ORIGINAL
UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED
FEB 19 2002 JS
MICHAEL N. MILBY, CLERK OF COURT

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

MARK NEWBY, *ET AL.*,	§	
	§	
Plaintiffs,	§	
	§	CIVIL ACTION NO: H-01-3624
v.	§	AND CONSOLIDATED CASES
	§	
ENRON CORPORATION, *ET AL.*,	§	
	§	
Defendants.	§	

FLEMING & ASSOCIATES, L.L.P.'S MOTION FOR EXPEDITED HEARING ON FLEMING & ASSOCIATES, L.L.P.'S MOTION FOR RECONSIDERATION OR IN THE ALTERNATIVE, MOTION TO SUSPEND THE COURT'S INJUNCTION PENDING APPEAL

TO THE HONORABLE MELINDA HARMON:

COMES NOW Fleming & Associates, L.L.P. (F&A) on behalf of Plaintiffs David Jose, *et al.*, and moves for expedited consideration of its Motion for Reconsideration or in the Alternative Motion to Suspend the Court's Injunction and in support thereof respectfully shows the following:

1. On February 15, 2002 this Court signed its order enjoining F&A from filing any new Enron-related matters without leave of this Court and ordered that F&A dissolve the temporary restraining order obtained February 7, 2002 in *David Jose, et al. v. Arthur Andersen, L.L.P., et al.*, in the 57th Judicial District Court of Bexar County, Cause No. 2002-CI-0106. This order was faxed to F&A on February 16, 2002 by the District Clerk.

2. As stated in F&A's motion, a hearing is currently scheduled for February 20, 2002 at 9:00 a.m. in Bexar County on Plaintiffs' temporary injunction.

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3. Fleming & Associates, L.L.P. seeks a suspension of this Court's injunction so that it may either proceed with the hearing scheduled for 9:00 a.m. of February 20, 2002, or in the alternative seeks guidance from this Court as to how it may effectively comply with this Court's February 14, 2002 order or whether it should first allow the TRO of February 7, 2002 to expire on its own terms on February 20, 2002.

4. F&A seeks additionally, and in the alternative, a suspension of the injunction order of February 15, 2002, pending appeal pursuant to Rule 8(a)(1) of the Federal Rules of Appellate Procedure.

5. Because of the imminence of the Bexar County hearing and appellate timetables, an expedited oral or telephonic hearing is essential in this Court.

WHEREFORE, Fleming & Associates, L.L.P. requests an expedited hearing on its motion and for all further relief to which it may be entitled.

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I hereby certify a true and correct copy of the above and foregoing has been provided to all parties as indicated below on this the 19th day of February, 2002:

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IN THE UNITED STATES DISTRICT COURT
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HOUSTON DIVISION

MARK NEWBY, *ET AL.*,	§	
	§	
***Plaintiffs*,**	§	
	§	**CIVIL ACTION NO: H-01-3624**
v.	§	**AND CONSOLIDATED CASES**
	§	
ENRON CORPORATION, *ET AL.*,	§	
	§	
***Defendants*.**	§	

ORDER ON
FLEMING & ASSOCIATES, L.L.P.'S MOTION FOR EXPEDITED HEARING ON FLEMING & ASSOCIATES, L.L.P.'S MOTION FOR RECONSIDERATION OR IN THE ALTERNATIVE MOTION TO STAY THE COURT'S INJUNCTION

On this date, the Court considered Fleming & Associates, L.L.P.'s Motion For Expedited Hearing On Fleming & Associates, L.L.P.'S Motion For Reconsideration or In The Alternative Motion To Stay The Court's Injunction on behalf of their clients David Jose, et al., and sets an expedited hearing for _____ __.m., February _____, 2002.

SIGNED this ___ day of _____, 2002.

THE HONORABLE MELINDA HARMON