IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FILED
2001 DEC 21 PM 4: 3
U.S. COURTS
SOUTHERN DISTRICT
OF TEXAS

MARK NEWBY,	:	Civil Action No. H-01-3624
	:	(Consolidated Securities Actions)
Plaintiff,	:	
v.	:	
ENRON CORP. et al.,	:	
Defendants.	:	

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED
DEC 21 2001
Michael N. Milby, Clerk

OPPOSED MOTION OF THE ARCHDIOCESE OF MILWAUKEE SUPPORTING FUND, INC. FOR APPOINTMENT AS LEAD PLAINTIFF AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF COUNSEL.

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

COMES NOW, Plaintiff, the Archdiocese of Milwaukee Supporting Fund, Inc. ("AMS Fund" or "Movant" or "Proposed Lead Plaintiff"), by and through its undersigned counsel, and hereby moves pursuant to Section 27(a)(3)(B) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. § 77z-1(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 ("PSLRA"), to be appointed as a lead plaintiff and for approval of its counsel, Scott + Scott, LLC, to serve as lead counsel and for Hoeffner & Bilek, LLP to serve as liaison counsel for the proposed class.

This Motion is made in accordance with the procedures established by 15 U.S.C. § 77z-1, as outlined in the accompanying Memorandum of Law, and on the grounds that the AMS Fund is an adequate plaintiff, as defined by the PSLRA, which should be appointed as lead plaintiff, since it is uniquely well suited to protect the interests of the proposed class ("Class"). In its capacity as

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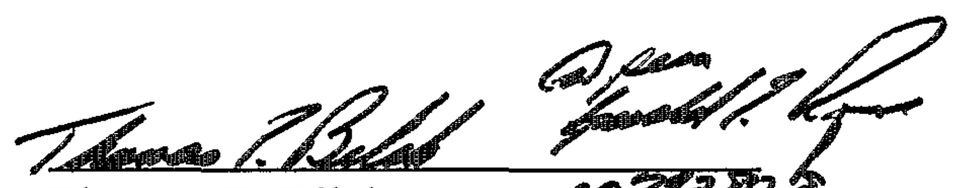
an institutional investor, the AMS Fund is well qualified to act as a fiduciary and apply its experience in the administration of financial matters, including the distribution of substantial donations and grants, to fulfill its duties to the sole benefit of the class.

The AMS Fund is the only institutional investor that has acted solely to protect the interests of purchasers of publicly traded debt securities of Enron Corp. ("Enron" or "Company") by instituting action under the Securities Act solely with respect to debt offerings issued by the Company and made pursuant to Registration Statements and Prospectuses during the period October 19, 1998 and November 19, 2001 ("Class Period"). See Archdiocese of Milwaukee Supporting Fund, Inc., Individually and on Behalf of All Others Similarly Situated v. Kenneth L. Lay et al., Civil Action No. H-01-4071 (United States District Court for the Southern District of Texas, Houston Division) ("Debt Purchasers Action").[1] For this reason, as well as the reasons explained fully in the accompanying Memorandum of Law, the AMS Fund should be appointed as a lead plaintiff to protect the interests of all of the purchasers of debt securities during the Class Period.

Dated: December 21, 2001

Respectfully submitted,

HOEFFNER & BILEK, LLP



Thomas E. Bilek
Federal Bar No. 9338
State Bar No. 02313525
440 Louisiana, Suite 720
Houston, Texas 77002
Tel: (713) 227-7720
Fax: (713) 227-9404

[1]By Order entered on December 12, 2001, the Honorable Lee H. Rosenthal consolidated the Debt Purchasers Action with other actions pending against Enron and/or certain of its officers and directors under this action as the lead case.

SCOTT & SCOTT, LLC
David R. Scott
James E. Miller
108 Norwich Avenue
P.O. Box 192
Colchester, CT 06415
Tel: (860) 537-3818
Fax: (860) 537-4432
Attorneys for Movant,
Archdiocese of Milwaukee Supporting Fund, Inc.

CERTIFICATE OF CONFERENCE

Pursuant to the local rules, I have attempted to confer with counsel in this and no agreement on the Motion could be reached.

Thomas E. Bilek

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of this instrument has been forwarded to all counsel of record, via certified mail, return receipt requested, and/or via facsimile, and/or via U.S. Mail on this 21st day of December, 2001, properly addressed as follows:

Stephen D. Susman
Kenneth S. Marks
Karen A. Oshman
Susman Godfrey, LLP
1000 Louisiana Street, Suite 5100
Houston, TX 77002-5096

James E. Coleman
Carrington, Coleman, Sloman & Blumenthal,
200 Crescent Court, Suite 1500
Dallas, TX 75201-1848

Charles F. Richards, Jr
Richards, Layton & Finger, PA
One Rodney Square
Wilmington, DE 19899

Bruce Hiler
O'Melveny & Myers, LLP
555 13th Street, N.W., Suite 500 West
Washington, D.C. 20004-1109

Eric Nichols
Beck Redden & Secrest
One Houston Center
1221 McKinney Street, Suite 4500
Houston, TX 77010

Craig Smyser
Smyser Kaplan & Veselka, LLP
Bank of America Center
700 Louisiana, Suite 2300
Houston, TX 77002

Richard B. Drubel
Boies, Schiller & Flexner, LLP
26 South Main Street
Hanover, NH 03758

Jacks C. Nickens
Clements, O'Neill, Pierce, Nickens & Wilson,
1000 Louisiana St., Suite 1800
Houston, TX 77002-5009

J. Clifford Gunter, III
Bracewell & Patterson
711 Louisiana St., Suite 2900
Houston, TX 77002-2781

Davis Polk & Wardell
450 Lexington Avenue
New York, NY 10017

Kathy D. Patrick
Gibbs & Bruns LLP
1100 Louisiana, Suite 5300
Houston, TX 77002-5778

Helen Currie Foster
Graves, Dougherty, Hearon & Moody
515 Congress Avenue, Suite 2300
Austin, TX 78701

Linda Leuchter Addison
Fulbright & Jaworski
1301 McKinney, Suite 5100
Houston, TX 77002-3095

Tom A. Cunningham
Cunningham, Darlow, Zook & Chapoton,
1700 Chase Tower
600 Travis
Houston, TX 77002

Jeffrey B. Kaiser
Kaiser & May, LLP
440 Louisiana, Suite 1440
Houston, TX 77002

Robert H. Fritz, III
The Fritz Law Firm
330 T.C. Jester Blvd.
Houston, TX 77007

David Berg
Berg & Adrophy
3704 Travis
Houston, TX 77002

George M. Fleming
Fleming & Associates, LLP
1330 Post Oak Blvd., Suite 3030
Houston, TX 77056

John L. Grayson
Grayson & Hovenkamp, PLLC
1221 McKinney, Suite 3850
Houston, TX 77010

Jack McGehee
McGehee & Pianelli, LLP
1225 North Loop West, Suite 810
Houston, TX 77008

Daniel Gartner
Gartner Law Firm, P.C.
Three Riverway, 18th Floor
Houston, TX 77056

W. Kelly Puls
Puls, Taylor & Woodson, LLP
2600 Airport Freeway
Fort Worth, TX 76111

Michael D. Sydow
Verner, Lipfert, Bernhard, McPherson & Hand
1111 Bagby, 46th Floor
Houston, TX 77002

Michael Kopper
333 Clay Street, Suite 1203
Houston, TX 77002

Richard S. Schiffrin
Schiffrin & Barroway, LLP
Three Bala Plaza East, Suite 400
Bala Cynwyd, PA 19004

Mark C. Gardy
Abbey Gardy LLP
212 East 39th Street
New York, NY 10016

James V. Bashian
Law Office of James V. Bashain, P.C.
500 Fifth Avenue, Suite 2700
New York, NY 10110

Kirk B. Hulett
Hulett Harper, LLP
550 West C Street, Suite 1770
San Diego, CA 92101

Robert C. Finkel
Wolf Popper LLP
845 Third Avenue
New York, NY 10022

Samuel M. Grossman
Pomerantz Haudek Block Grossman & Gross
100 Park Avenue, 21st Floor
New York, NY 10017

Marc R. Stanley
Stanley, Mandel & Iola, L.L.P.
3100 Monticello Avenue, Suite 750
Dallas, TX 75205

Derek Emge
Emge & Associates
550 West C Street, Suite 1770
San Diego, CA 92101

Mike Egan
Bernstein Liebhard & Lifshitz, LLP
10 East 40th Street
New York, NY 10016

Jaroslawicz & Jaros
150 William Street, 19th Floor
New York, NY 10038

Law Offices of Brian M. Felgoise
230 S. Broad Street, Suite 404
Philadelphia, PA 19102

Peter D. Bull
Joshua M. Lifshitz
Bull & Lifshitz, LLP
18 East 41st Street
New York, NY 10017

Jules Brody
Stull, Stull & Brody
6 East 45th Street
New York, NY 10017

Joseph H. Weiss
Weiss & Yourman
551 Fifth Avenue, Suite 1600
New York, NY 10176

Steven G. Schulman
Samuel H. Rudman
Milberg Weiss Bershad Hynes & Lerach LLP
One Pennsylvania Plaza - 49th Floor
New York, NY 10119

William S. Lerach
Milberg Weiss Bershad Hynes & Lerach LLP
401 B Street, Suite 1700
San Diego, CA 92101

Paul J. Geller
Cauley Geller Bowman & Coates
2255 Glades Road, Suite 421A
Boca Raton, FL 33431

