#### United States Courts Southern District of Texas ENTERED

NOV 1 5 2005

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

Michael N. Milby, Clerk of Court

IN RE: ENRON CORPORATION SECURITIES LITIGATION	§ § 8
This document relates to:	§
MARK NEWBY, et al., Individually and On Behalf of All Others Similarly Situated,	\$ \$ \$ \$ \$
Plaintiffs,	
v.	§ CIVIL ACTION NO. H-01-3624 § (Consolidated)
ENRON CORP., et al.,	§ <u>CLASS ACTION</u> §
Defendants.	§ <u>CLASS ACTION</u> §  §  §  §  §  §  §  §  §  §  §  §  §
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.	§
[Caption continued on next page]	§ § § §

ORDER GRANTING EMERGENCY MOTION TO STAY DEPOSITION OF KEVIN A. HOWARD

JPMORGAN CHASE & CO., MORGANSECURITIES, INC., CHASE BANK, MORGAN N.A., CITIGROUP, INC., CITIBANK, N.A., CITIGROUP GLOBAL MARKETS. INC., **CITIGROUP GLOBAL MARKETS CREDIT** LIMITED, SUISSE **FIRST BOSTON** LLC. **CREDIT** SUISSE FIRST BOSTON INC., **PERSHING** (USA), LLC, **CANADIAN IMPERIAL BANK OFCOMMERCE CIBC** WORLD MARKETS CORP., CIBC WORLD MARKETS PLC, MERRILL LYNCH & INC., **MERRILL** CO., 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 Ρ. HANNON, KEN HARRISON, JOSEPH M. HOWARD, STANLEY C. HORTON, STEVEN J. KEAN, MARK E. KOENIG, KENNETH LAY, JEFFREY MCMAHON, CINDY K. OLSON, LOU L. PAI. KENNETH D. RICE, JEFFREY K. SKILLING, JOSEPH W. SUTTON, and LAWRENCE GREG WHALLEY,

Cross-Defendants,

[Caption continued on next page]

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LEHMAN BROTHERS HOLDINGS INC. and LEHMAN BROTHERS INC.,

#### Cross-Claimants,

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§ § §

v.

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

### Cross-Defendants.

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

Third-Party Plaintiffs, [Caption continued on next page]

	,
v.	ξ
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TIMOTHY DESPAIN, BEN F.	
GILSAN, JR., KEVIN HOWARD,	8
MICHAEL J. KOPPER, MICHAEL	8
KRAUTZ, REX SHELBY, and SCOTT	8
YEAGER,	
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Third-Party Defendants	Į.

## ORDER GRANTING EMERGENCY MOTION TO STAY DEPOSITION OF KEVIN A. HOWARD

The Court, having considered the Emergency Motion to Stay Deposition of Kevin A. Howard and the arguments of counsel, the pleadings on file, and any other relevant matter, determines that the Motion should be GRANTED.

It is **ORDERED** that the Defendant Kevin A. Howard's Deposition scheduled for November 23, 2005 is STAYED as to Defendant Kevin A. Howard pending resolution of his Motion to Dismiss, the conclusion of his criminal trial, or a postponement of the May trial setting in the subject proceeding.

Kevin A. Howard's Deposition is reset for September 1, 2006, with a reservation of rights to make appropriate Motions based upon the status of the three events identified above.

Signed this 14 day of November, 2005.

UNITED STATED DISTRICT JUDGE