

NOV 15 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 DERIVATIVE &
"ERISA" LITIGATION

MDL-1446

This Document Relates to:

MARK NEWBY, *et al.*,

Plaintiffs,

v.

ENRON CORPORATION, *et al.*,

Defendants.

C.A. NO.: H-01-3624
CONSOLIDATED CASES

DK ACQUISITION PARTNERS, L.P.,
KENSINGTON INTERNATIONAL LIMITED,
RUSHMORE CAPITAL – I, L.L.C.,
RUSHMORE CAPITAL – II, L.L.C. and
SPRINGFIELD ASSOCIATES, LLC,

Plaintiffs,

v.

J.P. MORGAN CHASE & CO., JPMORGAN
CHASE BANK, J.P. MORGAN SECURITIES
INC., CITIGROUP INC., CITIBANK, N.A. and
CITIGROUP GLOBAL MARKETS, INC. f/k/a
Salomon Smith Barney,

Defendants.

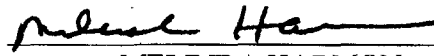
C.A. NO.: H-03-3393

**ORDER GRANTING RUSHMORE'S UNOPPOSED MOTION FOR
CONFIDENTIAL TREATMENT OF CERTAIN
DEPOSITION EXHIBITS AND TESTIMONY OF HERBERT S. WAGNER, III**

Having considered the Unopposed Motion for Confidential Treatment of Certain Deposition Exhibits and Testimony of Herbert S. Wagner filed by Plaintiffs Rushmore Capital – I, L.L.C. and Rushmore Capital – II, L.L.C., the Court finds that the Motion should be, and hereby is, GRANTED.

It is therefore ORDERED that the deposition exhibits and testimony identified in Exhibit A of Plaintiff Plaintiffs Rushmore Capital – I, L.L.C. and Rushmore Capital – II, L.L.C.’s Unopposed Motion for Confidential Treatment of Certain Deposition Exhibits and Testimony of Herbert S. Wagner, III, shall be deemed “Confidential” in accordance with the Court’s July 2, 2004 Confidentiality Order for Deposition Testimony and Exhibits.

Signed on the 14th day of November, 2005.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE