United States Courts
Southern District of Texas
ENTERED

DEC 1 3 2004

Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re ENRON CORPORATION SECURITIES LITIGATION	§	Civil Action No. H-01-3624
	§	**(Consolidated)**
	§	
	§	CLASS ACTION
This Document Relates To:	§	
	§	
MARK NEWBY, et al., Individually and On Behalf of All Others Similarly Situated,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	
	§	
ENRON CORP., et al.,	§	
	§	
Defendants.	§	
	§	
THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, et al., Individually and On Behalf of All Others Similarly Situated,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	
	§	
KENNETH L. LAY, et al.,	§	
	§	
Defendants.	§	
	§	

ORDER AMENDING THE DEPOSITION PROTOCOL ORDER DATED MARCH 11, 2004 (DOCKET NO. 2018)

On consideration of the Motion to Amend the Deposition Protocol Order Regarding Predesignation of Exhibits and FTP Site ("Motion"), it is hereby:

ORDERED that the Motion is GRANTED; and it is

FURTHER ORDERED that the Deposition Protocol Order dated March 11, 2004, be modified as follows:

1. Section VIII. is deleted in its entirety and is replaced with the following:

VIII. PREDESIGNATION OF GENERAL CONTENT AND DOCUMENTS

Not later than four business days before a deposition all parties intending to examine a Category One deponent shall (1) serve via the ESL3624.com website a non-binding description of the specific deals or transactions that may be inquired about, as well as documents (by Bates number) that counsel anticipates using or referring to during the deposition, and (2) upload to an FTP site images in an electronic format of each document that counsel anticipates using or referring to in the deposition in accordance with the protocol attached hereto as Exhibit A (the "FTP Protocol").

Not later than 14 days before the deposition of a non-Enron lawyer-witness, the parties intending to question the witness shall provide the witness's counsel with a non-binding list of the specific deals or transactions or, if the inquiry does not focus on a specific deal or transaction, the general nature of the matters, that the party will inquire about at the deposition.

Any counsel who does not predesignate documents and upload images of documents to the FTP site as provided in the FTP Protocol shall not forfeit the right to use them, but in that case shall bring sufficient paper copies of such documents to the deposition so that all counsel present may have a copy. Further, to encourage parties and counsel to upload images of documents to the FTP site, counsel who anticipate examining a Category One deponent may not download documents from the FTP site for that deposition unless they also upload images of the documents they anticipate using or referring to in the deposition. The purpose of these non-binding provisions is to make the

depositions as efficient as possible, and to obviate the need for counsel to bring multiple copies of documents to the depositions. The Court expects the parties to make a good-faith effort to predesignate documents and upload electronic images of the documents as provided herein.

A set of core documents, including relevant Board minutes, SEC filings, *Tittle*-specific documents, congressional and bankruptcy-examiner reports, will be agreed upon by the scheduling committees, marked for identification purposes, maintained in .pdf format by the court-reporter service and made available on request on DVD at each deposition site.

2. The following shall be attached as Exhibit A to the Order.

EXHIBIT A

FTP PROTOCOL

1. Liaison Counsel for Plaintiffs, Jerri Hardaway of Lerach Coughlin Stoia Geller Rudman & Robbins LLP and Liaison Counsel for Defendants, Joanna Hamrick of Nickens Keeton Lawless Farrell Flack LLP shall prepare and maintain an FTP site to be used by the parties to these cases to upload electronic images of documents that parties intend to use at depositions. The URL of the website is currently ftp://ftp@ESL3624.com. The URL may be changed in the event the FTP site requires capacity beyond what is currently required. Notice of any change will be posted to the ESL3624.com website.

2. The documents uploaded to the FTP site shall be formatted as multiple-page .PDF files. Documents marked in prior depositions shall be predesignated by the assigned exhibit number. Documents not previously marked shall use the beginning Bates number of the document plus ".pdf" as the naming convention, *e.g.*, a multiple-page document beginning with the Bates number CSFB00009413 will be formatted as a multiple-page .pdf file named "CSFB00009413.pdf." To the extent that changes to the protocol for uploading images of documents or the format prescribed

herein are needed, the scheduling committees shall make the necessary modifications and notice of those changes will be posted on the ESL3624.com website.

3. Documents shall be uploaded on the same day as notice of the predesignated documents is posted to the ESL3624.com website, and shall be accompanied by a text file containing contact information for a person responsible for the upload in the event there are any problems or questions regarding the information. Supplemental designations shall be uploaded into a separate folder and marked as a supplemental predesignation. Please note that any predesignated document, labeled supplemental or otherwise, not posted at least four business days prior to the start of a deposition fails to serve adequate notice under the Deposition Protocol Order, and thus does not release that party from providing copies of those documents at the deposition.

4. Only authorized persons shall have access to the FTP site. Authorized persons shall include: (i) attorneys of record in *Tittle* and *Newby* or in cases consolidated or coordinated with either; (ii) attorneys deemed Designated Parties in accordance with §II.B.3. of the Order Establishing Document Depository dated October 31, 2002; and (iii) associates, law clerks, clerical staff and litigation support vendors employed by these attorneys. To gain access to the FTP site, each firm shall provide to the Liaison counsel the following information:

Name of Contact Person

Firm Name

Party Represented

Email Address

Voice Telephone Number

Fax Telephone Number

Once this information has been received by the Liaison Counsel, a firm user ID and Password necessary to access the FTP site will be emailed to the Contact Person at the address provided. Contact information for the Liaisons is:

Jerri Hardaway
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& Robbins LLP
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JHardaway@lerachlaw.com

Joann Hamrick
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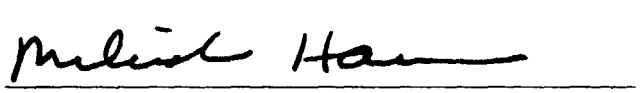
600 Travis Street, Suite 7500
Houston, Texas 77002
JHamrick@nickenskeeton.com

IT IS FURTHER ORDERED that in all other respects the Deposition Protocol Order dated March 11, 2004, will remain unchanged.

SIGNED at Houston, Texas, this 9th day of December, 2004.



THE HONORABLE MELINDA HARMON
UNITED STATES DISTRICT JUDGE

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