

AUG 27 2004

Michael N. Milby, Clerk of Court

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**

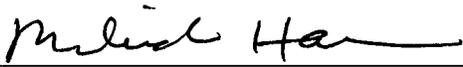
Cross-Plaintiffs Bank of America Corporation and Banc of America Securities LLC have filed a Notice of Dismissal Without Prejudice under Federal Rules of Civil Procedure 41(a)(1)(i) and 41(c). Cross-Defendant Arthur Andersen LLP has not filed an answer or motion for summary Judgment. Accordingly, it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

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against Cross-Defendant Arthur Andersen LLP are hereby dismissed without prejudice, with each party to bear its own costs, expenses and attorneys' fees.

SIGNED this <sup>th</sup> 26 day of August 2004.

  
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THE HONORABLE MELINDA HARMON  
UNITED STATES DISTRICT JUDGE