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

United States Courts
Southern District of Texas
FILED

MAR 1 1 2002

Michael N. Milby, Clerk

HAROLD and FRANCES AHLICH; IRVING BABSON; JOHN AND IDA BANKS; HOWARD and NANCY BELL; BILL and RHONDA BRAGDON; SIDNEY BROWN; BRUCE and JANET CAMPBELL; PATRICK CARNEY; GREGG CAR; VINCENT and MARIANNE CARRELLA; LOUIS CARUCCI; PATRICK CUNNINGHAM; JAMES and KAREN DAVIDSON; JOHN DAVIS; PETER DORFLINGER; JANE GAUCHER; DONALD GAUCHER; RONALD GISH; JOHANNE GRAHAM; JOHN GUTMAN; RICHARD HAYHOE; DAVID HUCKIN; EDWARD JAPHE; MICHAEL KREHEL; PAUL LUTZ; JOHN and JEAN NEIGHBORS; WILLIAM POWELL; SAMUEL and LILLIAN REINER; CHRISTOPHER and HENRITTA ROWE; RALPH and JEAN SHAPIRO; CONSTANCE THEODORE; GEORGE and NICKYE VENTERS; and PETER VERUKI,	§	
Plaintiffs,	§	~~CIVIL ACTION NO. H-02-0347~~
v.	§	CONSOLIDATED LEAD H-01-3624
ARTHUR ANDERSEN, L.L.P.; D. STEPHEN GODDARD, JR.; DAVID B. DUNCAN; DEBRA A. CASH; ROGER WILLARD; THOMAS H. BAUER; ANDREW S. FASTOW; KENNETH L. LAY; JEFFREY J. SKILLING; ROBERT A. BELFER; NORMAN P. BLAKE, JR.; RICHARD B. BUY; RICHARD CAUSEY; RONNIE C. CHAN; JOHN H. DUNCAN; JOE H. FOY; WENDY L. GRAMM; KEN L. HARRISON; ROBERT K. JAEDICKE; MICHAEL J. KOPPER; CHARLES A. LEMAISTRE; REBECCA MARK-JUSBASCHE; JOHN MENDELSOHN; JEROME J. MEYER; LOU PAI; PAUL V. FERRAZ PEREIRA; FRANK SAVAGE; JOHN A. URQUHART; JOHN WAKEHAM; CHARLES E. WALKER; BRUCE WILLISON;	§	

358

HERBERT S. WINOKUR, JR.; BEN GLISAN;	§
KRISTINA MORDAUNT; MICHAEL C.	§
ODOM; GARY B. GOOLSBY; AND	§
MICHAEL M. LOWTHER,	§
	§
Defendants.	§

SUPPLEMENT TO PLAINTIFFS' MOTION TO REMAND

TO THE HONORABLE COURT:

1. In late January 2002, Defendant Arthur Andersen, L.L.P. (Andersen) removed the present action to this Court. Plaintiffs moved to remand the case to the 272nd Judicial District Court of Brazos County, Texas. The Court has not ruled on remand to date.

2. Andersen based removal on the Securities Litigation Uniform Standards Act of 1998 (SLUSA). Under SLUSA, certain securities-related class actions are to be removed if all statutory requirements are met.

3. SLUSA requires first that any removed action be a "covered class action," which needs more than fifty plaintiffs. Because Plaintiffs in this case number fewer than fifty, Andersen urged the Court to aggregate them with plaintiffs in other individual state court cases filed by Plaintiffs' counsel.

4. Andersen has reurged the identical argument in each of six cases it has removed—two to the Western District of Texas and four to this Court.

5. Plaintiffs wish to apprise the Court that Hon. Harry Lee Hudspeth has very recently signed an order in one case. *See Bullock, et al. v. Arthur Andersen, L.L.P., et al.*, No. A-02-CA-070-H; in the United States District Court for the Western District of Texas, Austin Division. The order, signed March 5, 2002, directed that the action be remanded to the 21st Judicial District Court of Washington County, Texas, No. 32,716, where it was filed originally. A copy of the order of remand is appended at Tab 1.

6. Therefore, for the same reasons argued in Plaintiffs' motion and supporting memorandum, the Court lacks subject matter jurisdiction to hear this case.

WHEREFORE, Plaintiffs respectfully request that the action be ordered remanded to the 272nd Judicial District Court of Brazos County, Texas.

Respectfully submitted,

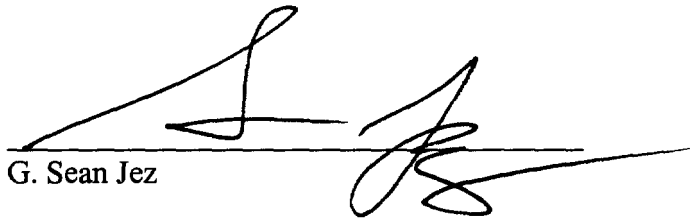
FLEMING & ASSOCIATES, L.L.P.
George M. Fleming
State Bar No. 07123000
G. Sean Jez
State Bar No. 00796829
Sylvia Davidow
State Bar No. 05430551
1330 Post Oak Boulevard, Suite 3030
Houston, Texas 77056-3019
Telephone (713) 621-7944
Fax (713) 621-9638

By: _____
G. Sean Jez

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing Supplement to Plaintiffs' Motion to Remand has been provided to all parties as indicated on the attached Service List on this the 11th day of March, 2002 by First Class United States Mail, postage prepaid.



