

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

APR 10 2002

Michael N. Milby, Clerk of Court

MARK NEWBY, ET AL.,

Plaintiffs,

vs.

ENRON CORP., ET AL.,

Defendants.

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CIVIL ACTION NO. H-01-3624
(CONSOLIDATED)

PAMELA M. TITTLE, ET AL.,

Plaintiffs,

vs.

ENRON CORP., ET AL.,

Defendants.

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CIVIL ACTION NO. H-01-3913
(CONSOLIDATED)

**AGREED ORDER BETWEEN ENRON CORP.,
LEAD PLAINTIFFS IN *NEWBY*, AND LEAD PLAINTIFFS IN *TITTLE*
ESTABLISHING A PROTOCOL GOVERNING DOCUMENTS
PRODUCED BY ENRON CORP. ON APRIL 8, 2002**

In its Scheduling Order of February 27, 2002, the Court ordered that "Enron Corporation will produce, subject to the attorney client privilege or work product protection: (1) a copy of all documents and materials Enron has produced since filing for bankruptcy in connection with any inquiry(ies) or investigation(s) into the Company's handling of its ERISA-governed pension plans,

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that were provided, or that may be provided, pursuant to subpoena (a) by any committee of the Legislative branch of the United States Government, or (b) by the Executive branch of the United States Government, including, but not limited to, the Department of Labor, and (2) copies of all transcripts of witness interviews or depositions in Enron's possession, custody or control, given or taken in connection with said inquiry(ies) or investigation(s)." The Scheduling Order further provided that copies of these documents, transcripts and depositions "shall be deposited in the document depository in Houston, Texas by April 1, 2002 and made available to all lawyers in both the consolidated *Tittle* and *Newby* cases." By Order dated March 27, 2002, the date by which Enron Corp. is to produce these documents, transcripts and depositions was extended to April 8, 2002.

The parties discussions regarding the establishment of a document depository for the receipt and maintenance of all discovery in these consolidated cases are ongoing.

In order to facilitate Enron Corp.'s production of documents, transcripts and depositions by April 8, 2002, Enron Corp., lead plaintiffs in *Newby*, and lead plaintiffs in *Tittle* have agreed to a protocol for the production and protection of those documents, transcripts and depositions Enron Corp. will produce on April 8, 2002. This protocol will govern these documents, transcripts and depositions until such time as a depository and accompanying protocol for all discovery in these consolidated is established. It is, therefore, agreed by Enron Corp., lead plaintiffs in *Newby*, and lead plaintiffs in *Tittle*, and it is

ORDERED that Enron Corp. will produce on April 8, 2002, one set of hard copy documents in accordance with the Scheduling Order to be placed in a temporary depository at the offices of Campbell Harrison & Dagley, L.L.P., 4000 Two Houston Center, Houston, Texas 77010. As promptly as possible thereafter, but no later than April 12, 2002, Enron Corp. will place in this

temporary depository one set of imaged documents in accordance with the Scheduling Order on CD-ROM. It is further

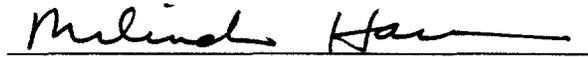
ORDERED until such time as a comprehensive depository is established and a comprehensive order governing the confidentiality of documents produced in these consolidated cases has been entered by the Court, the documents produced by Enron Corp. on April 8, 2002 will be used only for purposes of the consolidated *Newby* and *Tittle* cases, and such documents will be made available only to: (1) co-lead counsel and members of the Steering Committee in *Tittle*, (2) lead counsel in *Newby*, (3) counsel of record for the defendants in either *Tittle* or *Newby*, and (4) for each of the foregoing, their respective local counsel, personnel employed by counsel assisting in these consolidated cases, clients, consulting and non-consulting experts, witnesses, court reporters, and the Court and its staff. Each person identified in the preceding sentence who is given access to the documents produced by Enron on April 8, 2002 shall sign a form agreeing to use the documents only for purposes of the consolidated *Newby* and *Tittle* cases and to limit distribution of the documents to those persons listed in this Order. It is further

ORDERED that by April 26, 2002, Enron Corp. shall determine and designate by Bates number those documents produced on April 8, 2002 which contain information regarding individual participants in the ERISA-governed benefit plans which should be treated as confidential. These confidential designations shall be provided to counsel for lead plaintiffs in *Tittle* and *Newby* and to all other counsel obtaining copies of the documents. The documents identified by Enron Corp. as containing confidential information of individual participants in the ERISA-governed benefit plans shall be made available only to counsel identified in the preceding paragraph of this Order, personnel employed by counsel assisting in this litigation, and consulting and non-consulting experts, pending

either further agreement of the parties in these consolidated cases or further order of this Court. It is further

ORDERED that any privileged document inadvertently produced by Enron Corp. on April 8, 2002, shall be returned to Enron Corp., along with all copies thereof, within five days of a demand for return of such document made by Enron Corp.

SIGNED this 9th day of April, 2002.


United States District Judge

AGREED:



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Liason Counsel in *Newby*