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

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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

MOTION OF THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR A LIMITED PRODUCTION OF ENRON DOCUMENTS

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The Court's February 27 Scheduling Order requires Enron Corp., pursuant to Judge Gonzalez's Order in the New York bankruptcy action partially lifting the bankruptcy stay, to produce, subject to attorney-client privilege or work-product protection, specific documents related to the *Tittle* Plaintiffs' ERISA claims that were produced to any committee of the Legislative or Executive branch, including the Department of Labor, and copies of all transcripts of witness interviews or depositions in the Company's possession given or taken in connection with those inquires or investigations. February 27 Order at 3. The Court's rationale for lifting the automatic discovery stay was that the PSLRA "was not designed to keep secret from counsel in securities cases documents that have become available for review by means other than discovery in the securities case." *Id.* at 4. The Regents of the University of California, Lead Plaintiff in the *Newby* action, on February 25, 2002, in the New York bankruptcy court, moved for a limited modification of the automatic stay as to the debtor Enron Corp. to obtain copies of all documents and materials produced by the Company related to any inquiry or investigation by any legislative branch committee, the executive branch, including DOJ and SEC, and all transcripts of witness interviews or depositions related to those inquiries. After briefing and oral argument, Judge Gonzalez lifted the automatic stay, provided that this Court determines that the PSLRA's discovery stay should be lifted, to require Enron to produce, subject to attorney-client privilege or work-product protection and after a reasonable review: a copy of all documents and materials Enron produced in connection with any inquiry or investigation into the Company's business affairs that were provided to any legislative branch committee, the executive branch, including DOJ and SEC, copies of all transcripts or witness interviews taken or conducted by governmental entities or Wilmer, Cutler & Pickering, in its representation of the Enron Board's Special Investigative Committee, or depositions in Enron's possession given or taken in connection with these inquiries or investigations. Judge Gonzalez's May 22 Order is attached hereto.

Lead Plaintiff moves the Court for an order, as provided for in the May 22 Order of the New York bankruptcy court, determining that the PSLRA's discovery stay should be lifted for the same reason that the Court did so in its February 27 Scheduling Order and under the same conditions. Far from a fishing expedition in a frivolous securities lawsuit, these Enron documents should not be kept

secret from Lead Plaintiff's counsel when they have already been made available and been reviewed by various governmental entities and others.

DATED: May 28, 2002

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ATTACHMENT

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re	:	Chapter 11
	:	
ENRON CORP., et al.,	:	Case No. 01-16034(AJG)
	:	
Debtors	:	Jointly Administered

ORDER REGARDING MOTION OF THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR A LIMITED MODIFICATION OF THE AUTOMATIC STAY

Upon consideration of the motion, dated February 25, 2002, filed on behalf of the Regents of California as lead Plaintiff in the Newby Action for a limited modification of the automatic stay as to Debtor Enron Corporation ("Enron" or "the Company" or "the Debtor") to obtain copies of (i) all documents and materials Enron produced in connection with any inquiries relating to the Company by or on behalf of any government committee, the Executive Branch of the U.S. government, including but not limited to the U.S. Department of Justice and The Securities and Exchange Commission and (ii) all transcripts of witness interviews or depositions in connection with said inquiries or investigation; the response of the Debtors; dated April 3, 2002; and oral argument held on April 4, 2002, it is hereby and upon the entire record herein; and good and sufficient cause appearing;

ORDERED:

The automatic stay is hereby continued, except as provided below.

Consistent with any Order by Judge Harmon in the United States District Court for the Southern District of Texas in Newby v. Enron Corp., Case No. H-1-3624, including an Order determining that the stay of discovery established by Section 21D(b)(3)(B) of the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §78 u-4(b)(3)(B) should be

lifted; Enron will produce, subject to attorney client privilege or work product protection and following a reasonable period for review: (1) a copy of all documents and materials Enron produced in connection with any inquiries or investigations into the Company's business affairs that were provided (a) to any committee of the Legislative branch of the United States Government, or (b) in response to any subpoena or written request of the Executive branch of the United States Government, including, but not limited to, the United States Department of Justice and the Securities and Exchange Commission; and (2) copies of all transcripts of witness interviews taken or conducted by (a) the foregoing governmental bodies or (b) Wilmer, Cutler & Pickering in connection with its representation of the Special Investigative Committee of the Board of Directors of Enron Corp. or depositions in Enron's possession, custody, or control given or taken in connection with said inquiries or investigations.

Dated: New York, New York
May 22, 2002

s/Arthur J. Gonzalez
THE HONORABLE ARTHUR J. GONZALEZ
UNITED STATES BANKRUPTCY JUDGE

DECLARATION OF SERVICE BY E-MAIL, FACSIMILE OR UPS

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 May 28, 2002, declarant served the foregoing document 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 28th day of May, 2002, at San Diego, California.

Debbie Granger

DEBBIE GRANGER

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May 28, 2002

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