G. Sean Jez

SERVICE LIST

Barry G. Flynn
LAW OFFICES OF BARRY G. FLYNN PC
1300 Post Oak Blvd., Suite 750
Houston, TX 77056
713/840-7474
713/840-0311 – Fax
Counsel for David B. Duncan

James E. Coleman, Jr.
Bruce Collins
CARRINGTON COLEMAN ET AL
200 Crescent Court, Suite 1500
Dallas, TX 75201
214/855-3000
214/855-1333 – Fax
Counsel for Kenneth L. Lay

Bruce Hiler
Robert M. Stern
O'MELVENY & MYERS LLP
555 13th St., N.W., Suite 500 W
Washington, DC 20004
202/383-5328
202/383-5414 – Fax
Counsel for Jeff Skilling

Craig Smyser
SMYSER KAPLAN & VESELKA LLP
700 Louisiana St., Suite 2300
Houston, TX 77002
713/221-2330
713/221-2320 – Fax
Counsel for Andrew S. Fastow

Rusty Hardin
RUSTY HARDIN & ASSOCIATES P.C.
1201 Louisiana, Suite 3300
Houston, TX 77002-5609
713/652-9000
713/652-9800 – Fax

Billy Shepherd
CRUSE SCOTT HENDERSON & ALLEN LLP
600 Travis, Suite 3900
Houston, TX 77002-1720
713/650-6600
713/650-1720 – Fax
Counsel for D. Stephen Goddard, Jr.

Michael Warden
Luisa Caro
SIDLEY AUSTIN BROWN & WOOD LLP
1501 K Street, N.W.
Washington, DC 20005
202/736-8180
202/736-8711 – Fax
Counsel for D. Stephen Goddard, Jr.

Richard Bruce Drubel, Jr.
BOIES SCHILLER ET AL
26 S. Main St.
Hanover, NH 03755
603/643-9090
603/643-9010 – Fax
Counsel for Andrew S. Fastow

Jacks C. Nickens
Paul D. Flack
NICKENS LAWLESS & FLACK LLP
1000 Louisiana, Suite 5360
Houston, TX 77002
713/571-9191
713/571-9652 – Fax
Counsel for Officers:
Richard A. Causey (Chief Accounting Officer)
and Richard B. Buy (Chief Risk Officer)

John J. McKetta, III
Helen Currie Foster
GRAVES DOUGHERTY HEARON & MOODY
515 Congress, Suite 2300
Austin, Texas 78701
512/480-5600
512/478-1976 – Fax
Counsel for Rebecca Mark-Jusbasche

H. Bruce Golden
Randall C. Owens
GOLDEN & OWENS LLP
1221 McKinney St., Suite 3600
Houston, TX 77010-2010
713/223-2600
713/223-5002 – Fax
Counsel for John A. Urquhart

Zachary W. L. Wright
TONKON TORP. LLP
1600 Pioneer Tower
888 S.W. Fifth Ave.
Portland, OR 97204-2099
503/221-1440
503/274-8779 – Fax
Counsel for Ken L. Harrison

J. Clifford Gunter, III
Thomas F. Hetherington
Abby Sullivan
BRACEWELL & PATTERSON LLP
711 Louisiana, Suite 2900
Houston, TX 77002
713/223-2900
713/221-1212 – Fax
Counsel for James V. Derrick, Jr.

Eric J. R. Nichols
BECK REDDEN & SECREST
4500 One Houston Center
1221 McKinney
Houston, TX 77010-2010
713/951-3700
713/951-3720 – Fax
Counsel for Michael Kopper

Robin C. Gibbs
Kathy D. Patrick
Robert J. Madden
Jeremy L. Doyle
GIBBS & BRUNS, LLP
1100 Louisiana, Suite 5300
Houston, TX 77002
713/650-8805
713/750-0903 – Fax
Counsel for Outside Directors:
Robert K. Jaedicke, Ronnie C. Chan,
Joe C. Foy, John Wakeham,
Wendy L. Gramm, John Mendelsohn,
Paulo V. Ferraz Pereira, Robert A. Belfer,
Norman P. Blake, Jr., John H. Duncan
Charles A. LeMaistre, Frank Savage,
Herbert S. Winokur, Jr., Jerome J. Meyer
and Charles Walker

William S. Lerach
John A. Lowther
Alexandra S. Bernay
MILBERG WEISS BERSHAD
HYNES & LERACH LLP
401 B St., Suite 1700
San Diego, CA 92101
619/231-1058
619/231-7423 – Fax

Scott B. Schreiber
John Massaro
ARNOLD & PORTER
555 Twelfth Street, NW
Washington, D.C. 20004-1206
202/942-5122

Dennis H. Tracey, III
Brad Johnston
HOGAN & HARTSON, L.L.P.
100 Park Avenue
New York, NY 10017
212/916-7210

Amelia Rudolph
SUTHERLAND, ASBILL
& BRENNAN, L.L.P.
999 Peachtree Street, NE
Atlanta, Georgia 30309-3996
404/853-8000