United States Courts
Southern District of Texas
ENTERED

FEB 9 2005

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 RE PLAINTIFFS' APPLICATION FOR THE ISSUANCE OF A LETTER OF REQUEST**

The Court, having considered plaintiffs' application for the issuance of a Letter of Request to obtain documentary and testimonial evidence from Dan Ferguson for trial, and the supporting papers, FINDS as follows:

That Dan Ferguson possesses evidence that will, at trial, establish facts surrounding plaintiffs' claims in this action;

That the evidence that Mr. Ferguson possesses is only available to plaintiffs in Canada;

That plaintiffs would be unable to obtain such evidence unless assisted by the appropriate authority in Canada; and

That plaintiffs have shown good cause for the issuance of the Letter of Request.

Accordingly, it is ORDERED that plaintiffs' application for the issuance of a Letter of Request is GRANTED.

DATED: February 9, 2005

Melinda Harmon

THE HONORABLE MELINDA HARMON
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ORDER RE PLAINTIFFS' APPLICATION FOR THE ISSUANCE OF A LETTER OF REQUEST document has been served by sending a copy via electronic mail to serve@ESL3624.com on this 17th day of December, 2004.

I further certify that a copy of the foregoing document has been served via overnight mail on the following parties, who do not accept service by electronic mail on this 17th day of December, 2004.

Carolyn S. Schwartz
United States Trustee, Region 2
33 Whitehall Street, 21st Floor
New York, NY 10004

Deborah S. Granger

DEBORAH S. GRANGER