UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FILED
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U.S. COURTS
SOUTHERN DISTRICT
OF TEXAS

In re ENRON CORPORATION SECURITIES LITIGATION	§	Civil Action No. H-01-3624 **(Consolidated)**
	§	CLASS ACTION
This Document Relates To:	§	
MARK NEWBY, et al., Individually and On Behalf of All Others Similarly Situated,	§	
Plaintiffs,	§	
vs.	§	
ENRON CORP., et al.,	§	
Defendants.	§	

United States Courts
Southern District of Texas
FILED
APR 19 2002
Michael N. Milby, Clerk

LEAD PLAINTIFF'S OPPOSITION TO MOTIONS TO EXTEND TIME TO RESPOND TO THE CONSOLIDATED COMPLAINT FILED BY BANK OF AMERICA, ET AL., VINSON & ELKINS, ANDERSEN AND TEMPLE

Lead Plaintiff hereby responds to defendants Bank of America Corp.'s, ("Bank Defendants") Motion to Amend the Court's March 22, 2002 Scheduling Order and Extend Their Time to Respond to the Consolidated Complaint, Vinson & Elkins' and Temple's Joinder in Defendants' Motion to Extend Time, and Andersen's Emergency Motion to Extend Time. The Bank Defendants have asked for an additional 30 days in which to respond to the Consolidated Complaint. The other defendants have asked for a two-week extension. On April 16, 2002, Lead Plaintiff filed an Opposition to the motion filed by certain individual defendants.

Lead Plaintiff does not believe that a 30-day extension for the Bank Defendants is warranted. Bank of America claims that it is new to this litigation and has not been able to review the documents or talk with its employees about the allegations. But Bank of America has already filed a motion to dismiss very similar claims against it in *Silvercreek v. Salomon Smith Barney, Inc.*, No.

540

1:02CV413 (S.D.N.Y.). That motion, filed on March 20, raises many legal arguments that Bank of America can be expected to raise here. And counsel for two of the Bank Defendants entered their appearance in February 2002 and attended the February 25 Scheduling Conference in the *Newby* action. Thus, while Lead Plaintiff did not previously name the Bank Defendants, they are hardly newcomers to this case or the allegations.

Moreover, because the allegations of the Consolidated Complaint must be taken as true at the motion-to-dismiss stage, there is no need for defendants to review all of the underlying documents or interview their employees to respond to the Consolidated Complaint. In any event, these large institutions are very well represented (as are all defendants) and they know best what their involvement with Enron has been over the past several years. ***In sum***, none of the defendants has provided a sufficient reason to change the Court's Scheduling Order and their requests for more time should be denied.

If the Court grants defendants' motions, in fairness the Lead Plaintiff should be granted at least the same additional time to respond because while each defendant must draft only its own motion, Lead Plaintiff must respond to each and every one.

DATED: April 19, 2002

Respectfully submitted,

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DECLARATION OF SERVICE BY E-MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is 401 B Street, Suite 1700, San Diego, California 92101.

2. That on April 19, 2002, declarant served the LEAD PLAINTIFF'S OPPOSITION TO MOTIONS TO EXTEND TIME TO RESPOND TO THE CONSOLIDATED COMPLAINT FILED BY BANK OF AMERICA, ET AL., VINSON & ELKINS AND ANDERSEN by sending via e-mail, facsimile or UPS overnight to the parties as indicated on the attached Service List, pursuant to the Court's April 10, 2002 Order Regarding Service of Papers and Notice of Hearings.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th day of April, 2002, at San Diego, California.

Debbie Granger

DEBBIE GRANGER

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