

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

AUG 24 2004

TH

Michael N. Milby, Clerk of Court

IN RE ENRON CORPORATION
SECURITIES LITIGATION

MDL 1446

This Document Relates To:

MARK NEWBY, et al., individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

ENRON CORPORATION, et al.,

Defendant.

Civil Action No. H-01-3624
And Consolidated Cases

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA, et al., individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

KENNETH L. LAY, et al.,

Defendants.

NOTICE OF DISMISSAL

Pursuant to Federal Rules of Civil Procedure 41(a)(1)(i) and 41(c), Bank of America Corporation and Banc of America Securities LLC hereby dismiss without prejudice all claims and causes of action asserted against Arthur Andersen LLP in the Cross-Complaint of Bank of America Corporation and Banc of America Securities LLC in the above-captioned lawsuit. This Notice of Dismissal is filed prior to the filing of an answer or motion for summary judgment by Cross Defendant Arthur Andersen LLP. This dismissal is not an adjudication of

subject matter jurisdiction and these claims are not being dismissed because of lack of jurisdiction of the U.S. District Court.

Dated: August 24, 2004

Respectfully submitted,

CADWALADER, WICKERSHAM & TAFT LLP

By: Gregory A. Markel

Gregory A. Markel (*pro hac vice*)*

(Attorney-in-Charge)

Ronit Setton (*pro hac vice*)

100 Maiden Lane

New York, NY 10038

Telephone: (212) 504-6000

Facsimile: (212) 504-6666

Charles G. King

Texas Bar No. 11470000

S.D. Tex. Bar No.: 01344

King & Pennington LLP

1100 Louisiana Street

Suite 5055

Houston, Texas 77002-5220

Telephone: (713) 225-8404

Facsimile: (713) 225-8488

Attorneys for Defendants

Bank of America Corporation and Banc of America

Securities LLC

*signed by permission

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on the 24th day of August, 2004, a true and correct copy of the foregoing Notice of Dismissal was served on all counsel of record by website, <http://www.esl3624.com> and pursuant to the Court's Order.


Charles G. King

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE ENRON CORPORATION
SECURITIES LITIGATION

MDL 1446

This Document Relates To:

MARK NEWBY, et al., individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

ENRON CORPORATION, et al.,

Defendant.

Civil Action No. H-01-3624
And Consolidated Cases

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA, et al., individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

KENNETH L. LAY, et al.,

Defendants.

ORDER OF DISMISSAL

Cross-Plaintiffs Bank of America Corporation and Banc of America Securities LLC have filed a Notice of Dismissal Without Prejudice under Federal Rules of Civil Procedure 41(a)(1)(i) and 41(c). Cross-Defendant Arthur Andersen LLP has not filed an answer or motion for summary Judgment. Accordingly, it is

ORDERED, ADJUDGED and DECREED that all claims asserted in this action in the Cross-Complaint of Bank of America Corporation and Banc of America Securities LLC