**
ENRON CORPORATION, et al.,	§	
Defendants.	§	

United States Courts
Southern District of Texas
ENTERED
JUL 12 2004
Michael N. Milby, Clerk of Court

CONFIDENTIALITY ORDER FOR THIRD PARTY DOCUMENTS

1. This Confidentiality Order for Third Party Documents governs the production of all Confidential Material by any third party ("Third Party") in the above-referenced action, including all coordinated or consolidated cases and any other actions related to Enron (collectively, the "Action"), as well as the use of such Confidential Material by the parties to the Action.

2. "Material" or "Materials" shall mean documents, responses to interrogatories, requests for admissions, deposition transcripts, and any other information, objects or things that have been or will be produced by a Third Party in the Action, as well as any and all copies, abstracts, digests, summaries, materials derived therefrom and by-products thereof. The term "documents" as used in this Confidentiality Order is intended to encompass both documents (including any form of magnetic or electronic storage media) and physical things.

3. "Confidential Material" shall mean all material designated as "Confidential" which will be produced or otherwise disclosed in connection with this action. Designation of Confidential

Material shall be limited to current and legitimately confidential information as defined by the Federal Rules of Civil Procedure and must be substantiated by case law supporting the designation. The designation of any materials as confidential shall constitute the verification of counsel of the designating party that the designation is, in the good faith judgment of counsel, compliant with the terms of this Order.

4. A Third Party may designate material containing the following categories of information as "Confidential Material":

(a) private personal information of the Third Party or of any individuals associated with, employed by, or clients of the Third Party;

(b) commercially sensitive, proprietary and/or trade secret information of the Third Party.

5. A Third Party shall designate materials produced as Confidential for purposes of this Order by affixing the legend "CONFIDENTIAL" to each page containing any Confidential Material.

6. All Confidential Material and the information reflected therein shall be used solely for the purpose of the preparation and conduct of discovery, motions, hearings, trial, or appeals (including retrials) in the Action and shall not be disclosed to anyone other than parties to the Action, counsel of record in the Action, employees of counsel of record, employees of parties in the Action for the purposes of assisting or consulting with counsel in the Action or in preparation for or during their depositions or trial testimony, nonparty witnesses during their depositions or trial testimony, experts retained by parties in the Action, the court-ordered mediator in the Action, and any document depository administrator or outside copy and computer services personnel for purposes of copying, imaging, or indexing documents, each of whom shall restrict use and disclosure of such Confidential Materials and the information contained therein as provided in this paragraph.

7. Confidential Materials shall be filed under seal unless the Third Party consents to unsealed filing. All materials filed under seal shall plainly state on the first page of any bound or stapled set, "CONFIDENTIAL -- FILED UNDER SEAL." For any Confidential Material filed with a court and served on other counsel via http://www.esl3624.com (a restricted website, accessible by parties only, created for the purpose of allowing service on all parties involved in this litigation),[1] all Confidential Material shall remain in the filing and shall be treated as Confidential as set forth in this Order.

8. Nothing in this Order shall prevent any party to the Action (including without limitation Lead Plaintiff Newby) from subsequently challenging the asserted confidential or privileged nature of the Confidential Materials.

9. Documents or information obtained from Third Parties other than from the process of formal discovery are not subject to this Order.

10. This Order shall survive the termination of the Action and shall continue in full force and effect thereafter.

SIGNED at Houston, Texas, this 12th day of July, 2004.

THE HONORABLE MELINDA HARMON
UNITED STATES DISTRICT JUDGE

[1] *See* June 6, 2002, Order Regarding Service of Papers and Notice of Hearings Via Independent Website ("Only authorized persons shall have access to the website.").