

MAY - 6 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, Derivative &	§	MDL-1446
"ERISA" Litigation	§	
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MARK NEWBY, ET AL.,	§	
	§	
Plaintiffs	§	
	§	
VS.	§	CIVIL ACTION NO. H-01-3624
	§	CONSOLIDATED CASES
ENRON CORPORATION, ET AL.,	§	
	§	
Defendants	§	
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ROBERT A. BELFER, et al.,	§	
	§	
Third-Party Plaintiffs,	§	
	§	
VS.	§	
	§	
ASSOCIATED ELECTRIC & GAS	§	
INSURANCE SERVICES, LTD, ENERGY	§	
INSURANCE MUTUAL, LTD., et al.,	§	
	§	
Third-Party Defendants,	§	
	§	
and	§	
	§	
FEDERAL INSURANCE COMPANY, et	§	
al.,	§	
	§	
Third-Party Counterclaim	§	
Plaintiffs,	§	
	§	
VS.	§	
	§	
ROBERT A. BELFER, et al.,	§	
	§	
Third-Party Counterclaim	§	
Defendants,	§	
	§	
and	§	

JEFFREY ADER, et al., §
 §
 §
Additional Third-Party §
Counterclaim Defendants. §


ORDER

Pending before the Court in the above referenced cause is Third-Party Counterclaim Defendant James Noles' motion to dismiss First Amended Third Party Counterclaim for Interpleader (instrument #2823).

For the reasons stated in the Insurers' opposition (#3020), i.e, that Noles is a potential claimant even though currently he does not seek coverage and joinder of all insureds is necessary to achieve the goals of an interpleader action, the Court

ORDERS that Noles' motion to dismiss (#2823) is DENIED.

SIGNED at Houston, Texas, this 5th day of May, 2005.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE