UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED
MAY 0 8 2002
Michael N. Milby, Clerk

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

MOTION OF DEFENDANT DEUTSCHE BANK AG
TO DISMISS THE CONSOLIDATED COMPLAINT

Defendant Deutsche Bank AG respectfully files this Motion to Dismiss all claims filed against it in the Consolidated Complaint for Violation of the Securities Laws in the Newby action (the "Newby Complaint") pursuant to Fed. R. Civ. P. 12(b), 9(b) and 8.

As set forth in the accompanying Memorandum of Law in Support of Defendant Deutsche Bank AG's Motion to Dismiss, the Newby Complaint fails to state any actionable claim against Deutsche Bank. For this reason, Defendant Deutsche Bank AG respectfully requests dismissal of all claims.

A proposed form of order is attached.

U.S. COURTS
SOUTHERN DISTRICT
OF TEXAS
2002 MAY -8 PM 5:24

Respectfully submitted,

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CERTIFICATE OF SERVICE

On May 8, 2002, I caused a true and correct copy of the foregoing document to be served on all counsel by e-mail and fax in accordance with the Order Regarding Service of Papers and Notice of Hearings, entered by the Court on April 10, 2002.

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