

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

United States Courts
Southern District of Texas
FILED
JUN 04 2002
Michael N. Mulby, Clerk

MARK NEWBY, ET AL., §
§
Plaintiffs, §
§
vs. § CIVIL ACTION NO. H-01-3624
§ AND CONSOLIDATED CASES
ENRON CORPORATION, ET AL., §
§
Defendants. §

**FORMAL JOINDER OF LJM2 CO-INVESTMENT, L.P.
IN MOTION FOR PRELIMINARY SCHEDULING ORDER
FOR COMPLAINTS CONSOLIDATED INTO *NEWBY* AND PURSUED
BY PERSONS OTHER THAN COURT-APPOINTED LEAD PLAINTIFF,
AND REPLY TO RESPONSE TO THE REQUEST FOR SUCH RELIEF**

TO THE HONORABLE JUDGE OF SAID COURT:

LJM2 Co-Investment, L.P. submits this its Formal Joinder in Motion for Preliminary Scheduling Order for Complaints Consolidated into *Newby* and Pursued by Persons Other Than Court-Appointed Lead Plaintiff, and its Reply to Responses to The Request for Such Relief, and would show as follows:

Movant LJM2 Co-Investment L.P. ("LJM2") is not named as a Defendant in the Amended Consolidated Complaint filed by Lead Plaintiffs in the *Newby* action. However, LJM2 has been named as a Defendant in several putative securities class actions from other districts and other states that were consolidated into *Newby* by the MDL Panel after the issuance of this Court's Scheduling Order in *Newby*. These actions are identified in the attached Exhibit "A."

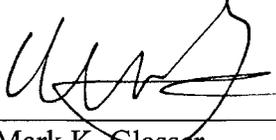
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REQUEST FOR RELIEF

By this filing, LJM2 Co-Investment, L.P. joins in the suggestion made by certain of those parties who have responded to the Motion for Entry of a Further Scheduling Order that the Court defer any ruling on that request until such later time as it may be necessary to establish a schedule for the disposition of any cases that are not disposed of by resolution of the *Newby* case. Movant LJM2 Co-Investment, L.P. believes that the consolidation of those separate cases in which it has been named as a Defendant with the *Newby* action moots any obligation by LJM2 Co-Investment, L.P. to answer, move, or otherwise respond in those cases as *Newby* is the only putative securities class action that this Court has recognized as properly-filed by Lead Plaintiffs under the PSLRA. Nevertheless, certain of the Plaintiffs' counsel in the cases in which LJM2 Co-Investment, L.P. has been named as a defendant have stated their desire to continue to prosecute their claims against LJM2 Co-Investment, L.P. and other defendants who were not named as defendants in the Consolidated *Newby* Complaint¹. Therefore, while Movants believe that no ruling on the request for entry of a preliminary scheduling order for these cases is essential at this time, Movants request that the Court make clear, by written order, that no party named as a defendant in any putative class action other than the Consolidated Complaint filed in *Newby* is obligated to file any form of response or otherwise appear in any actions until further order of the Court.

¹ Counsel for Plaintiffs in the *Barnett, Davis, and McIntyre* cases referenced in Exhibit "A" has agreed that LJM2 Co-Investments, L.P. shall have no obligation to appear in those cases pending this Court's clarification of the issue.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This pleading was served in compliance with the Rules 5b of the Federal Rules of Civil Procedure on June 4, 2002, to all counsel of record.



Mark K. Glasser

Putative Class Action Cases Transferred By The MDL Panel In Which

LJM2 Co-Investment, L.P. Is Named As A Defendant

No.	Parties	Jurisdiction, Index No., and Judge	Date Filed
U.S. District Court Eastern Division of Texas Texarkana Division			
1.	John Anson (individually and on behalf of all others similarly situated) -against- Lay, Skilling, Fastow, Causey, Derrick, Baxter, Frevert, Horton, Rice, Buy, Arthur Andersen, LLP, Andersen Worldwide Societe Cooperative, A Swiss Cooperative, LJM Cayman, L.P., LJM2 Co-Investment, L.P. , Chewco Investment, L.P., Joint Energy Development Investments Limited Partnerships, Raptor I, Raptor II, Raptor III, Raptor IV, Yosemite Securities Trust, Whitewing Associates, L.P., Osprey Trust, New Power Holdings, Inc., Cortez Energy Services, LLC., Atlantic Water Trust, and Marlin Water Trust	U.S. Dist. Ct., E.D. Tex., Texarkana Div.; No. 501CV318; Judge T. John Ward	12-6-01
2.	John Barnett (individually and on behalf of all others similarly situated) -against- Lay, Skilling, Fastow, Causey, Derrick, Baxter, Frevert, Horton, Rice, Buy, Arthur Andersen, LLP, Andersen Worldwide Societe Cooperative, A Swiss Cooperative, LJM Cayman, L.P., LJM2 Co-Investment, L.P. , Chewco Investment, L.P., Joint Energy Development Investments Limited Partnerships, Raptor I, Raptor II, Raptor III, Raptor IV, Yosemite Securities Trust, Whitewing Associates, L.P., Osprey Trust, New Power Holdings, Inc., Cortez Energy Services, LLC., Atlantic Water Trust, and Marlin Water Trust	U.S. Dist. Ct., E.D. Tex., Texarkana Div.; No. 501CV320; Judge T. John Ward	12-6-01
3.	William E. Davis and Roxann Davis (individually and on behalf of all others similarly situated) -against- Enron Corp., Lay, Skilling, Fastow, Arthur Andersen, LLP, Andersen Worldwide Societe Cooperative, A Swiss Cooperative, LJM Cayman, L.P., LJM2 Co-Investment, L.P. , Chewco Investment, L.P., Joint Energy Development Investments Limited Partnerships, Raptor I, Raptor II, Raptor III, Raptor IV, Yosemite Securities Trust, Whitewing Associates, L.P., Osprey Trust, New Power Holdings, Inc., Cortez Energy Services, LLC., Atlantic Water Trust, and Marlin Water Trust	U.S. Dist. Ct., E.D. Tex., Texarkana Div.; No. 501CV313; Judge T. John Ward	11-30-01

No.	Parties	Jurisdiction, Index No., and Judge	Date Filed
4.	Shelley Douglass (individually and on behalf of all others similarly situated) -against- Lay, Skilling, Fastow, Causey, Derrick, Baxter, Frevert, Horton, Rice, Buy, Arthur Andersen, LLP, Andersen Worldwide Societe Cooperative, A Swiss Cooperative, LJM Cayman, L.P., LJM2 Co-Investment, L.P. , Chewco Investment, L.P., Joint Energy Development Investments Limited Partnerships, Raptor 1, Raptor II, Raptor III, Raptor IV, Yosemite Securities Trust, Whitewing Associates, L.P., Osprey Trust, New Power Holdings, Inc., Cortez Energy Services, LLC, Atlantic Water Trust, and Marlin Water Trust	U.S. Dist. Ct., E.D. Tex., Texarkana Div.; No. 501CV321; Judge T. John Ward	12-6-01
5.	Leslie H. Duncan (individually and on behalf of all others similarly situated) -against- Lay, Skilling, Fastow, Causey, Derrick, Baxter, Frevert, Horton, Rice, Buy, Arthur Andersen, LLP, Andersen Worldwide Societe Cooperative, A Swiss Cooperative, LJM Cayman, L.P., LJM2 Co-Investment, L.P. , Chewco Investment, L.P., Joint Energy Development Investments Limited Partnerships, Raptor 1, Raptor II, Raptor III, Raptor IV, Yosemite Securities Trust, Whitewing Associates, L.P., Osprey Trust, New Power Holdings, Inc., Cortez Energy Services, LLC, Atlantic Water Trust, and Marlin Water Trust	U.S. Dist. Ct., E.D. Tex., Texarkana Div.; No. 501CV319; Judge T. John Ward	12-6-01
6.	Phil E. Parham and Peggy A. Parham (individually and on behalf of all others similarly situated) -against- Lay, Skilling, Fastow, Causey, Derrick, Baxter, Frevert, Horton, Rice, Buy, Arthur Andersen, LLP, Andersen Worldwide Societe Cooperative, A Swiss Cooperative, LJM Cayman, L.P., LJM2 Co-Investment, L.P. , Chewco Investment, L.P., Joint Energy Development Investments Limited Partnerships, Raptor 1, Raptor II, Raptor III, Raptor IV, Yosemite Securities Trust, Whitewing Associates, L.P., Osprey Trust, New Power Holdings, Inc., Cortez Energy Services, LLC, Atlantic Water Trust, and Marlin Water Trust	U.S. Dist. Ct., E.D. Tex., Texarkana Div.; No. 501CV323; Judge T. John Ward	12-6-01
7.	Stephen Phillips (individually and on behalf of all others similarly situated) -against- Lay, Skilling, Fastow, Causey, Derrick, Baxter, Frevert, Horton, Rice, Buy, Arthur Andersen, LLP, Andersen Worldwide Societe Cooperative, A Swiss Cooperative, LJM Cayman, L.P., LJM2 Co-Investment, L.P. , Chewco Investment, L.P., Joint Energy Development Investments Limited Partnerships, Raptor 1, Raptor II, Raptor III, Raptor IV, Yosemite Securities Trust, Whitewing Associates, L.P., Osprey Trust, New Power Holdings, Inc., Cortez Energy Services, LLC, Atlantic Water Trust, and Marlin Water Trust	U.S. Dist. Ct., E.D. Tex., Texarkana Div.; No. 501CV322; Judge T. John Ward	12-6-01

No.	Parties	Jurisdiction, Index No., and Judge	Date Filed
8.	Barbara G. Smith and George Hasegawa (individually and on behalf of all other similarly situated) -against- Lay, Skilling, Fastow, Causey, Derrick, Baxter, Frevert, Horton, Rice, Buy, Arthur Andersen, LLP, Andersen Worldwide Societe Cooperative, A Swiss Cooperative, LJM Cayman, L.P., LJM2 Co-Investment, L.P. , Chewco Investment, L.P., Joint Energy Development Investments Limited Partnerships, Raptor I, Raptor II, Raptor III, Raptor IV, Yosemite Securities Trust, Whitewing Associates, L.P., Osprey Trust, New Power Holdings, Inc., Cortez Energy Services, LLC, Atlantic Water Trust, and Marlin Water Trust	U.S. Dist. Ct., E.D. Tex., Texarkana Div.; No. 501CV331; Judge T. John Ward	12-19-01
U.S. District Court E.D. Arkansas Western Division			
9.	Stephen A. McIntyre (individually and on behalf of all others similarly situated) -against- Lay, Skilling, Fastow, Causey, Derrick, Baxter, Frevert, Horton, Rice, Buy, Arthur Andersen, LLP, Andersen Worldwide Societe Cooperative, A Swiss Cooperative, LJM Cayman, L.P., LJM2 Co-Investment, L.P. , Chewco Investment, L.P., Joint Energy Development Investments Limited Partnerships, Raptor I, Raptor II, Raptor III, Raptor IV, Yosemite Securities Trust, Whitewing Associates, L.P., Osprey Trust, New Power Holdings, Inc., Cortez Energy Services, LLC, Atlantic Water Trust, and Marlin Water Trust	U.S. Dist. Ct., E.D. Arkansas, W. Div.; No. 4-01-CV-00836 Judge G.T. Eisele	12-10-01
U.S. District Court Oregon			
10.	Wai Chinn (individually and on behalf of all those similarly situated) -against- Belfer, Blake, Causey, Chan, Duncan, Foy, Fastow, Gramm, Harrison, Jaedicke, Lay, LeMaistre, Mark-Jusbasche, Mendelsohn, Meyer, Pereira, Savage, Skilling, Urquhart, Walker, Wakeham, Willison, Winokur, LJM Cayman LP, LJM2 Cayman Co-Investment LP , Chewco Investments L.P., Joint Energy Development Investments Limited Partnership, and Arthur Andersen LLP	U.S. Dist. Ct., D. Oregon; No. 3:02cv131 Magistrate Judge Janice M. Stewart (originally filed Circuit Court of the State of Oregon, Multhomah Co.; No. 0201-00262)	1-09-02

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