UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CLERK, U. S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED
06/05/02
MICHAEL N. MILBY, CLERK
BY DEPUTY H. Zippen

MARK NEWBY, *et al.*	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	Civil Action No. H-01-3624
	§	
ENRON CORPORATION., *et al.*	§	
	§	
Defendants.	§	

PAMELA M. TITTLE, on behalf of	§	
herself and a class of persons	§	
similarly situated	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	Civil Action No. H-01-3913
	§	
ENRON CORPORATION., *et al.*	§	
	§	
Defendants.	§	

AGREED MOTION REGARDING SERVICE OF PAPERS AND NOTICE OF HEARINGS VIA INDEPENDENT WEBSITE

The parties submit the following Agreed Motion Regarding Service of Papers and Notice of Hearings Via Independent Website. As this Court is aware, the *Newby* and *Tittle* actions involve numerous parties, many of whom are represented by more than one counsel. To ease the burden on the parties to these actions, the counsel listed on the attached Exhibit "A" have agreed to create a website for serving papers in these actions. The agreed procedures for service of papers are outlined in the attached proposed Order.

In addition, as the Court is also aware, there have been a number of ex parte applications and emergency hearings in these actions already. To ease the burden on the Court and on the

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parties, and to ensure that all parties receive timely notice of all hearings in these actions, the parties request that the Court enter an Order requiring any party requesting or scheduling a hearing with less than 48 hours advance notice to immediately post that information on the website described in the attached Order.

The parties believe that entry of the Agreed Order Regarding Service of Papers and Notice of Hearings Via Independent Website will facilitate the just and efficient progress of these actions. Accordingly, the parties request that the Court enter the proposed Order attached to this Agreed Motion.

Respectfully submitted,

MILBERG WEISS BERSHAD HYNES & LERACH, LLP

By: _____

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LEAD COUNSEL FOR NEWBY PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was forwarded to all counsel listed on all parties of record by e-mail or facsimile on this 5th day of June, 2002.

_____

Jerrilyn Hardaway

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK NEWBY, *et al.*	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	Civil Action No. H-01-3624
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ENRON CORPORATION., *et al.*	§	
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Plaintiffs,	§	
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vs.	§	Civil Action No. H-01-3913
	§	
ENRON CORPORATION., *et al.*	§	
	§	
Defendants.	§	

ORDER REGARDING SERVICE OF PAPERS AND NOTICE OF HEARINGS VIA INDEPENDENT WEBSITE

IT IS ORDERED THAT, all pleadings and other papers required to be served in the *Tittle* and *Newby* actions pursuant to Rule 5 of the Federal Rules of Civil Procedure or the Court's Local Rules (except document productions) shall be served in the following manner:

1. Liaison Counsel for Plaintiffs, Jerri Hardaway of Milberg, Weiss, Bershad Hynes & Lerach, LLP and Liaison Counsel for Defendants, Joanna Hamrick of Nickens, Lawless & Flack, LLP, shall prepare and maintain a website to be used by the parties to this case to post all filings with the Court and notices and orders issued by the Court. The URL of the site shall be http://www.esl3624.com.

2. Only authorized persons shall have access to the website. Authorized persons shall include (i) Judge Melinda Harmon, (ii) other judges presiding over similar cases who have accepted the invitation of Judge Harmon to coordinate with *Tittle* and *Newby*, (iii) attorneys of record in *Tittle* and *Newby*, (iv) attorneys whose names appear on any list provided by Judge Harmon to Liaison Counsel of attorneys interested in various states cases which are coordinated for pre-trial, settlement and/or discovery purposes with *Newby* and *Tittle*, (v) associates, clerks and support staff of the above. To gain access to the website, each person shall provide to the Liaison Counsel the following information:

Name
Position
Firm Name
Party Represented
Email Address
Voice Telephone Number
Fax Telephone Number

Once this information has been received by the Liaison Counsel, a user ID and Password necessary to access the website will be emailed to the address provided.

3. An email notice of any newly posted materials on the website shall be forwarded to each person who has authorized access to the website.

4. Notices and Orders from the Court shall be scanned into a ".pdf" format and posted immediately upon receipt by Liaison Counsel. Adobe Acrobat Reader 5.0 will be available for download on the website without cost.

5. On the day any document is filed with the Court, a copy of that document shall be sent to Liaison Counsel by email of the document file to serve@esl3624.com, (either a word-processing file or an image scanned into ".PDF" format). Exhibits not a part of the actual document shall be scanned into ".PDF" format as well and if voluminous, may be filed as a

separate document. Documents will be posted within one (1) hour of receipt. All documents on the system will be identified by (1) the precise title of the document; (2) the name of the filing firm; (3) the party represented; and (4) the date the document was filed. The system shall contain an index of all documents served in this litigation subsequent to the date of this Order, which will be searchable and sortable according to methods that provide useful access to the documents.

6. Any document electronically served pursuant to this Order shall be deemed served as of the date and time it is transmitted to Liaison Counsel pursuant to Paragraph 5. Any document transmitted to Liaison Counsel shall certify in the Certificate of Service that a true and correct copy was electronically served to counsel of record.

Until further notice, no documents that are filed under seal shall be served via the system but shall be served in accordance with the Federal Rules of Civil Procedure and any applicable local rules.

7. If Liaison Counsel receives notification of a failed email, then the filing party shall be informed and service shall be accomplished by other means as provided in the Federal Rules of Civil Procedure.

8. This Order applies to parties currently named in these actions. In the event that new parties are added to either the *Newby* or *Tittle* action after the date of this Order ("Additional Parties"), such Additional Parties are not subject to this Order until the Court is notified of their consent to the terms of the Order. Counsel must serve all Additional Parties with each pleading or other paper in accordance with the Federal Rules of Civil Procedure until such time as those Additional Parties become subject to this Order. Parties not in agreement with this Order who were subject to the Agreed Motion Regarding Service of Papers and Notice of Hearings filed

March 28, 2002 shall be served in accordance with that order. Parties not subject to the March 28, 2002 order shall be served in accordance with the Federal Rules of Civil Procedure.

9. Whenever a hearing is scheduled in either the *Newby* or *Tittle* actions with less than 48 hours advance notice, the party requesting the hearing shall immediately notify all parties via the website of the date, time, call-in information (if any) and subject matter of the hearing.

Signed at Houston, Texas this _____ day of _____, 2002 at _____ o'clock p.m.

_____
MELINDA HARMON
UNITED STATES DISTRICT JUDGE

EXHIBIT "A"
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