

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

United States Courts
Southern District of Texas
ENTERED

MAY 26 2005

Michael N. Milby, Clerk of Court

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IN RE ENRON CORPORATION :
SECURITIES LITIGATION : MDL Docket No. 1446
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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
v. :
ENRON CORP., et al., :
Defendants. :
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THE REGENTS OF THE UNIVERSITY OF :
CALIFORNIA, et al., Individually and On :
Behalf of All Others Similarly Situated, :
Plaintiffs, :
v. :
KENNETH L. LAY, et al., :
Defendants. :
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[Caption continued on next page]

**~~PROPOSED~~ ORDER FOR EXTENSION OF TIME FOR THE FINANCIAL
INSTITUTIONS TO MOVE AGAINST OR ANSWER ARTHUR ANDERSEN LLP'S
(INSTR. # 3414) AND DAVID B. DUNCAN'S (INSTR. # 3417) COUNTERCLAIMS FOR
CONTRIBUTION AND INDEMNIFICATION**

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JPMORGAN CHASE & CO., J.P. MORGAN :
SECURITIES INC., JPMORGAN CHASE BANK, :
N.A., CITIGROUP INC., CITIBANK, N.A., :
CITIGROUP GLOBAL MARKETS INC., :
CITIGROUP GLOBAL MARKETS LIMITED, :
CREDIT SUISSE FIRST BOSTON LLC, CREDIT :
SUISSE FIRST BOSTON (USA), INC., :
PERSHING LLC, CANADIAN IMPERIAL BANK :
OF COMMERCE, CIBC WORLD MARKETS :
CORP., CIBC WORLD MARKETS PLC, :
MERRILL LYNCH & CO., INC., MERRILL :
LYNCH, PIERCE, FENNER & SMITH :
INCORPORATED, BARCLAYS PLC, :
BARCLAYS BANK PLC, and BARCLAYS :
CAPITAL INC., :
:

Cross-Claimants, :

v. :

ARTHUR ANDERSEN LLP, DAVID B. :
DUNCAN, RICHARD B. BUY, RICHARD A. :
CAUSEY, ANDREW S. FASTOW, MARK A. :
FREVERT, KEVIN P. HANNON, KEN L. :
HARRISON, JOSEPH M. HIRKO, STANLEY C. :
HORTON, STEVEN J. KEAN, MARK E. :
KOENIG, KENNETH L. LAY, JEFFREY :
MCMAHON, CINDY K. OLSON, LOU L. PAI, :
KENNETH D. RICE, JEFFREY K. SKILLING, :
JOSEPH W. SUTTON, and LAWRENCE GREG :
WHALLEY, :
:

Cross-Defendants. :
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LEHMAN BROTHERS HOLDINGS INC. and :
LEHMAN BROTHERS INC., :
:

Cross-Claimants, :

v. :

RICHARD B. BUY, RICHARD A. CAUSEY, :
ANDREW S. FASTOW, MARK A. FREVERT, :
KEVIN P. HANNON, KEN L. HARRISON, :
JOSEPH M. HIRKO, STANLEY C. HORTON, :
STEVEN J. KEAN, MARK E. KOENIG, :
KENNETH L. LAY, JEFFREY MCMAHON, :
CINDY K. OLSON, LOU L. PAI, KENNETH D. :
RICE, JEFFREY K. SKILLING, JOSEPH W. :
SUTTON, and LAWRENCE GREG WHALLEY, :
:

Cross-Defendants. :

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JPMORGAN CHASE & CO., J.P. MORGAN :
SECURITIES INC., JPMORGAN CHASE BANK, :
N.A., CITIGROUP INC., CITIBANK, N.A., :
CITIGROUP GLOBAL MARKETS INC., :
CITIGROUP GLOBAL MARKETS LIMITED, :
CREDIT SUISSE FIRST BOSTON LLC, CREDIT :
SUISSE FIRST BOSTON (USA), INC., :
PERSHING LLC, CANADIAN IMPERIAL BANK :
OF COMMERCE, CIBC WORLD MARKETS :
CORP., CIBC WORLD MARKETS PLC, :
MERRILL LYNCH & CO., INC., MERRILL :
LYNCH, PIERCE, FENNER & SMITH :
INCORPORATED, BARCLAYS PLC, :
BARCLAYS BANK PLC, BARCLAYS CAPITAL :
INC., LEHMAN BROTHERS HOLDINGS INC., :
and LEHMAN BROTHERS INC., :
: :
Third-Party Plaintiffs, :
: :
v. :
: :
TIMOTHY DESPAIN, BEN F. GLISAN, JR., :
KEVIN HOWARD, MICHAEL J. KOPPER, :
MICHAEL KRAUTZ, REX SHELBY, and SCOTT :
YEAGER, :
: :
Third-Party Defendants. :
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[PROPOSED] ORDER

Pending before the Court is the Unopposed Motion for Extension of Time for the Financial Institutions to Move Against or Answer Arthur Andersen LLP’s (Instr. # 3414) and David B. Duncan’s (Instr. # 3417) Counterclaims for Contribution and Indemnification (“Unopposed Motion”), filed by Credit Suisse First Boston LLC (formerly known as Credit Suisse First Boston Corporation), Credit Suisse First Boston (USA), Inc., Pershing LLC (formerly known as Donaldson, Lufkin & Jenrette Securities Corporation), JPMorgan Chase & Co., J.P. Morgan Securities Inc., JPMorgan Chase Bank, N.A., Citigroup Inc., Citibank, N.A., Citigroup Global Markets Inc. (formerly known as Salomon Smith Barney Inc.), Citigroup Global Markets Limited (formerly known as Salomon Brothers International Limited), Canadian

Imperial Bank of Commerce, CIBC World Markets Corp. (formerly known as CIBC Oppenheimer Corp.), CIBC World Markets plc, Merrill Lynch & Co., Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Barclays PLC, Barclays Bank PLC, and Barclays Capital Inc. (collectively, the "Financial Institutions"). The Unopposed Motion requests an extension until June 6, 2005, for the Financial Institutions to move against or answer Arthur Andersen LLP's and David B. Duncan's Counterclaims for Contribution and Indemnification, submitted on May 2, 2005, and May 3, 2005, respectively. The Court, having considered the Unopposed Motion, is of the opinion that it should be granted and it is therefore

ORDERED that the Unopposed Motion is granted and the Financial Institutions have until June 6, 2005, to move against or answer Arthur Andersen LLP's and David B. Duncan's Counterclaims for Contribution and Indemnification.

Signed at Houston, Texas, this th 25 day of May, 2005.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE