

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

United States Courts  
Southern District of Texas  
ENTERED

APR 28 2005

Michael N. Milby, Clerk of Court

In Re ENRON CORPORATION  
SECURITIES, DERIVATIVE &  
"ERISA" LITIGATION, §  
§ MDL 1446

This document relates to: §

PIRELLI ARMSTRONG TIRE  
CORPORATION RETIREE MEDICAL  
BENEFITS TRUST, Derivatively  
on behalf of Enron  
Corporation, §

Plaintiff, §

VS. §

KENNETH L. LAY, ROBERT A. § CIVIL ACTION NO. H-01-3645  
BELFER, NORMAN P. BLAKE, JR., § LEAD CASE CONSOLIDATED WITH  
RONNIE C. CHAN, JOHN H. §  
DUNCAN, WENDY L. GRAMM, §  
ROBERT K. JAEDICKE, CHARLES §  
A. LEMAISTRE, §  
JOHN MENDELSON, PAULO V. §  
FERRAZ PEREIRA, FRANK SAVAGE, §  
JOHN WAKEHAM, HERBERT S. §  
WINOKUR, JR., ANDREW S. §  
FASTOW, and ENRON CORPORATION, §  
an Oregon corporation, §  
§

Defendants. §

[CAPTION CONTINUED ON NEXT PAGE]

**ORDER GRANTING UNOPPOSED MOTION TO DISMISS DERIVATIVE  
CLAIMS AGAINST KRISTINA MORDAUNT WITHOUT PREJUDICE**

**ORDER GRANTING UNOPPOSED MOTION TO DISMISS DERIVATIVE  
CLAIMS AGAINST KRISTINA MORDAUNT WITHOUT PREJUDICE**  
Dallas 193897v1

DAVID TRZEBUCKI and CHERYL §  
TRZEBUCKI, Individually and §  
Derivatively on behalf of §  
nominal defendant Enron §  
Corporation, §  
§ Plaintiff, §  
§ VS. §  
§ ANDREW S. FASTOW, KENNETH §  
L. LAY, JEFFREY J. SKILLING, §  
ROBERT A. BELFER, ROBERT P. §  
BLAKE, JR., RONNIE C. CHAN, §  
JOHN H. DUNCAN, JOHN §  
MENDELSON, WENDY L. GRAMM, §  
ROBERT K. JAEDICKE, CHARLES §  
A. LEMAISTRE, FRANK SAVAGE, §  
JOHN WAKEHAM, HERBERT S. §  
WINOKUR, JR., ANDERSON §  
WORLDWIDE SOCIETE §  
COOPERATIVE, a Swiss §  
Cooperative, DYNEGY INC., §  
MICHAEL KOPPER, §  
KATHY LYNN, ANNE YEAGER, §  
KRISTINA MORDAUNT, ENRON §  
CORPORATION, an Oregon §  
corporation, PAULO FERRAZ §  
PEREIRA, §  
§ Defendants. §

---

[CAPTION CONTINUED ON NEXT PAGE]

RICK BARSKY,

Plaintiff,

VS.

ARTHUR ANDERSEN, LLP, D.  
STEPHEN GODDARD, JR.,  
DAVID DUNCAN, KENNETH L. LAY,  
JEFFREY K. SKILLING, ANDREW  
S. FASTOW, RICHARD A. CAUSEY,  
JAMES V. DERRICK, JR.,  
MICHAEL J. KOPPER, MARK A.  
FREVERT, STANLEY C. HORTON,  
KENNETH D. RICE, RICHARD  
B. BUY, LOU L. PAI, ROBERT A.  
BELFER, NORMAN P. BLAKE, JR.,  
RONNIE C. CHAN, JOHN H.  
DUNCAN, WENDY L. GRAMM,  
ROBERT K. JAEDICKE, CHARLES  
A. LEMAISTRE, JOE H. FOY,  
JOSEPH M. HIRKO, KEN L.  
HARRISON, MARK E. KOENIG,  
REBECCA P. MARK-JUSBASCHE,  
MICHAEL S. McCONNELL,  
JEFFREY McMAHON, CINDY K.  
OLSON, BRUCE WILLISON,  
FRANK SAVAGE, HERBERT S.  
WINOKUR, JR., JEROME J.  
MEYER, CHARLES E. WALKER,  
PAULO V. FERRAZ PEREIRA,  
JOHN WAKEHAM, JOSEPH W.  
SUTTON, BEN F. GLISAN,  
JR. and KRISTINA MORDAUNT,

Defendants.

CIVIL ACTION NO. H-02-1922

[CAPTION CONTINUED ON NEXT PAGE]

---

RICHARD P. BERGSIKER,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	
	§	
KENNETH L. LAY, JEFFREY K.	§	
SKILLING, ANDREW S. FASTOW,	§	CIVIL ACTION NO. H-02-3427
LOU L. PAI, RICHARD B. BUY,	§	
RICHARD A. CAUSEY, KENNETH	§	
D. RICE, KEVIN HANNON, GREG	§	
WHALLEY, MICHAEL S.	§	
McCONNELL, MARK A. FREVERT,	§	
MARK E. HAEDICKE, CINDY OLSON	§	
and MARY K. JOYCE,	§	
	§	
Defendants.	§	

---

**ORDER GRANTING UNOPPOSED MOTION TO DISMISS DERIVATIVE  
CLAIMS AGAINST KRISTINA MORDAUNT WITHOUT PREJUDICE**

Having considered the foregoing Unopposed Motion to Dismiss Derivative Claims Against Kristina Mordaunt Without Prejudice of the Official Committee of Unsecured Creditors of Enron Corp. (the "Committee") and finding that the Motion is well taken, this Court hereby dismisses the claims asserted by the Committee against Kristina Mordaunt in the actions consolidated under *Pirelli Armstrong Tire Corporation Retiree Medical Benefits Trust, et al., v. Kenneth L. Lay, et al.*, No. H-01-3645 (the "Actions") where Mordaunt was named as a defendant<sup>1</sup> without prejudice to the right of the Committee to refile said claims, but the Action shall proceed against all remaining defendants unless otherwise dismissed by the Committee.

---

<sup>1</sup> *David Trzebucki, et al. v. Andrew S. Fastow, et al.*, No. H-02-1832 in the United States District Court for the Southern District of Texas, Houston Division; and *Ricky Barsky v. Arthur Anderson LLP, et al.*, No. 2002-17438 in the 269<sup>th</sup> Judicial District Court of Harris County, Texas, now assigned Cause No. H-02-1922.

It is so ordered this 27<sup>th</sup> day of April, 2005.

Melinda Harmon  
JUDGE MELINDA HARMON