Fred. E. Stoops, Sr.
Richardson, Stoops, Richardson & Ward
The Richardson Building
6555 South Lewis Avenue, Suite 200
Tulsa, OK 74136-1010

Deborah Gross
Law Offices of Bernard M. Gross, P.C.
1515 Locust Street
Philadelphia, PA 19102

Klari Neuwelt
Law Office of Klari Neuwelt
110 East 59th Street
New York, NY 10022

Marc S. Henzel
Attorney at Law
273 Montgomery Ave. Suite 202
Bala Cynwyd, PA 19004

Alfred G. Yates Jr.
Law Office of Alfred G. Yates Jr.
519 Allegheny Building
429 Forbes Avenue
Pittsburgh, PA 15219

Robert M. Roseman
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103

Steven J. Toll
Cohen, Milstein, Hausfeld & Toll, P.L.L.C.
1100 New York Avenue, N.W.
West Tower, Suite 500
Washington, D.C. 20005

Anthony Bolognese
Bolognese & Associates, LLC
One Penn Center; 1617 JFK Boulevard, Suite 650
Philadelphia, PA 19103

Robert I. Harwood
Wechsler Harwood Halebian & Feffer LLP
488 Madison Avenue
New York, NY 10022

Robert Rodriguez
Lovell & Stewart LLP
500 Fifth Avenue
New York, NY 10110

Lionel Z. Glancy
Law Offices of Lionel Z. Glancy
1801 Avenue of the Stars, Suite 311
Los Angeles, CA 90067

Joseph V. McBride
Rabin & Peckel, LLP
275 Madison Avenue
New York, NY 10016

Kenneth A. Elan
The Law Office of Kenneth A. Elan
217 Broadway
New York, NY 10007

Eli Gottesdiener
Gottesdiener Law Firm
3901 Yuma Street, N.W.
Washington, D.C. 20016

Marc H. Edelson
Hoffman & Edelson
45 W. Court Street
Doylestown, PA 18901

Law Offices of Curtis V. Trinko L.L.P.
16 West 46th, 7th Floor
New York, New York 10028

Neil Rothstein
Scott & Scott, LLC
108 Norwich Avenue
Colchester, CT 06415

Leo W. Desmond
Law Office of Leo W. Desmond
2161 Palm Beach Lakes Boulevard, Suite 204
West Palm Beach, FL 33409

Michael D. Donovan
Donovan Searles, LLC
1845 Walnut Street, Suite 1100
Philadelphia, PA 19103

Paul A. Scarlato
Weinstein Kitchenoff Scarlato & Goldman,
1845 Walnut Street, Suite 1100
Philadelphia, PA 19103

Louis F. Burke
Louis F. Burke, PC
360 Lexington Avenue
New York, NY 10017

Harold B. Obstfeld, P.C.
260 Madison Avenue
New York, NY 10016

Beatie and Osborn
599 Lexington Avenue
New York, NY 10022

Francis J. Farina
Law Office of Francis J. Farina
577 Gregory Lane
Devon, PA 19333

Hector Gancedo
Gancedo & Nieves, LLP
119 E. Union Street, Suite G
Pasadena, CA 91103

Peter A. Lennon
Law Office of Peter A. Lennon
2200 West Chester Pike, Suite B-8
Broomall, PA 19008

David B. Kahn
Elissa C. Chase
David B. Kahn & Associates, LTD.
One Northfield Plaza, Suite 100
Northfield, Illinois 60093

John G. Emerson
The Emerson Firm
2600 S. Gessner, Suite 600
Houston, TX 77063

Steve W. Berman
Hagens Berman, LLP
1301 Fifth Avenue, Suite 2900
Seattle, Washington 98101

Robin L. Harrison
Campbell Harrison & Wright, LLP
4000 Two Houston Center
909 Fannin Street
Houston, TX 77010

Lynn Lincoln Sarko
Keller Rohrback, LLP
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052

R. Douglas Dalton
Dalton Gotto Samson & Kilgard, PLC
National Bank Plaza, Suite 900
3101 North Central Avenue
Phoenix, Arizona 85012

Roger Claxton
Claxton & Hill, PLLC
700 McKinney Place
3131 McKinney Avenue - LB 103
Dallas, TX 75205-2471

Samuel P. Sporn
Shoengold & Sporn, P.C.
19 Fulton Street, Suite 406
New York, NY 10038

Jeffrey G. Smith
Wolf Haldenstein Adler Freeman & Herz LLP
270 Madison Avenue
New York, NY 10016
James D. Baskin, III
Baskin, Bennett & Komkov, LLP
919 Congress Avenue, Suite 1000
Austin, TX 78701

Frederic S. Fox
Kaplan, Kilsheimer & Fox, LLP
805 Third Ave., 22nd Floor
New York, NY 10022

