

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

JUN 12 2002

Michael N. Milby, Clerk

BC

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MARK NEWBY, ET AL. ) No. H-01-3624  
)  
V. ) Hon. Melinda Harmon  
)  
ENRON CORPORATION, ET AL., )

**UNOPPOSED MOTION OF DEFENDANTS  
ANDERSEN-UNITED KINGDOM AND ANDERSEN-BRAZIL  
TO FILE PROPOSED FORM OF ORDER**

Defendants Andersen-United Kingdom ("Andersen-UK") and Andersen-Brazil<sup>1</sup> respectfully seek leave of court to file the form of Order attached to the proposed Order as Exhibit "A" in support of the Motion to Dismiss the Consolidated Complaint by Andersen-UK and Andersen Brazil filed on May 8, 2002.<sup>2</sup> Plaintiffs do not oppose Defendants' the requested filing of the proposed form of order.

1. On May 8, 2002, Defendants Andersen-UK and Andersen Brazil filed their Motion to Dismiss. A proposed form of Order did not accompany their Motion to Dismiss as required by the local rules.

2. As reflected in the Certificate of Conference below, although Lead Plaintiffs do not agree that their claims against Defendants Andersen-UK and Andersen Brazil should be dismissed, Lead Plaintiffs are not opposed to the filing of the proposed orders that Defendants Andersen-UK and Andersen Brazil are hereby requesting.

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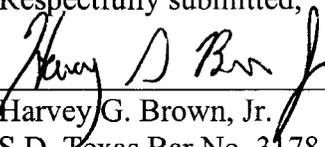
<sup>1</sup> For ease of convenience, this Motion refers to Andersen-Brazil, the name used in Plaintiffs' Complaint. The actual entity is Arthur Andersen S/C, a partnership formed pursuant to Brazilian law. It is incorrectly named as Andersen Brazil.

<sup>2</sup> This Motion is not intended as an appearance by either of these two Defendants.

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WHEREFORE, Defendants Andersen-UK and Andersen Brazil request that the Court grant their motion and allow them to file the Form of Order attached hereto as "Exhibit A."

Respectfully submitted,

  
\_\_\_\_\_  
Harvey G. Brown, Jr.  
S.D. Texas Bar No. 3178  
State Bar No. 03130500

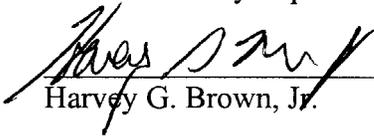
Attorney-in-Charge for Defendants  
Andersen-United Kingdom and Andersen  
Brazil

ORGAIN BELL & TUCKER LLP  
2700 Post Oak Blvd., Suite 1410  
Houston, TX 77056  
Telephone: (713) 572-8722  
Telecopier: (713) 572-8766  
E-mail: hgb@obt.com

OF COUNSEL:  
J. Hoke Peacock  
S.D. Texas Bar No. 5266  
ORGAIN BELL & TUCKER LLP  
470 Orleans Street  
Beaumont, TX 77701  
Telephone: (409) 838-6412  
Telecopier: (409) 838-6959

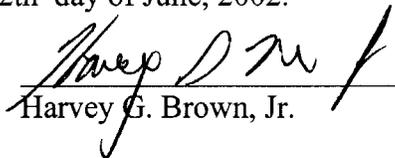
**CERTIFICATE OF CONFERENCE**

I certify that I have conferred with Lead Plaintiffs who, although they do not agree that their claims against Defendants Andersen-United Kingdom and Andersen Brazil should be dismissed, Lead Plaintiffs are not opposed to the filing of the proposed order that Defendants Andersen-UK and Andersen Brazil are hereby requesting.

  
\_\_\_\_\_  
Harvey G. Brown, Jr.

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the Unopposed Motion of Defendants Andersen-United Kingdom and Andersen-Brazil to File Proposed Form of Order has been forwarded to all counsel of record on the attached Service List pursuant to the Court Order dated April 10, 2002, on this the 12th day of June, 2002.

  
\_\_\_\_\_  
Harvey G. Brown, Jr.

The Service List  
Attached  
to this document  
may be viewed at  
the  
Clerk's Office