

ORIGINAL

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

JUN 27 2002

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHAEL N. MILBY, Clerk of Court

In Re ENRON CORP. SECURITIES)	Consolidated Lead Case No. H-01-3624
LITIGATION)	
_____)	
)	Civil Action No. H-02-0576
RALPH A. WILT, JR.,)	
)	
Plaintiff,)	
)	
v.)	
)	
ANDREW S. FASTOW, et al.,)	
)	
)	
Defendants.)	
_____)	
)	

JUN 27 2002
 11:31 AM
 CLERK OF COURT
 MICHAEL N. MILBY

THE WILT PLAINTIFFS' LIMITED RESPONSE TO
ARTHUR ANDERSEN LLP'S MOTION FOR CLARIFICATION
CONCERNING RESPONSIVE PLEADINGS IN *ROGERS V. DUNCAN*

Arthur Andersen LLP states in Paragraph 10 of its Motion for Clarification Concerning Responsive Pleadings in *Rogers v. Duncan*, served on June 20, 2002:

this Court has issued comprehensive scheduling orders staying all actions except for certain actions of the lead plaintiffs.... Unless the Court orders responses pursuant to Chewco's motion [seeking a common scheduling order for all

949

non-class Enron-related cases], the actions consolidated under *Newby*, including this action, are otherwise stayed.

Counsel for the *Wilt* Plaintiffs is unaware of any stay orders. To the contrary, this Court ordered *consolidation*, appointed *lead counsel* for certain classes, and issued a *scheduling order* (which the *Wilt* Plaintiffs are following), none of which imposed a stay. Arthur Andersen LLP cannot unilaterally proclaim a stay where none exists.

Furthermore, the Chewco motion is only one of at least three motions that are now pending, implicate the interests of the *Wilt* and other individual plaintiffs, and should be considered along with Arthur Andersen LLP's Motion for Clarification. It is respectfully submitted that a ruling on the Motion for Clarification should be carefully synchronized with the matters addressed in the following briefs (PACER Nos. 795, 796, and 797):

1. THE WILT PLAINTIFFS' OPPOSITION TO CERTAIN DEFENDANTS' MOTION TO STRIKE FIRST AMENDED COMPLAINT IN WILT V. FASTOW
2. THE WILT PLAINTIFFS' RESPONSE AND MEMORANDUM OF POINTS AND AUTHORITIES IN PARTIAL SUPPORT AND PARTIAL OPPOSITION TO MOTION FOR PRELIMINARY SCHEDULING ORDER IN NON-CLASS SECURITIES FRAUD ACTIONS
3. THE WILT PLAINTIFFS' RESPONSE AND MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION OF DEFENDANTS ANDREWS, BASKIN, BERARDINO, JONAS, KUTSENDA, SAMEK, STEWART, AND TEMPLE TO DISMISS THE WILT FIRST AMENDED COMPLAINT

FOR LACK OF PERSONAL JURISDICTION;
DECLARATION OF JAMES F. MARSHALL

Finally, Lead Counsel have no interest in correcting any misstatements of Arthur Andersen LLP (or other defendants) about purported stays or other matters affecting only individual, non-class actions. It is respectfully submitted that this scenario highlights the necessity of having plaintiffs' counsel in the individual, non-class actions remain actively involved, albeit not as lead counsel, rather than having them shoved aside, neutralized, and silenced where Lead Counsel have no interest in protecting their non-class interests.

Dated: June 21, 2002

Respectfully submitted,
JUDICIAL WATCH, INC

By 

James F. Marshall, Esq.
Pro Hac Vice
Attorney in Charge for Plaintiffs
CA. Bar No. 126040
WA Bar No. 22720
D.C. Bar No. 446366
2540 Huntington Drive, Suite 201
San Marino, CA 91180-201
Telephone (626)287-4540
Facsimile (626) 237-2003

Also Admitted Pro Hac Vice:
JUDICIAL WATCH, INC.
Larry Klayman, Esq.
D.C. Bar No.
Meredith Cavallo, Esq
NJ Bar No. 04427-2000
501 School Street, N.W.
Suite 725
Washington, D.C. 20024
Telephone (202) 626-5172
Facsimile (202) 646-5199

2002 JUN 27 10:34
JUDICIAL WATCH, INC.
LLP

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on counsel of record on June 21, 2002, pursuant to the Court's orders regarding service in this action.

I further certify that on June 21, 2002, I emailed a true and correct copy of the foregoing to Liaison Counsel at serve@esl3624.com for distribution to all registered counsel of record.

A handwritten signature in cursive script that reads "J F Marshall". The signature is written in black ink and is positioned above a horizontal line.

James F. Marshall