

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 & § MDL 1446
"ERISA" LITIGATION, §

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. §
BELFER, NORMAN P. BLAKE, JR., §
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. §

CIVIL ACTION NO. H-01-3645
LEAD CASE CONSOLIDATED WITH

[CAPTION CONTINUED ON NEXT PAGE]

**ORDER ON NOTICE OF DISMISSAL OF DERIVATIVE
CLAIMS AGAINST KATHY LYNN WITHOUT PREJUDICE**

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.

CIVIL ACTION NO. H-02-1832

**ORDER ON NOTICE OF DISMISSAL OF DERIVATIVE
CLAIMS AGAINST KATHY LYNN WITHOUT PREJUDICE**

Having considered the foregoing Notice of Dismissal Without Prejudice of Derivative Claims Against Defendant Kathy Lynn filed by the Official Committee of Unsecured Creditors of Enron Corp. (the "Committee"), this Court hereby dismisses the claims asserted by the Committee against Kathy Lynn in the derivative cases consolidated under *Pirelli Armstrong Tire Corporation Retiree Medical Benefits Trust, Derivatively on behalf of Enron Corporation v.*

Kenneth L. Lay, et al., No. H-01-3645 (the "Pirelli Case" or the "Action")¹ without prejudice to the right of the Committee to refile said claims, but the Action shall proceed against all remaining defendants.

It is so ordered this 27th day of April, 2005.



JUDGE MELINDA HARMON

¹ Kathy Lynn was named as a defendant in the derivative action styled *David Trzebucki, et al. v. Andrew S. Fastow, et al.*, Civil Action No. H-02-1832 which was subsequently consolidated on June 10, 2002, by Order of this Court into the *Pirelli* Case.