United States Courts
Southern District of Texas
ENTERED
DEC 1 4 2004
Michael N. Milby, Clerk of Court

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

In re ENRON CORPORATION SECURITIES LITIGATION	MDL-1446
This Document Relates to: MARK NEWBY, et al., Individually and On Behalf of All Others Similarly Situated, Plaintiffs, vs. ENRON CORP., ET AL., Defendants.	CIVIL ACTION NO. H-01-3624 CONSOLIDATED CASES <u>CLASS ACTION</u>
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.	
PAMELA M. TITLE, et al., Plaintiffs, VS. ENRON CORP., et al., Defendants.	CIVIL ACTION NO. H-01-3913
OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF ENRON CORP., Plaintiffs, VS. ANDREW S. FASTOW, MICHAEL J.	CIVIL ACTION NO. H-04-0091

KOPPER, BEN GLISAN, JR., RICHARD B. M. BUY, RICHARD A. CAUSEY, JEFFREY K. SKILLING, KENNETH L. LAY, JEFFREY MCMAHON, JAMES V. DERRICK,, JR., KRISTINA M. MORDAUNT, KATHY LYNN, ANNE YUAEGER-PATEL, ARTHUR ANDERSEN, LLP, and CARL FASTOW, AS ADMINISTRATOR OF THE FASTOW FAMILY FOUNDATION, Defendants.	
ELAINE L. CHAO, SECRETARY OF THE UNITED STATES DEPARTMENT OF LABOR, Plaintiff, VS. ENRON CORP., ET AL.,, Defendants.	CIVIL ACTION NO. H-03-2257 (Consolidated with H-01-3913)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re ENRON CORP, et al., Debtors.	Chapter 11 Case No. 01-16034 (AJG) Jointly administered
ENRON CORP., ENRON NORTH AMERICA CORP., ENRON NATURAL GAS MARKETING CORP., ENRON BROADBAND SERVICES, INC., ENRON ENERGY SERVICES, INC.; ENRON DEVELOPMENT FUNDING, LTD., Plaintiffs v. CITIGROUP INC., ET AL., Defendants	Adversary Proceeding No. 03-09266 (AJG)

ORDER ON MOTION OF BANK DEFENDANTS TO MODIFY DEPOSITION PROTOCOL

After a long and contentious series of negotiations, the parties agreed to a deposition protocol to govern the taking of depositions in the *Enron* bankruptcy case and the civil *Enron* cases. On March 11, 2004, these Courts signed a Deposition Protocol Order (DPO) to implement that agreement. On November 2, 2004, the Bank Defendants filed a detailed motion to modify the DPO, citing numerous instances in which the DPO did not serve its intended purpose and suggestions for changes that would correct the deficiencies of the DPO. (Instrument No. 2552) Although all parties concede that the DPO as written is not perfect, virtually all of the parties agree that the DPO should remain in place.

The judges of the two Courts have conferred and have determined that an oral hearing on this matter is not necessary. The judges are in agreement that, given the comprehensive nature of the DPO, the reluctance of most of the parties to change the DPO, and the fact that, after extensive negotiations, all parties agreed to the DPO, the DPO should not be changed at this time. It would be unwise to change the plan of battle in the middle of the campaign. If, in fact, it should occur that the Bank Defendants are not able to take depositions they need, the DPO can be modified at that time. The Courts encourage the parties to continue to co-operate in an effort to make the DPO work better for all parties and to negotiate agreed changes when possible. Accordingly, it is hereby

ORDERED, **ADJUDGED**, and **DECREED** that the Bank Defendants' Motion to Amend the Deposition Protocol Order is hereby **DENIED**.

Signed at Houston, Texas this 14th day of December, 2004.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE

Signed at New York, New York, this 14th day of December, 2004.

ARTHUR J. GONZALEZ
United States Bankruptcy