

JUL 23 2004 **TH**

Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re ENRON CORPORATION SECURITIES
LITIGATION

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

§
§ CLASS ACTION

This Document Relates To:

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

Plaintiffs,

vs.

ENRON CORP., 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.

**LEAD PLAINTIFF'S RESPONSE TO 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**

2292

Lead Plaintiff has no opposition to the 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, so long as the proposed order is the one attached to this document.

DATED: July 23, 2004

Respectfully submitted,

LERACH COUGHLIN STOIA
& ROBBINS LLP
WILLIAM S. LERACH
DARREN J. ROBBINS
HELEN J. HODGES
BYRON S. GEORGIU
JAMES I. JACONETTE
MICHELLE M. CICCARELLI
JAMES R. HAIL
ANNE L. BOX
JOHN A. LOWTHER
ALEXANDRA S. BERNAY
MATTHEW P. SIBEN
ROBERT R. HENSSLER, JR.

 *Helen J. Hodges* ^{by permission}
HELEN J. HODGES

401 B Street, Suite 1700
San Diego, CA 92101
Telephone: 619/231-1058

LERACH COUGHLIN STOIA
& ROBBINS LLP
REGINA M. AMES
355 South Grand Avenue, Suite 4170
Los Angeles, CA 90071
Telephone: 213/617-9007
213/617-9185 (fax)

LERACH COUGHLIN STOIA
& ROBBINS LLP
G. PAUL HOWES
JERRILYN HARDAWAY
Texas Bar No. 00788770
Federal I.D. No. 30964
1111 Bagby, Suite 4850
Houston, TX 77002
Telephone: 713/571-0911

Lead Counsel for Plaintiffs

SCHWARTZ, JUNELL, GREENBERG
& OATHOUT, LLP
ROGER B. GREENBERG
State Bar No. 08390000
Federal I.D. No. 3932


ROGER B. GREENBERG

Two Houston Center
909 Fannin, Suite 2000
Houston, TX 77010
Telephone: 713/752-0017

HOEFFNER & BILEK, LLP
THOMAS E. BILEK
Federal Bar No. 9338
State Bar No. 02313525
440 Louisiana, Suite 720
Houston, TX 77002
Telephone: 713/227-7720

Attorneys in Charge

BERGER & MONTAGUE, P.C.
SHERRIE R. SAVETT
1622 Locust Street
Philadelphia, PA 19103
Telephone: 215/875-3000

Attorneys for Staro Asset Management

WOLF POPPER LLP
ROBERT C. FINKEL
845 Third Avenue
New York, NY 10022
Telephone: 212/759-4600

Attorneys for Nathaniel Pulsifer

SCOTT + SCOTT, LLC
DAVID R. SCOTT
NEIL ROTHSTEIN
S. EDWARD SARSKAS
108 Norwich Avenue
Colchester, CT 06415
Telephone: 860/537-3818

**Attorneys for the Archdiocese of Milwaukee
Supporting Fund, Inc.**

LAW OFFICES OF JONATHAN D. McCUE
JONATHAN D. McCUE
4299 Avati Drive
San Diego, CA 92117
Telephone: 858/272-0454

**Attorneys for Imperial County Board of
Retirement**

CUNEO WALDMAN & GILBERT, LLP
JONATHAN W. CUNEO
MICHAEL G. LENETT
317 Massachusetts Avenue, N.E.
Suite 300
Washington, D.C. 20002
Telephone: 202/789-3960

Washington Counsel

S:\CasesSD\Enron\brf00011721 doc

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Lead Plaintiff's Response To 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 document has been served by sending a copy via electronic mail to serve@ESL3624.com on this July 23, 2004.

I further certify that a copy of the foregoing Lead Plaintiff's Response To 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 document has been served via overnight mail on the following parties, who do not accept service by electronic mail on this July 23, 2004.

Carolyn S. Schwartz
United States Trustee, Region 2
33 Whitehall Street, 21st Floor
New York, NY 10004



Mo Maloney

United States Courts
Southern District of Texas
FILED

JUL 29 2004

TJ

Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re ENRON CORPORATION SECURITIES
LITIGATION

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

§
§ CLASS ACTION

_____ §
This Document Relates To: §

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

Plaintiffs, §

vs. §

ENRON CORP., 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. §
_____ §

**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 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 this Court's March 11, 2004 Scheduling Order is clarified as follows:

Deadline to join new parties or to file a third-party complaint or cross-complaint/claims

In each action not proceeding under the consolidated *Newby* and *Tittle* complaints, the later of Monday, August 2, 2004 or 30 days after the party files its Answer

IT IS SO ORDERED.

DATED: _____

MELINDA HARMON
UNITED STATES DISTRICT JUDGE

S:\CasesSD\Enron\ord00011721 doc

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing 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 document has been served by sending a copy via electronic mail to serve@ESL3624.com on this July 23, 2004.

I further certify that a copy of the foregoing 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 document has been served via overnight mail on the following parties, who do not accept service by electronic mail on this July 23, 2004.

Carolyn S. Schwartz
United States Trustee, Region 2
33 Whitehall Street, 21st Floor
New York, NY 10004



Mo Maloney