

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

In Re ENRON CORPORATION
SECURITIES, DERIVATIVE &
"ERISA" LITIGATION,

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§
§

MDL 1446

MARK NEWBY, ET AL.,

Plaintiffs

§
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§
§

VS.

CIVIL ACTION NO. H-01-3624
CONSOLIDATED CASES

ENRON CORPORATION, ET AL.,

Defendants.

§
§
§

PAMELA M. TITTLE, on behalf of
herself and a class of persons
similarly situated, ET AL.,

Plaintiffs

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VS.

CIVIL ACTION NO. H-01-3913
CONSOLIDATED CASES

ENRON CORP., an Oregon
Corporation, ET AL.,

Defendants.

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AMERICAN NATIONAL INSURANCE
COMPANY, ET AL.,

Plaintiffs

VS.

ARTHUR ANDERSEN LLP, ET AL.,

Defendants.

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CIVIL ACTION NO. G-02-585

AMERICAN NATIONAL INSURANCE
COMPANY, ET AL.,

Plaintiffs

VS.

CITIGROUP, INC., ET AL.,

Defendants.

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CIVIL ACTION NO. G-02-723

JACOB BLAZ, On Behalf of Himself
and All Others Similarly Situated,

Plaintiff

VS.

ROBERT A. BELFER, ET AL.,

Defendants.

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CIVIL ACTION NO. H-02-1150

MARY BAIN PEARSON, ET AL.,

Plaintiffs

VS.

CIVIL ACTION NO. H-02-3786

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§
§
§
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In re:	§	
ENRON CORP. ET AL.,	§	CASE NO. 01-16034 (AJG)
	§	
Debtors.	§	Jointly Administered
	§	

ORDER

The Courts Order that representatives of the following parties be referred for mediation to The Honorable Kevin T. Duffy, Senior United States District Judge, Southern District of New York, Thurgood Marshall Federal Building, 40 Foley Square, Room 1206, New York, New York 10007,

Debtors' Group

Enron Corp. (“Enron”) and its affiliated debtors and debtors in possession (collectively, the “Debtors”)(for purposes of this Order, representatives of the Debtors’ estates also include representatives of the Official Committee of Unsecured Creditors).

Plaintiffs' Group

Plaintiffs in the cases that comprise MDL 1446.

Plaintiffs in the putative class action *Mark Newby, et al. v. Enron Corporation, et al.*, Civil Action No. H-01-3624.

Plaintiffs in the putative class action *Mark Newby, et al. v. Enron Corporation, et al.*, Civil Action No. H-01-3624.

Plaintiffs in the putative class action *Pamela M. Tittle, on behalf of herself and a class of persons similarly situated, et al.*, Civil Action No. H-01-3913.

Financial Institutions' Group

J. P. Morgan Chase & Co.
Citigroup, Inc. and its subsidiary, Salomon Smith Barney, Inc.
Credit Suisse First Boston
Canadian Imperial Bank of Commerce
Bank of America Corp.
Merrill Lynch & Co.
Barclays PLC
Lehman Brothers Holding, Inc.
UBS Pain Webber, Inc. and UBS Warburg, LLC
Deutsche Bank AG
Goldman Sachs

The mediation shall be conducted under the following conditions:

- (1) Party representatives with authority to negotiate a settlement and all other persons necessary to negotiate a settlement, including insurance carriers, must attend the mediation.
- (2) Any expenses of Judge Duffy shall be divided equally among the three groups of parties listed above.
- (3) The results of the mediation are non-binding unless the parties agree otherwise.
- (4) All communications made during the mediation are confidential, are protected from disclosure, and do not constitute a waiver of any existing privileges and immunities.
- (5) At the conclusion of the mediation, Judge Duffy will send the court clerk in each jurisdiction a memorandum stating the style and the action number of the case, the fact that he has conducted a mediation, the names, addresses and telephone numbers of counsel, and whether the mediation was successful.
- (6) The sanctions available under Fed.R.Civ.P.16(f) shall apply to any violation of this Order and except as modified herein, the provisions of Southern District of New York Amended General Order M-143 governing mediation of matters in bankruptcy cases and adversary proceedings, dated

January 17, 1995 and October 20, 1999 (collectively, the “Amended Mediation Order”) shall apply herein.

(7) Identified on Exhibit A to this Order is the name of a contact representative for each group of parties (“Contact Representative”). Each Contact Representative will receive directions from Judge Duffy’s Chambers regarding the scheduling of the initial mediation session. Upon receipt of such directions, each Contact Representative is responsible for providing notice to all other parties in its respective group.

SIGNED at Houston, Texas, and New York, New York, this 28th day of May, 2003.

s/ Melinda Harmon
MELINDA HARMON
UNITED STATES DISTRICT JUDGE

s/ Arthur J. Gonzalez
ARTHUR J. GONZALEZ
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

Contact Representative for Debtors' Group:

Martin J. Bienenstock, Esq.
Weil, Gotshal & Manges, LLP
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212-310-8000

Contact Representative for Plaintiffs' Group:

William S. Lerach, Esq.
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Contact Representative for Financial Institutions' Group:

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