

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

DEC 21 2001

Michael N. Milby, Clerk of Court

MARK NEWBY,

Plaintiff,

v.

ENRON CORP., et al.,

Defendants.

Civil Action No. H-01-3624  
(Securities Suits)

**AFFIDAVIT OF GLEN DEVALERIO IN SUPPORT OF APPOINTMENT OF  
LEAD PLAINTIFF AND TO APPOINT CO-LEAD AND LIAISON COUNSEL**

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I, Glen DeValerio, under the penalty of perjury, depose and say:

1. I am a partner with the law firm of Berman DeValerio Pease Tabacco Burt & Pucillo ("Berman DeValerio"), One Liberty Square, Boston, MA 02109, counsel for the Proposed Lead Plaintiff, the Florida State Board of Administration ("FSBA"). I submit this Affidavit in support of FSBA's motion for appointment as Lead Plaintiff and to approve its selection of Co-Lead and Liaison Counsel.
2. On October 22, 2001, pursuant to Section 78u-4(a)(3)(A)(i) of the PSLRA, the law firm of Shapiro Haber & Urmy caused a press release to be published over *PR Newswire*, a national business-oriented wire service, notifying members of the proposed class of their right to move to serve as lead plaintiff by no later than sixty (60) days from the date of publication of the notice. Attached hereto as Exhibit A is a true and accurate copy of that notice.
3. *PR Newswire* is an electronic distributor of corporate, association and institutional news releases to the media and the financial community. *PR Newswire* distributed the Notices to more than 2,000 different news outlets, including *Bloomberg Business News*, *Dow Jones News Retrieval*, *Associated Press* and *Reuters*.
4. The press releases were reprinted verbatim by *Dow Jones*, *Lexis/Nexis* and *Westlaw*. Attached hereto as Exhibit B are true and accurate copies of those reprints.
5. Linda Lettera, Esq., general counsel for FSBA, has completed an Affidavit on behalf of FSBA. Attached hereto as Exhibit C is a true and accurate copy of that Affidavit.
6. The "mean" or average closing price for Enron Corporation ("Enron") common stock during the period November 28, 2001 through December 18, 2001 was \$0.6315 per share.

Attached as Exhibit D is a true and accurate copy of the Enron common stock price graph for the period November 28, 2001 through December 18, 2001.

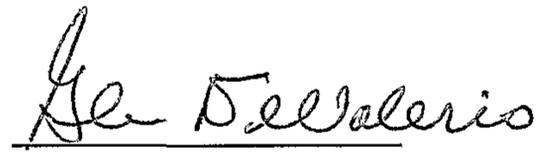
7. Using this mean or average closing price, FSBA suffered losses of \$325,243,852 on its stock purchases. The FSBA also acquired 10,500,000 Enron bonds during the Class Period and sustained a loss of \$9,297,750 on its investment in Enron bonds. Attached to the Affidavit of Linda Lettera are two tables showing the calculations of FSBA's losses in Enron common stock and Enron bonds.

8. A true and accurate copy of the Berman DeValerio Pease Tabacco Burt & Pucillo firm resume is annexed hereto as Exhibit E.

9. A true and accurate copy of the firm resume for Entwistle & Cappucci, LLP firm resume is annexed hereto as Exhibit F.

10. A true and accurate copy of the firm resume for Yetter & Warden, LLP is annexed hereto as Exhibit G.

Signed under the penalties of perjury this 20<sup>th</sup> day of December, 2001.

  
Glen DeValerio

The Exhibit(s) May  
Be Viewed in the  
Office of the Clerk