

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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In re:

ENRON CORP., *et al.*,

Chapter 11

Case No.: 01-16034 (AJG)

Jointly Administered

Reorganized Debtors.

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**CASE MANAGEMENT ORDER ESTABLISHING, AMONG OTHER THINGS,
ELECTRONIC NOTICE, FILING AND SERVICE PROCEDURES APPLICABLE TO
SOLVENCY DISCOVERY ONLY IN AVOIDANCE ACTIONS THAT HAVE BEEN
CONSOLIDATED PURSUANT TO THE JUNE 20, 2005 ORDER GRANTING
REORGANIZED DEBTORS' MOTION TO CONSOLIDATE
DISCOVERY WITH REGARD TO THE COMMON ISSUE OF SOLVENCY**

Upon Reorganized Debtors' Corrected Motion (the "Motion") for an Order Consolidating the Avoidance Actions Subject to the November 18, 2004 and December 14, 2004 Orders, the Commercial Paper Litigation, the MegaComplaint Litigation and the Actions listed on Exhibit A to such Motion (collectively, the "Avoidance Actions"), the June 20, 2005 Order (docket no. 26188) (the "June 20 Order") granting such Motion and providing, among other things, for the establishment of a common electronic docket and case file for consolidated Solvency Discovery in the Avoidance Actions, directing that all discovery requests, written responses to those requests and any motion papers and other pleadings related to the consolidated proceedings shall be filed on such common docket, and providing for the establishment of a committee of defendants in the Avoidance Actions (the "Defendants' Committee") to act as a liaison to Reorganized Debtors; and it appearing that the Court has jurisdiction to consider the Motion and to enter orders in furtherance thereof; and the Court being cognizant of the complexities associated with conducting consolidated solvency discovery in the Avoidance Actions, including, without limitation, the numbers of parties to such Actions and the need for implementation of procedures for the orderly and efficient administration of such consolidated

solvency discovery for the benefit of Reorganized Debtors, the estates and all parties to the Avoidance Actions; and the Court having considered the suggestions of Reorganized Debtors, the Defendants' Committee and the Clerk of the Court; and it appearing that due notice of the Motion has been given and no further notice need be given; and upon the proceedings before the Court; and good and sufficient cause appearing therefor; it is hereby ORDERED AS FOLLOWS:

1. Pursuant to the June 20 Order, the Clerk of the Court is hereby directed to establish a separate docket under number 55-55555 (the "Solvency Discovery Docket") in the CM/ECF System for this Court.

2. The Clerk of the Court is further directed to place the following notation on the Enron page that is linked to the Court's home web page: "See the Solvency Discovery Docket, docket number 55-55555, for all discovery requests, written responses and other materials related to Solvency Discovery in the actions subject to this Court's June 20, 2005 Order (docket no. 26188) Consolidating the Avoidance Actions Subject to the November 18, 2004 Order (docket no. 22012) and the December 14, 2004 Order (docket no. 22559), the Commercial Paper Litigation, the MegaComplaint Litigation and the Actions listed on Exhibit A to the June 20, 2005 Order." Debtors, in cooperation with the Clerk's office, shall post the foregoing notation on the docket of each Avoidance Action subject to this Order.

3. Notwithstanding L.B.R. 7005-1 and except with regard to documents that may be filed under seal, written disclosures pursuant to Fed. R. Bankr. P. 7026, interrogatories, answers to interrogatories, document requests, written responses to document requests, requests for admissions, responses to requests for admission, subpoenae, notices of deposition, notices of deposition upon written questions, any notices related to any of the foregoing and any other

papers served pursuant to Fed. R. Bankr. P. 7026-7036 and/or 9016 (collectively “Solvency Discovery”), shall be filed electronically on the Solvency Discovery Docket only. Courtesy copies of such documents shall not be delivered to chambers or the Clerk’s office.

4. Except with regard to documents that may be filed under seal, all pleadings, motions, applications and any responses or papers in opposition thereto, memoranda of law, affidavits, notices of presentment, stipulations, exhibits to any of the foregoing or any other motion papers, pleadings or exhibits thereto that relate to any contested matter or motion concerning Solvency Discovery or any other issue with respect to which the Avoidance Actions have been consolidated (collectively “Solvency Pleadings”) shall be filed electronically on the docket of the relevant Avoidance Action or Reorganized Debtors’ main case docket (docket number 01-16034), as appropriate, **and** on the Solvency Discovery Docket, provided however, that only one courtesy copy of any of the foregoing documents need be delivered to chambers. The Court shall post copies of any orders relating to any Solvency Discovery Pleadings on the docket of the relevant adversary proceeding or the main case docket, as appropriate. The party submitting the form of such order is directed to enter a Notice of Entry of such order on the Solvency Discovery Docket, together with a copy of same.

5. All attorney parties to the Avoidance Actions who desire to receive electronic notice of any filing made on the Solvency Discovery Docket (No. 55-55555) must register for e-mail notification on the Court’s CM/ECF System in accordance with the Court’s existing procedures, even if a party previously has complied with such procedures in connection with any individual Avoidance Action or the main case.

6. Except with regard to service upon any third party witness or expert and its counsel, if any, and the delivery, unless otherwise ordered by the Court, of a courtesy copy of

all Solvency Pleadings to the Court, Room 534, Alexander Hamilton U.S. Custom House, One Bowling Green, New York, New York, 10004-1408, such copy to be clearly marked “Chambers Copy,” no Solvency Discovery or Solvency Pleadings shall be required to be served in paper (*i.e.* “hard copy”). Except as set forth in this paragraph, all plaintiffs and all defendants that have been served with a summons in the Avoidance Actions shall be deemed to have consented to electronic service via the Court’s CM/ECF System of Solvency Discovery and Solvency Pleadings.

7. The Defendants’ Committee is authorized, but not required, to use the Solvency Discovery Docket as a means of communicating with Defendants in the Avoidance Actions.

Dated: New York, New York
August 30, 2005

SO ORDERED:

s/Arthur J. Gonzalez
Hon. Arthur J. Gonzalez
United States Bankruptcy Judge

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