United States Courts
Southern District of Texas
ENTERED

JAN 1 3 2005

Michael N. Milby, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re ENRON CORPORATION SECURITIES LITIGATION	§	MDL Docket No. 1446
This Document Relates To:	§	
MARK NEWBY, et al., Individually and On Behalf of All Others Similarly Situated,	§	Civil Action No. H-01-3624 **(Consolidated)**
Plaintiffs,	§	CLASS ACTION
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.	§	

[Caption continued on next page]

[PROPOSED] ORDER REGARDING DEPOSITION SCHEDULING

PAMELA M. TITTLE, *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. KOPPER, BEN GLISAN, JR., RICHARD B. BUY, RICHARD A. CAUSEY, JEFFREY K. SKILLING, KENNETH L. LAY, JEFFREY McMAHON, JAMES V. DERRICK, JR., KRISTINA M. MORDAUNT, KATHY LYNN, ANNE YAEGER-PATEL, ARTHUR ANDERSEN, LLP, AND CARL FASTOW, AS ADMINISTRATOR OF THE FASTOW FAMILY FOUNDATION, Defendants.	§ §	Civil Action No. H-04-0091

[Caption continued on next page]

ELAINE L. CHAO, SECRETARY OF THE UNITED STATES DEPARTMENT OF LABOR,	§	
	§	Civil Action No. H-03-2257
Plaintiff,	§	(Consolidated with H-01-3913)
vs.	§	
ENRON CORP., et al.,	§	
Defendants.	§	

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:	:	Chapter 11
	:	No. 01-16034(AJG)
ENRON CORP., *et al.*	:	
	:	Jointly Administered
Debtors.	:	
ENRON CORP., *et al.*	:	
Plaintiffs,	:	
	:	Adversary Proceeding
v.	:	No. 03-09266 (AJG)
CITIGROUP INC., *et al.*	:	
Defendants.	:	

[PROPOSED] ORDER REGARDING DEPOSITION SCHEDULING

Upon consideration of the arguments presented to the Courts in the joint telephonic status conference on January 6, 2005 with respect to the prompt scheduling of witnesses for depositions, it is hereby:

ORDERED that, if a witness does not voluntarily provide available deposition dates for the deposition cycle in which he or she is nominated or the immediately following cycle, the party that nominated the witness is free to subpoena the witness for the cycle immediately following the cycle for which the witness was nominated (with specific dates to be set in a manner consistent with the ordinary practice of the Deposition Scheduling Committee and the terms of the Deposition Protocol Order); and it is

FURTHER ORDERED that, for each deposition Cycle, within a period of 10 days after nomination of witnesses (and for deponents nominated prior to the entry of this Order within 10 days of the date of this Order), the party with whom the witness is currently or was formerly affiliated shall inform the Deposition Scheduling Committee with respect to each nominated witness:

1. Whether counsel for the party represents (or may represent) the witness and will produce the witness in the cycle in which the witness has been nominated;

2. If the witness is not represented by counsel for the party, the name and contact information (including phone number) of the witness's lawyer; or

3. If the witness cannot be located, the most current address, phone number and other contact information. Upon receipt of the information outlined in this paragraph, any party may attempt to locate and contact the witness. Upon successfully

contacting the witness, the party shall first ask the witness if he or she has an attorney for purposes of these litigations. If the witness indicates that he or she has an attorney, the contacting attorney shall be entitled to contact the attorney for the witness to obtain dates for the witness's deposition. Under all other circumstances, the contacting party shall provide the witness with contact information for counsel to the party or parties to this litigation with which the witness was employed during the time period relevant to these litigations. The contacting party shall promptly notify the Deposition Scheduling Committee of its successful contact with the witness and the witness's personal counsel (if any) and share with the Deposition Scheduling Committee updated contact information for the witness and personal counsel (if any).

FURTHER ORDERED that any party (the "submitting party") may submit to any other party (the "recipient party") a list of potential witnesses employed or previously employed by the recipient party, whom the submitting party believes in good faith are likely to be nominated for deposition, and the recipient party shall, within 20 days thereafter, advise all parties with respect to each listed witness:

1. Whether counsel for the party represents (or may represent) the witness;

2. If the witness is not represented by counsel for the recipient party, the name and contact information (including phone number) of the witness's lawyer; or

3. If the witness cannot be located, the most current address, phone number and other contact information. Upon receipt of the information outlined in this paragraph, any party may attempt to locate and contact the witness. Upon successfully contacting the witness, the party shall first ask the witness if he or she has an attorney for

purposes of these litigations. If the witness indicates that he or she has an attorney, the contacting attorney shall be entitled to contact the attorney for the witness to obtain dates for the witness's deposition. Under all other circumstances, the contacting party shall provide the witness with contact information for counsel to the party or parties to this litigation with which the witness was employed during the time period relevant to these litigations. The contacting party shall promptly notify the Deposition Scheduling Committee of its successful contact with the witness and the witness's personal counsel (if any) and share with the Deposition Scheduling Committee updated contact information for the witness and personal counsel (if any); and it is

FURTHER ORDERED that nothing in this Order shall in any way limit the ability of any party to conduct non-deposition discovery. The procedures outlined in this Order shall only apply to Deposition Categories I, IIA and IIB as defined in the Deposition Protocol Order.

SIGNED at Houston, Texas, this 14th day of January, 2005.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE

SIGNED at New York, New York, this 14th day of January, 2005.

ARTHUR J. GONZALEZ
UNITED STATES BANKRUPTCY JUDGE