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ATTEST
FOR THE JUDICIAL PANEL OF
MULTIDISTRICT LITIGATION

RELEASED FOR PUBLICATION

DOCKET NO. 1446

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

APR 16 2002

FILED
CLERK'S OFFICE

14-01-3624

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE ENRON CORP. SECURITIES, DERIVATIVE & "ERISA" LITIGATION

**BEFORE WM. TERRELL HODGES,* CHAIRMAN, JOHN F. KEENAN,
MOREY L. SEAR, BRUCE M. SELYA, JULIA SMITH GIBBONS, D.
JENSEN* AND J. FREDERICK MOTZ,* JUDGES OF THE PANEL**

United States Courts
Southern District of Texas
FILED

TRANSFER ORDER

APR 19 2002

Michael N. Milby, Clerk

This litigation currently consists of the 54 actions listed on the attached Schedule A and pending in five districts as follows: 40 actions now consolidated into three actions in the Southern District of Texas, eleven actions in the Eastern District of Texas, and one action each in the Eastern District of Arkansas, the Southern District of California, and the Southern District of Florida.¹ Plaintiffs in two of the Eastern District of Texas actions move the Panel, pursuant to 28 U.S.C. § 1407, for centralization of the actions in the Eastern District of Texas for coordinated or consolidated pretrial proceedings. None of the parties now before the Panel opposes centralization. The only real dispute concerns selection of the transferee district. In addition to the Eastern District of Texas forum proffered by movants, the Southern District of Texas and the Western District of Oklahoma have been suggested by various respondents.

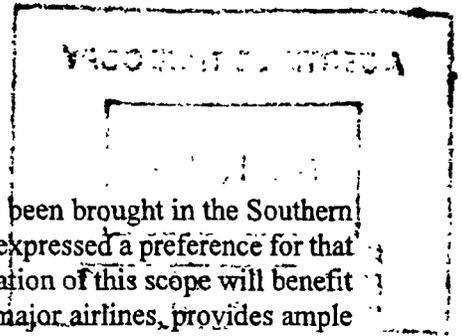
On the basis of the papers filed and hearing session held, the Panel finds that the actions in this litigation involve common questions of fact and that centralization in the Southern District of Texas will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. All actions share factual questions concerning allegedly negligent and/or fraudulent conduct relating to the financial collapse of Enron Corp. (Enron). Whether the actions be brought by securities holders seeking relief under the federal securities laws, shareholders suing derivatively on behalf of Enron, or participants in Enron retirement savings plans suing for violations of the Employee Retirement Income Security Act of 1974, all actions can be expected to focus on a significant number of common events, defendants, and/or witnesses. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery, prevent inconsistent pretrial rulings (especially with respect to questions of class certification), and conserve the resources of the parties, their counsel and the judiciary.

We are persuaded that this litigation has a strong Texas nexus and that the appropriate transferee forum for centralized pretrial proceedings is the Southern District of Texas. We note that i) many parties, witnesses and documents will be found in Houston, where Enron is headquartered and where Enron's

*Judges Hodges, Jensen and Motz took no part in the decision of this matter.

¹The motion before the Panel pertained to one additional Southern District of Texas action that has since been dismissed, *City of Birmingham Retirement and Relief Plan v. Enron Corp., et al.*, C.A. No. 4:01-3940. Accordingly, the question of Section 1407 transfer with respect to this action is moot. Additionally, the Panel has been notified of more than 40 potentially related actions now pending in federal district courts. In light of the Panel's disposition of this docket, these additional actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

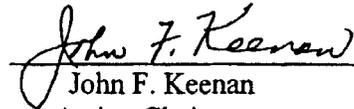
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auditors performed much of their audit work; ii) most of the actions have been brought in the Southern District of Texas, and the majority of responding MDL-1446 parties have expressed a preference for that forum; iii) proceedings are furthest advanced in S.D. Texas; and iv) a litigation of this scope will benefit from centralization in a major metropolitan center that is well served by major airlines, provides ample hotel and office accommodations, and offers a well developed support system for legal services.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on the attached Schedule A and pending outside the Southern District of Texas are transferred to the Southern District of Texas and, with the consent of that court, assigned to the Honorable Melinda Harmon for coordinated or consolidated pretrial proceedings with the actions pending in that district and listed on Schedule A.

