

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

FILED
JUL 23 11 51 AM '23

In Re ENRON CORPORATION SECURITIES
LITIGATION

MDL Docket No. 1446

This Document Relates To:

MARK NEWBY, et al., Individually and On
Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

ENRON CORP., et al.

Defendants.

Civil Action No. H-01-3624
(Consolidated)

CLASS ACTION

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.

[Caption continued on next page]

2291

PAMELA M. TITTLE,

Plaintiffs,

vs.

ENRON CORPORATION, et al.,

Defendants.

Civil Action No. H-01-3913

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF ENRON CORP.,

Plaintiffs,

vs.

ANDREW S. FASTOW, MICHAEL J. KOPPER,
BEN GLISAN, JR. RICHARD B. BUY,
RICHARD A. CAUSEY, JEFFREY K.
KILLING, KENNETH L. LAY, JEFFREY
McMAHON, JAMES V. DERRICK, JR.,
KRISTINA M. MORDAUNT, KATHY LYNN,
ANNE YEAGER-PATEL, ARTHUR
ANDERSEN, LLP, AND CARL FASTOW, AS
ADMINISTRATOR OF THE FASTOW FAMILY
FOUNDATION,

Defendants.

Civil Action No. H-04-0091

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2004 JUL 23 PM 5:23
CLERK OF COURT
HONORABLE JUDGE
JAMES R. HANCOCK

ELAINE L. CHAO, SECRETARY OF THE
UNITED STATES DEPARTMENT OF LABOR,

Plaintiff,

vs.

ENRON CORPORATION, et al.,

Defendants.

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Civil Action No. H-03-2257
(Consolidated with H-01-3913)

2004 JUN 23 11:52 AM

CERTAIN DEFENDANTS’ JOINDER IN BANK DEFENDANTS’ MOTION TO CLARIFY THE MARCH 11, 2004 SCHEDULING ORDER WITH RESPECT TO THIRD-PARTY COMPLAINTS AND CROSS-CLAIMS IN ACTIONS NOT PROCEEDING UNDER THE CONSOLIDATED *NEWBY* AND *TITTLE* COMPLAINTS

Defendants John A. Urquhart, Rebecca Mark-Jusbache, Robert A. Belfer, Norman P. Blake, Jr., Ronnie C. Chan, John H. Duncan, Joe H. Foy, Wendy L. Gramm, Robert K. Jaedicke, Charles A. LeMaistre, John Mendelsohn, Jerome Meyer, Frank Savage, Charls E. Walker, John Wakeham, and Herbert Winokur, Jr., 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 (“Certain Defendants”) respectfully join in the Bank Defendants’ Motion to Clarify the March 11, 2004 Scheduling Order and request that this Court clarify that the August 2, 2004 deadline set forth in the March 11, 2004 Scheduling Order does not apply to the coordinated, consolidated and related cases not proceeding under the controlling *Newby* and *Tittle* consolidated complaints (“Coordinated/Consolidated/Related Cases”).

Without clarification, the March 11, 2004 Order might be read to require the filing of third-party or cross-complaints in the Coordinated/Consolidated/Related Cases by August 2, 2004, which is inconsistent with the last paragraph of the March 11, 2004 Order. Such an interpretation would result in potentially unnecessary pleadings and corresponding motion practice in dozens of cases, even though, pursuant to the Court’s July 11, 2003 Scheduling

Order, plaintiffs in some or perhaps all of those cases might choose not to proceed under their own petitions/complaints (depending upon the Court's ruling on class certification). Clarifying that the August 2, 2004 deadline does not apply to the Coordinated/Consolidated/Related Cases will conserve the resources of the Court, the parties and their counsel.

The requested clarification should apply to all Coordinated/Consolidated/Related Cases, regardless of whether Defendants have filed answers or responsive pleadings. Because the stay applies with equal force to all Coordinated/Consolidated/Related Cases under the Court's July 11, 2003 and March 11, 2004 Orders, there is no reasonable basis to differentiate the cases based on whether answers or responsive pleadings may have been filed by a defendant.

For substantially the reasons set forth in the Bank Defendants' Motion to Clarify the March 11, 2004 Scheduling Order, the Certain Defendants respectfully request that the Court clarify that the August 2, 2004 deadline for joining new parties, filing third-party complaints, or filing cross claims applies only to the *Newby* and *Tittle* consolidated complaints, and does not apply to the Coordinated/Consolidated/Related Cases.

Dated: July 23, 2004

Respectfully submitted,

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GREG WHALLEY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Certain Defendants' Joinder in Bank Defendants' Motion to Clarify the March 11, 2004 Scheduling Order With Respect to Third-Party Complaints and Cross Claims in Actions Not Proceeding Under the Consolidated Newby and Tittle Complaints was served on all counsel of record on the Service List on July 23, 2004 via posting to www.es13624.com.



Randall C. Owens

PAMELA M. TITTLE,

Plaintiffs,

vs.

ENRON CORPORATION, et al.,

Defendants.

Civil Action No. H-01-3913

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF ENRON CORP.,

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ANDREW S. FASTOW, MICHAEL J. KOPPER,
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ANNE YEAGER-PATEL, ARTHUR
ANDERSEN, LLP, AND CARL FASTOW, AS
ADMINISTRATOR OF THE FASTOW FAMILY
FOUNDATION,

Defendants.

Civil Action No. H-04-0091

2004 JUL 23 PM 5:30
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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ELAINE L. CHAO, SECRETARY OF THE
UNITED STATES DEPARTMENT OF LABOR,

Plaintiff,

vs.

ENRON CORPORATION, et al.,

Defendants.

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Civil Action No. H-03-2257
(Consolidated with H-01-3913)

2004
APR 23 11:53 AM

**[PROPOSED] ORDER CLARIFYING THE MARCH 11, 2004 SCHEDULING
ORDER WITH RESPECT TO THIRD-PARTY COMPLAINTS AND CROSS-CLAIMS
IN ACTIONS NOT PROCEEDING UNDER THE CONSOLIDATED NEWBY AND
TITTLE COMPLAINTS**

Upon the Bank Defendants’ Motion to Clarify the March 11, 2004 Scheduling Order with
Respect to the Third-Party Complaints and Cross-Claims in Actions Not Proceeding Under the
Consolidated *Newby* and *Tittle* Complaints (“Motion”), it is hereby

ORDERED that the Motion is **GRANTED**; and, it is further,

ORDERED that the August 2, 2004 deadline set forth in the March 11, 2004 Scheduling
Order does not apply to the coordinated, consolidated and related cases not proceeding under the
controlling *Newby* and *Tittle* consolidated complaints.

SIGNED at Houston, Texas, this ____ day of _____, 2004.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE