United States Courts
Southern District of Texas
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U.S. COURTS
SOUTHERN DISTRICT
OF TEXAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK NEWBY, et al.	§	
	§	
Plaintiffs,	§	**No. H-01-CV-3624**
	§	
vs.	§	**(Consolidated Action)**
	§	
ENRON CORP., et al.	§	
	§	
Defendants.	§	
	§	
PIRELLI ARMSTRONG TIRE CORPORATION RETIREE MEDICAL BENEFITS TRUST, Derivatively On Behalf of ENRON CORPORATION, et al.,	§	**No. H-01-CV-3645**
Plaintiffs,	§	**(Consolidated Action)**
	§	
vs.	§	
	§	
ENRON CORP., et al.,	§	
	§	
Defendants.	§	
	§	
TITTLE, et al.,	§	
	§	
Plaintiffs,	§	**No. H-01-CV-3913**
	§	
vs.	§	**(Consolidated Action)**
	§	
ENRON CORP., et al.	§	
	§	
Defendants.	§	

DEFENDANT ANDREW S. FASTOW'S JOINDER IN DEFENDANT ARTHUR ANDERSEN LLP'S MOTION TO ENJOIN FLEMING FROM SEEKING A TEMPORARY INJUNCTION IN *BULLOCK v. ARTHUR ANDERSEN LLP*

Defendant Andrew S. Fastow joins the Motion filed by Defendant Arthur Andersen LLP (Andersen) seeking to enjoin Fleming & Associates ("Fleming") from seeking a temporary injunction in *Jane Bullock, et al vs. Arthur Andersen, L.L.P., et al*;

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Cause No. 32,716; In the 21st District Court of Washington County, Texas. In addition to the reasons stated in Andersen's Motion, Fastow respectfully requests that this Court enjoin Fleming from seeking a temporary injunction in *Bullock* because:

1. The relief Fleming seeks in *Bullock* – a freeze on various individuals' assets -- substantially duplicates relief this Court previously denied. Fleming seeks a collateral attack on this Court's ruling.
2. This Court determined that it has jurisdiction over the proceeds Fastow and other defendants received from allegedly improper insider trades. Fastow has asked the Court to reconsider that ruling. Unless this Court revises its earlier ruling, it has determined that those proceeds constituted a *res*, which it had jurisdiction to preserve. Under the All Writs Act, 28 U.S.C. §1651, the Court has the duty and right to protect from dissipation the *res* over which it has jurisdiction. In *Bullock*, Fleming seeks to garner that *res* for himself and his clients: he seeks to be first in time to recover funds that the class also seeks and thus, if successful, will destroy or deplete the funds available to the class.

Respectfully submitted,

KEKER & VAN NEST, LLP

By: _____

John Keker
State Bar No.
710 Sansome Street
San Francisco, California 94111
Telephone (415) 391-5400
Facsimile (415) 397-7188
ATTORNEY-IN-CHARGE FOR DEFENDANT ANDREW FASTOW

OF COUNSEL:

SMYSER KAPLAN & VESELKA, L.L.P.

Craig Smyser
State Bar No. 18777575
Asim Bhansali
State Bar No. 90001290
700 Louisiana, Suite 2300
Houston, Texas 77002
(713) 221-2300
(713) 221-2320 - Facsimile

CERTIFICATE OF SERVICE

This is to certify that on **April** 22nd, **2002** a true and correct copy of the above and foregoing instrument was served on all counsel of record by facsimile transmission and/or by certified mail, return receipt requested, and in accordance with the Federal Rules of Civil Procedure.

SEE ATTACHED SERVICE LIST

Craig Smyser

Craig Smyser