United States Courts
Southern District of Texas
FILED
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Michael N. Milby, Clerk

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

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

DESIGNATION OF RECORD OF PLAINTIFF-APPELLANT FLEMING & ASSOCIATES, L.L.P. AND APPELLANTS DAVID JOSE, JAMES BRISTER, PETER MAXFIELD AND GEORGE ATALLAH

Plaintiff-Appellant Fleming & Associates, L.L.P., and Appellants Jose, Brister, Maxfield and Atallah respectfully request that the following instruments, plus exhibits, be included in the record to be forwarded to the United States Court of Appeals for the Fifth Circuit in expedited appeal No. 02-20343.

DATE	DOCKET NO.	INSTRUMENT
10/22/01	1	*Newby* Complaint
12/12/01	17	Order of Consolidation
01/08/02	111	Memorandum Opinion and Order denying Amalgamated Bank's Application for TRO
01/11/02	118	Recusal of Judge Lee H. Rosenthal; Reassignment to Judge Melinda Harmon
01/14/02	120	Motion & Supporting Memorandum for TRO against Arthur Andersen
01/15/02	124	Order setting scheduling conference for 02/25/02
01/23/02	159	Order Prohibiting the Destruction of Evidence, Granting Limited Discovery, and Providing Other Relief re: Arthur Andersen
01/25/02	*	Order of Consolidation of H-02-0199; *Rosen, et al. v. Fastow, et al.*
01/28/02	187	Notice of Hearing on Lay's Emergency Motion to Enjoin Fleming & Associates (F&A)

* No docket entry.

DATE	DOCKET NO.	INSTRUMENT
01/28/02	188	Lay's Emergency Motion and Supporting Brief to Enjoin Plaintiffs and Counsel F&A
01/28/02	189	Lay's Motion to Expedite Consideration of his Emergency Motion
01/30/02	224	Motion to Remand, filed by Marian Rosen, *et al.*
01/30/02	225	Memorandum in Support of Remand, filed by Marian Rosen, *et al.*
01/30/02	228	*Bullock* Plaintiffs' Response to Kenneth Lay's Emergency Motion to Enjoin Plaintiffs and Counsel
01/30/02	236	Minute Entry: Motion Hearing held; motion to enjoin certain plaintiffs and counsel from prosecuting state court action in derogation of this court's jurisdiction is now moot.
01/31/02	232	Transcript of Proceedings of motion hearing for dates of 1/30/02 before Judge Melinda Harmon
02/04/02	244	Order of Consolidation, Case No. 02-347, *Ahlich, et al. v. Arthur Andersen, et al.*
02/08/02	268	Motion to Remand, filed by Harold Ahlich, *et al.*
02/08/02	269	Memorandum in Support of Motion to Remand, filed by Harold Ahlich, *et al.*
02/12/02	276	Motion to Enjoin Fleming & Associates from Seeking Ex Parte Relief in State Court and for Sanctions, and Supporting Brief, filed by Kenneth L. Lay
02/12/02	277	Motion for Expedited Hearing on Motion to Enjoin, filed by Kenneth L. Lay
02/13/02	278	Notice of Hearing on Motion to Enjoin
02/13/02	280	Motion with Memorandum of Law in Support for Emergency Injunctive Relief, filed by Jeffrey Skilling
02/13/02	285	Motion for Emergency Relief and for Joinder in Motions of Kenneth Lay and Jeffrey Skilling, filed by Andrew S. Fastow
02/14/02	286	Response by the *Jose* Plaintiffs in Opposition and Supporting Brief to Kenneth Lay's Motion to Enjoin
02/14/02	287	Motion for Emergency Injunctive Relief, filed by David Duncan

DATE	DOCKET NO.	INSTRUMENT
02/15/02	296	Memorandum and Order granting Kenneth L. Lay's Motion to Enjoin Fleming & Associates from Seeking Ex Parte Relief in State Court
02/19/02	309	Motion for Reconsideration or in the Alternative to Suspend the Court's Injunction Pending Appeal, filed by Fleming & Associates on behalf of the *Jose* Plaintiffs
02/19/02	310	Motion for Expedited Hearing on Motion for Reconsideration and to Suspend the Court's Injunction Pending Appeal, filed by F&A
02/19/02	311	Motion for Leave to File Two Enron-Related Actions in State Court Seeking Injunctive Relief, filed by F&A
02/22/02	317	Transcript of Proceedings of Hearing, dated February 14, 2002, before Judge Melinda Harmon
02/25/02	320	Order denying Fleming & Associates, L.L.P.'s motion for reconsideration or in the alternative motion to suspend the Court's injunction pending appeal; denying as moot F&A's motion for expedited hearing on the motion for reconsideration or in the alternative motion to suspend the Court's injunction pending appeal
02/26/02	324	Order of Consolidation, Case No. 02-670, *Pearson, et al. v. Fastow, et al.*
03/03/02	336	Order denying Fleming & Associates' motion for leave to file two Enron-related actions in state court seeking injunctive relief
03/03/02	341	Order of Consolidation, Case No. 02-673, *Delgado, et al. v. Fastow, et al.*
03/11/02	356	Response by Kenneth Lay in Opposition to Fleming & Associates' Motion for Reconsideration or in the Alternative Motion to Suspend the Court's Injunction Pending Appeal
03/11/02	358	Supplement to Plaintiffs' Motion to Remand, filed by Harold Ahlich, *et al.*
03/12/02	359	Motion to Remand, filed by Ruben Delgado, *et al.*
03/12/02	361	Motion to Remand, filed by Mary Pearson, *et al.*
03/12/02	362	Memorandum in Support of Remand, filed by Mary Pearson, *et al.*

DATE	DOCKET NO.	INSTRUMENT
03/12/02	360	Memorandum in Support of Remand, filed by Ruben Delgado, *et al.*
03/13/02	365	Reply by Harold Ahlich, *et al.*
03/18/02	385	Notice of Opt-Out by Employees Retirement, Teacher Retirement
03/18/02	386	Notice of Appeal by David Jose, James Brister, Peter Maxfield, George Atallah and Fleming & Associates
		Civil Docket Sheet, No. 01-CV-3624

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I hereby certify a true and correct copy of the above and foregoing has been provided to all parties by first class mail as indicated on the attached Service List on this the 2nd day of April, 2002

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