

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

UNITED STATES COURTS
 SOUTHERN DISTRICT OF TEXAS
 FILED
 BT JUL 13 2004

Michael N. Milby, Clerk of Court

MARK NEWBY,)
)
 Plaintiff,)
)
 VS.)
)
 ENRON CORP., et al.,)
)
 Defendants,)
)

CIVIL ACTION NO.H-01-3624
 (Consolidated)

Certain Officer Defendants’ Motion to Withdraw Its Opposition to Enron Task Force’s Third Motion to Stay Depositions and Request for Expedited Consideration And for Leave to File a Revised Opposition to Enron Task Force’s Revised Motion for a Limited Stay of Selected Depositions

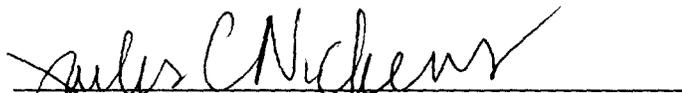
Certain former officers of Enron (“Officer Defendants”)¹ file this motion to withdraw its previously-filed “Opposition to Enron Task Force’s Third Motion to Stay Depositions and Request for Expedited Consideration (filed June 28, 2004). Pursuant to a conference call with the Court and the parties to the above-captioned class action held on June 29, 2004, the United States sought leave of the Court to file a Revised Motion for a Limited Stay of Selected Depositions seeking a temporary stay of the depositions of John Bloomer, Bill Collins and Arild Holm in this case. The Officer Defendants are filing this revised opposition to remove a portion that the Enron Task Force deleted

¹ The Officer Defendants joining in this opposition include: Richard B. Buy, Richard A. Causey, Mark A. Frevert, Steven J. Kean, Mark E. Koenig, Jeffrey McMahon, Cindy K. Olson, Kenneth D. Rice, Jeffrey K. Skilling, Joseph Sutton, and Lawrence Greg Whalley. The Officer Defendants understand that the Outside Directors represented by Gibbs & Bruns, LLP likewise oppose the relief sought by the Task Force and will be filing a separate pleading to that effect shortly. Because of the need to file this opposition within five days of the Task Force’s motion, the Officer Defendants have not yet been able to determine whether other Insured Defendants who joined in Certain Insured Defendants’ Opposition to Enron Task Force’s Second Motion to Stay Depositions and Request for Expedited Consideration (“Opposition to Task Force’s Second Motion”) will be joining in this opposition. If appropriate, the Officer Defendants will notify the Court of any additional parties who join this motion.

2270

from its revised motion. The Officer Defendants recognize that the Court has already denied the motion. Officer Defendants are simply filing this opposition so (1) the Court's record will be complete, and (2) the Court's record will not contain any reference to the statement withdrawn by the Task Force.

Respectfully submitted,

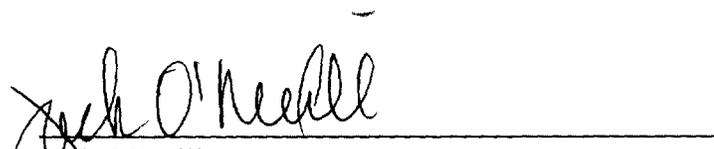


Jacks C. Nickens
State Bar No. 15013800
NICKENS KEETON LAWLESS FARRELL & FLACK LLP
600 Travis, Suite 7500
Houston, Texas 77002
(713) 571-9191
(713) 571-9652 (fax)

Attorney-in-Charge for Defendants Richard B. Buy,
Richard A. Causey, Mark A. Frevert, Steven J. Kean,
Mark E. Koenig, Jeffrey McMahon, Cindy K. Olson,
Kenneth D. Rice, and Lawrence Greg Whalley

OF COUNSEL:

Paul D. Flack
Joanna V. Hamrick
State Bar No. 00786930
NICKENS KEETON LAWLESS FARRELL & FLACK LLP
600 Travis, Suite 7500
Houston, Texas 77002
(713) 571-9191
(713) 571-9652 (fax)



Jack O'Neill
State Bar No. 15288500
Federal ID No. 3696
CLEMENTS, O'NEILL, PIERCE, WILSON &
FULKERSON, LLP
Wells Fargo Plaza
1000 Louisiana, Suite 1800
Houston, Texas 77002
(713) 654-7607
(713) 654-7690 (fax)

Attorney in charge for Defendant
Joseph W. Sutton

OF COUNSEL:

Jason C. Norwood
State Bar No. 24027579
CLEMENTS, O'NEILL, PIERCE,
WILSON & FULKERSON, LLP
1000 Louisiana, Suite 1800
Houston, Texas 77002-5009
(713) 654-7664
(713) 654-7690 (fax)



Ronald G. Woods
RONALD G. WOODS, ATTORNEY AT LAW
5300 Memorial, Suite 1000
Houston, Texas 77007
(713) 862-9600

Attorneys for Defendant Jeffrey K. Skilling

OF COUNSEL:

Bruce A. Hiler
Jeffrey W. Kilduff
Robert M. Stern
O'MELVENY & MYERS LLP
1625 Eye Street, N.W.
Washington, D. C. 20006
(202) 383-5300
(202) 383-5414

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served by electronic posting to www.ESL3624.com on July 13, 2004.



Paul D. Flack