Samuel P. Sporn
Shoengold & Sporn, P.C.
19 Fulton Street, Suite 406
New York, NY 10038

Peter D. Fischbein
777 Terrace Avenue
Hasbrouck Heights, NJ 07604

Richard M. Frankel
Hackerman Frankel & Manela
1122 Bissonnet
Houston, TX 77005

Andrew M. Schatz
Schatz & Nobel, P.C.
330 Main Street
Hartford, CT 06160

George E. Barrett
Barrett Johnston & Parsley
217 Second Avenue, North
Nashville, TN 37201-1601

Jonathan T. Suder
Friedman, Young, Suder & Cooke
P. O. Box 2508
Fort Worth, TX 76113

Thomas W. Sankey
Sankey & Luck, LLP
600 Travis Street, Suite 6200
Houston, TX 77002

Solomon B. Cera
Gold Bennett Cera & Sidener, LLP
595 Market Street, Suite 2300
San Francisco, CA 94105-2835

Edward W. Goldstein
Goldstein & Polasek, LLP
1177 West Loop South, Suite 400
Houston, TX 77027

William Federman
Federman & Sherwood
120 N. Robinson Avenue, Suite 2720
Oklahoma City, OK 73102

William Federman
Federman & Sherwood
2926 Maple Avenue, Suite 200
Dallas, TX 75201

Jeffrey C. Zweling
Zwerling, Schachter & Zwerling, LLP
767 Third Avenue
New York, NY 10017

H. Bruce Golden
Golden & Owens, LLP
1221 McKinney Street, Suite 3600
Houston, TX 77010

Karen L. Morris
Morris & Morris
1105 North Market St., Suite 1600
Wilmington, DE 19801

Sherrie R. Savett
Berger & Montague
1622 Locust St.
Philadelphia, PA 19103

Stuart H. Savett
Savett, Frutkin, Podell & Ryan, PC
325 Chestnut Street, Suite 700
Philadelphia, PA 19106

James E. Wren
Williams Squires & Wren, LLP
Bridgeview Center, 2nd Floor
Waco, TX 76710

Frank W. Morgan
Frank W. Morgan & Associates, P.C.
1776 Woodstead Court, Suite 228
The Woodlands, TX 77380

Lee Squitieri
Squitieri & Fearon, LLP
521 Fifth Avenue, 26th Floor
New York, NY 10175

Roger B. Greenberg
Schwartz, Junell, Campbell & Oathout, LLP
Two Houston Center
909 Fannin, Suite 2000
Houston, TX 77010

Thomas Shapiro
Shapiro, Haber & Urmy LLP
75 State St.
Boston, MA 02109

Jeffrey S. Abraham
Abraham & Paskowitz
60 East 42nd Street, 47th Floor
New York, NY 10165

Evan J. Smith
Brodsky & Smith
11 Bala Avenue, Suite 39
Bala Cynwyd, PA 19004

Sam Merovitz
Merovitz & Cedar, LLP
1234 Market Street, Suite 2040
Philadelphia, PA 19107

Oren Giskan
Prongay & Borderud
207 W. 25th Street, 4th Floor
New York, NY 10001

Law Offices of Mazyar Hedayat
410 S. Michigan Avenue, Suite 310
Chicago, IL 60605

Neil L. Selinger
Lowey Dannenberg Bemporad & Selinger, PC
One North Lexington Avenue
White Plains, NY 10601-1714

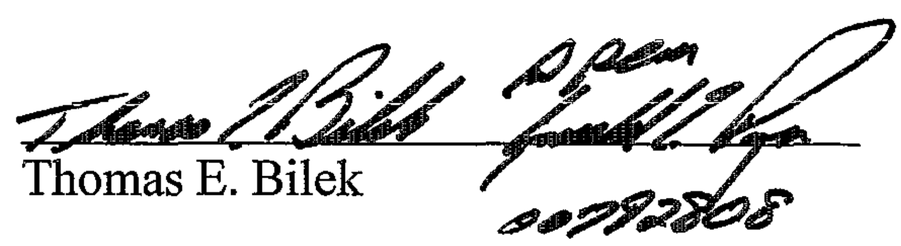
Richard M. Heimann
Lieff, Cabraser, Heimann & Bernstein
Embarcarero Center West
275 Battery Street, 30th Floor
San Francisco, CA 94111

Charles Parker
Hill Parker & Roberson, LLP
5300 Memorial Drive, Suite 700
Houston, TX 77007

Martin Chitwood
Chitwood & Harley
2900 Promenade II
1230 Peachtree Street, N.E.
Atlanta, GA 30309

Glen DeValerio
Berman, DeValerio & Pease, LLP
One Liberty Square
Boston, MA 02109

Max Berger
Bernstein Litowitz Berger & Grossmann
1285 Avenue of the Americas, 33rd Floor
New York, NY 10019



Thomas E. Bilek