

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

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IN RE ENRON CORPORATION	:	
SECURITIES LITIGATION	:	MDL Docket No. 1446
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This Document Relates To:	:	
MARK NEWBY, et al., Individually and	:	
On Behalf of All Others Similarly Situated,	:	Civil Action No. H-01-3624
Plaintiffs,	:	(Consolidated)
v.	:	<u>CLASS ACTION</u>
ENRON CORP., et al.,	:	
Defendants.	:	
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THE REGENTS OF THE UNIVERSITY OF	:	
CALIFORNIA, et al., Individually and On	:	
Behalf of All Others Similarly Situated,	:	
Plaintiffs,	:	
v.	:	
KENNETH L. LAY, et al.,	:	
Defendants.	:	
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	X	

United States Courts
Southern District of Texas
ENTERED

JUN 23 2005

Michael N. Milby, Clerk of Court

[Caption continued on next page]

**ORDER ON STIPULATION OF VOLUNTARY PARTIAL DISMISSAL OF CROSS-
CLAIMS FOR CONTRIBUTION AND INDEMNIFICATION**

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JPMORGAN CHASE & CO., J.P. MORGAN :
SECURITIES INC., JPMORGAN CHASE BANK, :
N.A., CITIGROUP INC., CITIBANK, N.A., :
CITIGROUP GLOBAL MARKETS INC., :
CITIGROUP GLOBAL MARKETS LIMITED, :
CREDIT SUISSE FIRST BOSTON LLC, CREDIT :
SUISSE FIRST BOSTON (USA), INC., :
PERSHING LLC, CANADIAN IMPERIAL BANK :
OF COMMERCE, CIBC WORLD MARKETS :
CORP., CIBC WORLD MARKETS PLC, :
MERRILL LYNCH & CO., INC., MERRILL :
LYNCH, PIERCE, FENNER & SMITH :
INCORPORATED, BARCLAYS PLC, :
BARCLAYS BANK PLC, and BARCLAYS :
CAPITAL INC., :

Cross-Claimants, :

v. :

ARTHUR ANDERSEN LLP, DAVID B. :
DUNCAN, RICHARD B. BUY, RICHARD A. :
CAUSEY, ANDREW S. FASTOW, MARK A. :
FREVERT, KEVIN P. HANNON, KEN L. :
HARRISON, JOSEPH M. HIRKO, STANLEY C. :
HORTON, STEVEN J. KEAN, MARK E. :
KOENIG, KENNETH L. LAY, JEFFREY :
MCMAHON, CINDY K. OLSON, LOU L. PAI, :
KENNETH D. RICE, JEFFREY K. SKILLING, :
JOSEPH W. SUTTON, and LAWRENCE GREG :
WHALLEY, :

Cross-Defendants. :

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LEHMAN BROTHERS HOLDINGS INC. and :
LEHMAN BROTHERS INC., :

Cross-Claimants, :

v. :

RICHARD B. BUY, RICHARD A. CAUSEY, :
ANDREW S. FASTOW, MARK A. FREVERT, :
KEVIN P. HANNON, KEN L. HARRISON, :
JOSEPH M. HIRKO, STANLEY C. HORTON, :
STEVEN J. KEAN, MARK E. KOENIG, :
KENNETH L. LAY, JEFFREY MCMAHON, :
CINDY K. OLSON, LOU L. PAI, KENNETH D. :
RICE, JEFFREY K. SKILLING, JOSEPH W. :
SUTTON, and LAWRENCE GREG WHALLEY, :

Cross-Defendants. :

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JPMORGAN CHASE & CO., J.P. MORGAN :
SECURITIES INC., JPMORGAN CHASE BANK, :
N.A., CITIGROUP INC., CITIBANK, N.A., :
CITIGROUP GLOBAL MARKETS INC., :
CITIGROUP GLOBAL MARKETS LIMITED, :
CREDIT SUISSE FIRST BOSTON LLC, CREDIT :
SUISSE FIRST BOSTON (USA), INC., :
PERSHING LLC, CANADIAN IMPERIAL BANK :
OF COMMERCE, CIBC WORLD MARKETS :
CORP., CIBC WORLD MARKETS PLC, :
MERRILL LYNCH & CO., INC., MERRILL :
LYNCH, PIERCE, FENNER & SMITH :
INCORPORATED, BARCLAYS PLC, :
BARCLAYS BANK PLC, BARCLAYS CAPITAL :
INC., LEHMAN BROTHERS HOLDINGS INC., :
and LEHMAN BROTHERS INC., :
: :
Third-Party Plaintiffs, :
: :
v. :
: :
TIMOTHY DESPAIN, BEN F. GLISAN, JR., :
KEVIN HOWARD, MICHAEL J. KOPPER, :
MICHAEL KRAUTZ, REX SHELBY, and SCOTT :
YEAGER, :
: :
Third-Party Defendants. :
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ORDER ON STIPULATION OF VOLUNTARY PARTIAL DISMISSAL OF CROSS-CLAIMS FOR CONTRIBUTION AND INDEMNIFICATION

Based on the Stipulation of Voluntary Partial Dismissal of Cross-Claims for Contribution and Indemnification among Arthur Andersen LLP, David B. Duncan, Lou L. Pai, and Kenneth Lay (collectively, the “Moving Cross-Defendants”) and Cross-Claimants JPMorgan Chase & Co., J.P. Morgan Securities Inc., JPMorgan Chase Bank, N.A., Citigroup Inc., Citibank, N.A., Citigroup Global Markets Inc. (formerly known as Salomon Smith Barney Inc.), Citigroup Global Markets Limited (formerly known as Salomon Brothers International Limited), Credit Suisse First Boston LLC (formerly known as Credit Suisse First Boston Corporation), Credit Suisse First Boston (USA), Inc., Pershing LLC (formerly known as Donaldson, Lufkin &

Jenrette Securities Corporation), Canadian Imperial Bank of Commerce, CIBC World Markets Corp. (formerly known as CIBC Oppenheimer Corp.), CIBC World Markets plc, Merrill Lynch & Co., Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Barclays PLC, Barclays Bank PLC, Barclays Capital Inc., Lehman Brothers Holdings Inc., and Lehman Brothers Inc.

(collectively, the “Cross-Claimants”), it is ordered that the cross-claims for contribution pursuant to § 12(a)(2) of the Securities Act of 1933, 15 U.S.C. § 77l, and the cross-claims for contribution pursuant to § 15 of the Securities Act of 1933, 15 U.S.C. § 77o that are premised on § 12(a)(2), as set forth in Cross-Claimants’ Cross-Claims and Third-Party Complaint for Contribution and Indemnification (Instr. # 3350) are hereby dismissed without prejudice as to the Moving Cross-Defendants.

It is further ordered that the partial motions to dismiss the Cross-Claims filed by Arthur Andersen LLP (Instr. #3410), David B. Duncan (Instr. # 3415), and Kenneth L. Lay (Instr. # 3554) are hereby DISMISSED AS MOOT, and that Lou L. Pai’s motion to dismiss the Cross-Claims (Instr. # 3555) is DISMISSED IN PART AS MOOT only as to the §§ 12 and 15 claims.

SO ORDERED this 22nd day of June, 2005



MELINDA HARMON
UNITED STATES DISTRICT JUDGE