FOR THE PANEL:



John F. Keenan
Acting Chairman

SCHEDULE A

MDL-1446 -- In re Enron Corp. Securities, Derivative & "ERISA" Litigation

Eastern District of Arkansas

Stephen A. McIntyre v. Kenneth L. Lay, et al., C.A. No. 4:01-836

Southern District of California

Mark E. McKinney v. Enron Corp., et al., C.A. No. 3:01-2182

Southern District of Florida

Diana M. Perez v. Enron Corp., et al., C.A. No. 1:01-4951

Eastern District of Texas

David R. Wortham v. Enron Corp., et al., C.A. No. 5:01-299

David Trzebucki, et al. v. Andrew S. Fastow, et al., C.A. No. 5:01-308

Duane Mceachern v. Enron Corp., et al., C.A. No. 5:01-310

William E. Davis, et al. v. Enron Corp., et al., C.A. No. 5:01-313

John Anson v. Kenneth L. Lay, et al., C.A. No. 5:01-318

Leslie H. Duncan v. Kenneth L. Lay, et al., C.A. No. 5:01-319

John Barnett v. Kenneth L. Lay, et al., C.A. No. 5:01-320

Shelly Douglass v. Kenneth L. Lay, et al., C.A. No. 5:01-321

Stephen Phillips v. Kenneth L. Lay, et al., C.A. No. 5:01-322

Phil E. Parham, et al. v. Kenneth L. Lay, et al., C.A. No. 5:01-323

Lynn Goffman, et al. v. Robert A. Belfer, et al., C.A. No. 9:01-289

Southern District of Texas

Mark Newby, et al. v. Enron Corp., et al., C.A. No. 4:01-3624

Seth Abrams, et al. v. Enron Corp., et al., C.A. No. 4:01-3630

Pirelli Armstrong Tire Corp. Retiree Medical Benefits Trust v. Kenneth L. Lay, et al.,
C.A. No. 4:01-3645

Robert J. Casey, II, et al. v. Enron Corp., et al., C.A. No. 4:01-3647

Frank Wilson v. Enron Corp., et al., C.A. No. 4:01-3652

J. Michael Gottesman v. Enron Corp., et al., C.A. No. 4:01-3660

Avigayil Greenberg v. Enron Corp., et al., C.A. No. 4:01-3670

Robert Christianson v. Enron Corp., et al., C.A. No. 4:01-3671

Ernest Gottdiener v. Enron Corp., et al., C.A. No. 4:01-3681

MDL-1446 Schedule A (Continued)

Southern District of Texas (Continued)

Muriel P. Kaufman, IRA v. Enron Corp., et al., C.A. No. 4:01-3682
John P. McCarthy Money Purchase Plan v. Enron Corp., et al., C.A. No. 4:01-3686
Joseph E. Kassoway, etc. v. Andrew S. Fastow, et al., C.A. No. 4:01-3690
Michael Koroluk v. Enron Corp., et al., C.A. No. 4:01-3733
James Brill v. Enron Corp., et al., C.A. No. 4:01-3734
Elmar A. Busch v. Enron Corp., et al., C.A. No. 4:01-3735
Warren Pinchuck v. Enron Corp., et al., C.A. No. 4:01-3736
Mahin S. Mashayekh v. Enron Corp., et al., C.A. No. 4:01-3737
Barbara D. Lee v. Enron Corp., et al., C.A. No. 4:01-3789
Danielle M. Karcich, et al. v. Enron Corp., et al., C.A. No. 4:01-3838
Naomi Raphael v. Enron Corp., et al., C.A. No. 4:01-3839
Victor Ronald Frangione v. Enron Corp., et al., C.A. No. 4:01-3889
Patricia D. Parsons v. Enron Corp., et al., C.A. No. 4:01-3903
Pamela M. Tittle, et al. v. Enron Corp., et al., C.A. No. 4:01-3913
John Odam, et al. v. Enron Corp., et al., C.A. No. 4:01-3914
Frank Anthony Cammarata, III v. Enron Corp., et al., C.A. No. 4:01-3993
Fred Greenberg v. Robert A. Belfer, et al., C.A. No. 4:01-3998
George Nicoud v. Enron Corp., et al., C.A. No. 4:01-4009
Roy E. Rinard, et al. v. Enron Corp., et al., C.A. No. 4:01-4060
Michael P. Harney v. Enron Corp., et al., C.A. No. 4:01-4063
Archdiocese of Milwaukee Supporting Fund, Inc. v. Enron Corp., et al.,
C.A. No. 4:01-4071
Gary W. Kemper, et al. v. Enron Corp., et al., C.A. No. 4:01-4089
Kenneth Franklin v. Enron Corp., et al., C.A. No. 4:01-4106
Enron Corp. Savings Plan v. Enron Corp., et al., C.A. No. 4:01-4108
Betty J. Clark v. Enron Corp., et al., C.A. No. 4:01-4125
Dorothy Ricketts v. Enron Corp., et al., C.A. No. 4:01-4128
Richard Pottratz, et al. v. Enron Corp., et al., C.A. No. 4:01-4150
Susan Copley v. Kenneth L. Lay, et al., C.A. No. 4:01-4168
James J. Daley, etc. v. Enron Corp., et al., C.A. No. 4:01-4189
Amalgamated Bank, etc. v. Kenneth L. Lay, et al., C.A. No. 4:01-4198
Catherine Stevens, et al. v. Enron Corp. Savings Plan Administrative Committee, et al.,
C.A. No. 4:01-4208