

CLERK, U. S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
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United States Courts
Southern District of Texas
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APR 11 2005

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.,
Plaintiffs,

v.

ENRON CORPORATION, ET AL.,
Defendants.

CIVIL ACTION NO. H-01-3624
AND CONSOLIDATED CASES

ROBERT A. BELFER, ET AL.,
Third-Party Plaintiffs,

v.

ASSOCIATED ELECTRIC & GAS
INSURANCE SERVICES, LTD., ENERGY
INSURANCE MUTUAL, LTD.,
Third-Party Defendants,

AND

FEDERAL INSURANCE COMPANY, ET AL.,
Third-Party Defendants.

FEDERAL INSURANCE COMPANY, ET AL.,
Third-Party Counterclaim Plaintiffs,

v.

ROBERT A. BELFER, ET AL.,
Third-Party Counterclaim Defendants

AMENDED SCHEDULING ORDER

All Parties to the Interpleader action who have not previously appeared shall enter their appearance no later than April ~~24~~²⁵, 2005.

The deadline for Defendants who have not previously appeared in the Interpleader action to file motions asserting a right to coverage under the interpleaded Excess Directors & Officers Insurance policies is April 28, 2005. Copies of such pleadings are to be served via the esl3624.com website, pursuant to this Court's order of June 5, 2002, a copy of which is attached to this Order.

The Former Outside Directors shall have until May 11, 2005 to file any non-duplicative pleadings responding to any newly asserted claims for coverage.

Plaintiffs in the Interpleader action are ordered to serve copies of this Order, and the website service order, on all Defendants in the Interpleader action by United States

mail ^{and by publication in the Wall Street Journal and the Houston chronicle on two consecutive days.}

Hereby ordered this 11 day of April, 2005.



THE HONORABLE MELINDA HARMON
UNITED STATES DISTRICT JUDGE

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2. Only authorized persons shall have access to the website. Authorized persons shall include (i) Judge Melinda Harmon, (ii) other judges presiding over similar cases who have accepted the invitation of Judge Harmon to coordinate with *Tittle* and *Newby*, (iii) attorneys of record in *Tittle* and *Newby*, (iv) attorneys whose names appear on any list provided by Judge Harmon to Liaison Counsel of attorneys interested in various states cases which are coordinated for pre-trial, settlement and/or discovery purposes with *Newby* and *Tittle*, (v) associates, clerks and support staff of the above. To gain access to the website, each person shall provide to the Liaison Counsel the following information:

Name
Position
Firm Name
Party Represented
Email Address
Voice Telephone Number
Fax Telephone Number

Once this information has been received by the Liaison Counsel, a user ID and Password necessary to access the website will be emailed to the address provided.

3. An email notice of any newly posted materials on the website shall be forwarded to each person who has authorized access to the website.

4. Notices and Orders from the Court shall be scanned into a ".pdf" format and posted immediately upon receipt by Liaison Counsel. Adobe Acrobat Reader 5.0 will be available for download on the website without cost.

5. On the day any document is filed with the Court, a copy of that document shall be sent to Liaison Counsel by email of the document file to serve@esl3624.com, (either a word-processing file or an image scanned into ".PDF" format). Exhibits not a part of the actual document shall be scanned into ".PDF" format as well and if voluminous, may be filed as a

separate document. Documents will be posted within one (1) hour of receipt. All documents on the system will be identified by (1) the precise title of the document; (2) the name of the filing firm; (3) the party represented; and (4) the date the document was filed. The system shall contain an index of all documents served in this litigation subsequent to the date of this Order, which will be searchable and sortable according to methods that provide useful access to the documents.

6. Any document electronically served pursuant to this Order shall be deemed served as of the date and time it is transmitted to Liaison Counsel pursuant to Paragraph 5. Any document transmitted to Liaison Counsel shall certify in the Certificate of Service that a true and correct copy was electronically served to counsel of record.

Until further notice, no documents that are filed under seal shall be served via the system but shall be served in accordance with the Federal Rules of Civil Procedure and any applicable local rules.

7. If Liaison Counsel receives notification of a failed email, then the filing party shall be informed and service shall be accomplished by other means as provided in the Federal Rules of Civil Procedure.

8. This Order applies to parties currently named in these actions. In the event that new parties are added to either the *Newby* or *Title* action after the date of this Order ("Additional Parties"), such Additional Parties are not subject to this Order until the Court is notified of their consent to the terms of the Order. Counsel must serve all Additional Parties with each pleading or other paper in accordance with the Federal Rules of Civil Procedure until such time as those Additional Parties become subject to this Order. Parties not in agreement with this Order who were subject to the Agreed Motion Regarding Service of Papers and Notice of Hearings filed

March 28, 2002 shall be served in accordance with that order. Parties not subject to the March 28, 2002 order shall be served in accordance with the Federal Rules of Civil Procedure.

9. Whenever a hearing is scheduled in either the *Newby* or *Title* actions with less than 48 hours advance notice, the party requesting the hearing shall immediately notify all parties via the website of the date, time, call-in information (if any) and subject matter of the hearing.

Signed at Houston, Texas this 5th day of June, 2002 at 8:58 o'clock p.m.

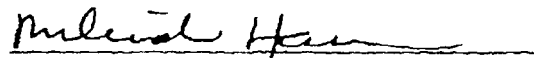

MELINDA HARMON
UNITED STATES DISTRICT JUDGE

EXHIBIT "A"
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