

NC APR 12 2002

Michael M. Kirby, Clerk

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

HENRY P. BLASKIE, JR., Individually and for all other
persons similarly situated,

PLAINTIFF

v.

Case No. 02-CV-1108

KENNETH L. LAY, JEFFREY K. SKILLING, ANDREW
S. FASTOW, RICHARD A. CAUSEY, JAMES V. DERRICK, JR.,
ESTATE OF J. CLIFFORD BAXTER, MARK A. FREVERT,
STANLEY C. HORTON, KENNETH D. RICE, RICHARD B. BUY,
ROBERT A. BELFER, ROBERT P. BLAKE, JR., RONNIE C.
CHAN, JOHN H. DUNCAN, WENDY L. GRAMM, ROBERT K.
JAEDICKE, CHARLES A. LeMAISTRE, JOHN MENDELSON,
PAULO V. FERRAZ PEREIRA, FRANK SAVAGE, JOHN
WAKEHAM, HERBERT S. WINOKUR, JR., JOE H. FOY,
KEN L. HARRISON, JEROME J. MEYER, JOHN A.
URQUHART, CHARLS E. WALKER, BRUCE G. WILLISON,
AND ANDERSEN LLP

DEFENDANTS

01-3624

MOTION TO REMAND

COMES NOW the plaintiff and moves to remand this action to the District Court of Harris County, Texas, 281st Judicial District.

1. This is a breach of fiduciary duty action brought on behalf of a class of Enron Corp. ("Enron" or the "Company") shareholders who held Enron securities from October 16, 1998, through October 16, 2001 (the "Holding Period"), and have been damaged because they held onto their securities based upon false and misleading public statements attributable to the defendants (the "Class").

2. Plaintiff and the Class were deceived into holding their stock during the Holding

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Period and *have not* alleged that defendants' misrepresentations occurred in connection with their purchase of an Enron security. In fact, their purchases of Enron securities preceded defendants' misrepresentations.

3. This action was removed by the defendants based upon their misinterpretation of the Securities Litigation Uniform Standards Act of 1998, Pub. L. No. 105-353, 112 Stat. 3227 ("SLUSA"). The false and misleading statements alleged in the complaint took place *after* the plaintiff and the Class purchased their Enron securities. Thus, the "in connection with the purchase or sale" element of 15 U.S.C.S. § 78bb(f) is not met.

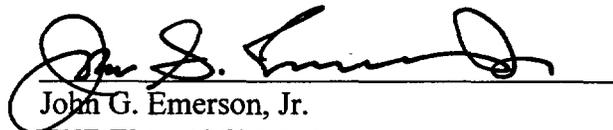
4. Further, this very issue has been addressed by other federal courts which have remanded the action to State court. *Garza Gutierrez v. Deloitte & Touche, LLP*, 147 F. Supp. 2d 584 (W.D. of Texas 2001); and, *Gordon v. Buntrock*, 2000 U.S. Dist. LEXIS 5977 (N.D. of Ill. 2000).

5. Accompanying this motion is a memorandum in support which is fully incorporated herein by reference.

WHEREFORE, plaintiff respectfully prays for an order remanding this action to the District Court of Harris County, Texas, 281st Judicial District.

DATED: April 11th, 2002,

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on all of the following parties via U.S. First Class Mail this 11th day of April, 2002.

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DEFENDANTS

[PROPOSED] ORDER OF REMAND

Before the Court is plaintiff's motion to remand this action to the District Court of Harris County, Texas, 281st Judicial District. The motion is hereby GRANTED.

The false and misleading statements alleged in the complaint took place *after* the plaintiff and the Class purchased their Enron securities. Thus, the "in connection with the purchase or sale" element of 15 U.S.C.S. § 78bb(f) is not met. *Garza Gutierrez v. Deloitte & Touche, LLP*, 147 F.

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So ordered this ___ day of _____, 2002,

United States District Judge