

Respectfully submitted,

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L. GRAMM, ROBERT K. JAEDICKE, CHARLES A.
LEMAISTRE, JOE H. FOY

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by electronic posting to www.ESL3624.com on this the 1st day of July, 2004.


Michael K. Oldham

VERIFICATION

THE STATE OF _____

§

§

COUNTY OF _____

§

I, Robert A. Belfer, do state that I have read the foregoing Answers to Interrogatory Nos. 1, 2 and 3 and acknowledge that the information contained therein is correct and complete to the best of my knowledge.

Robert A. Belfer

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 2004.

Notary Public in and for
the State of _____

VERIFICATION

THE STATE OF _____

§

§

COUNTY OF _____

§

I, Norman P. Blake, Jr., do state that I have read the foregoing Answers to Interrogatory Nos. 1, 2 and 3 and acknowledge that the information contained therein is correct and complete to the best of my knowledge.

Norman P. Blake, Jr.

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 2004.

Notary Public in and for
the State of _____

VERIFICATION

THE STATE OF _____

§

§

COUNTY OF _____

§

I, Ronnie C. Chan, do state that I have read the foregoing Answers to Interrogatory Nos. 1, 2 and 3 and acknowledge that the information contained therein is correct and complete to the best of my knowledge.

Ronnie C. Chan

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 2004.

Notary Public in and for
the State of _____

VERIFICATION

THE STATE OF _____

§

§

COUNTY OF _____

§

I, John H. Duncan, do state that I have read the foregoing Answers to Interrogatory Nos. 1, 2 and 3 and acknowledge that the information contained therein is correct and complete to the best of my knowledge.

John H. Duncan

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 2004.

Notary Public in and for
the State of _____

VERIFICATION

THE STATE OF _____

§
§
§

COUNTY OF _____

I, Wendy L. Gramm, do state that I have read the foregoing Answers to Interrogatory Nos. 1, 2 and 3 and acknowledge that the information contained therein is correct and complete to the best of my knowledge.

Wendy L. Gramm

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 2004.

Notary Public in and for
the State of _____

VERIFICATION

THE STATE OF _____ §
COUNTY OF _____ §

I, Robert K. Jaedicke, do state that I have read the foregoing Answers to Interrogatory Nos. 1, 2 and 3 and acknowledge that the information contained therein is correct and complete to the best of my knowledge.

Robert K. Jaedicke

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 2004.

Notary Public in and for
the State of _____

VERIFICATION

THE STATE OF _____

§

COUNTY OF _____

§

§

I, Charles A. LeMaistre, do state that I have read the foregoing Answers to Interrogatory Nos. 1, 2 and 3 and acknowledge that the information contained therein is correct and complete to the best of my knowledge.

Charles A. LeMaistre

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 2004.

Notary Public in and for
the State of _____

VERIFICATION

THE STATE OF _____

§
§
§

COUNTY OF _____

I, Joe H. Foy, do state that I have read the foregoing Answers to Interrogatory Nos. 1, 2 and 3 and acknowledge that the information contained therein is correct and complete to the best of my knowledge.

Joe H. Foy

SUBSCRIBED AND SWORN TO before me on the _____ day of _____, 2004.

Notary Public in and for
the State of _____

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

IN RE ENRON CORPORATION SECURITIES DERIVATIVE & "ERISA" LITIGATION	MDL 1446
PAMELA M. TITTLE, on behalf of herself and a class of persons similarly situated, <i>et al.</i> , Plaintiffs, v. ENRON CORP., an Oregon corporation, <i>et al.</i> , Defendants.	CIVIL ACTION NO. H 01-3913 AND CONSOLIDATED CASES

**DEFENDANT KEN L. HARRISON'S RESPONSE TO DEFENDANT KENNETH LAY'S
FIRST SET OF INTERROGATORIES TO ENRON DIRECTOR DEFENDANTS**

Ken L. Harrison ("Harrison") hereby responds and objects to Defendant Kenneth Lay's ("Lay") First Set of Interrogatories to Enron Director Defendants.

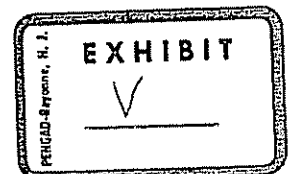
GENERAL OBJECTIONS

Harrison objects to Lay's Interrogatories on the following grounds, each of which is incorporated by reference in the responses to the individual Interrogatories below. All responses set forth below are subject to, and without waiver of, these general objections.

I. Harrison objects to each Interrogatory, Instruction, or Definition that seeks information that is neither relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence. Harrison objects to each Interrogatory, Instruction, or Definition that purports to impose obligations greater than those

DEFENDANT KEN L. HARRISON'S RESPONSE TO DEFENDANT KENNETH LAY'S FIRST SET OF
INTERROGATORIES TO ENRON DIRECTOR DEFENDANTS - 1

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imposed by the Federal Rules of Civil Procedure or the Local Rules of this District. In responding to these Interrogatories, Harrison will comply with the Federal Rules of Civil Procedure, but will not comply with any definitions or instructions that seek to impose further requirements.

2. Harrison objects to each Interrogatory, Instruction, or Definition that seeks production or identification of documents not in Harrison's possession, custody, or control.

3. Harrison objects to each Interrogatory, Instruction, or Definition that is overbroad.

4. Harrison objects to each, Interrogatory, Instruction, or Definition that is vague, indefinite, unintelligible or otherwise unanswerable due to ambiguity.

5. Harrison objects to each Interrogatory, Instruction, or Definition that is overly burdensome, is unreasonably duplicative of other Interrogatories, Instructions, or Definitions, and/or that seeks documents that are equally available to Lay because they are already in Lay's possession or are already readily accessible.

6. Harrison objects to each Interrogatory, Instruction, or Definition that calls for the disclosure of information that is protected by the attorney-client, common interest, joint-defense, witness-statement or party-communications privileges, or the work-product doctrine, or is otherwise privileged or immune from discovery. This objection includes, but is not limited to, information that Lay seeks regarding communications between Harrison and his attorneys made during or in anticipation of litigation. Any information or documents requested by Lay that are protected from discovery by these privileges or doctrines will not be produced. Inadvertent production of documents governed by such privileges is not a waiver of those privileges either as to the documents produced or as to any other documents or information.

7. Harrison objects to each Interrogatory, Instruction, or Definition that invades the constitutional right to privacy and, as such, is harassing and vexatious and may constitute an attempt to annoy, harass and/or embarrass a responding party.

DEFENDANT KEN L. HARRISON'S RESPONSE TO DEFENDANT KENNETH LAY'S FIRST SET OF INTERROGATORIES TO ENRON DIRECTOR DEFENDANTS - 2

8. Harrison objects to the Interrogatories to the extent they contain compound, conjunctive or disjunctive questions, or questions that contain sub-parts, instructions or a preface.

9. Harrison objects to the definition of "Relevant Time Period" as "January 1, 1986 to the present" because it is overbroad, not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome and oppressive. The Settlement Class includes participants in any of the Enron Plans during the period starting on January 1, 1995. Therefore the relevant time period begins on that date, at the earliest.

10. Harrison reserves the right to present additional objections to these Interrogatories, including, but not limited to, objections based on Constitution, statutory and/or common law privileges, in the event the Court takes action with respect to pending or anticipated motions that affect the applicability of these Interrogatories or if such objections otherwise become appropriate.

RESPONSES TO SPECIFIC INTERROGATORIES

INTERROGATORY NO. 1:

Describe in detail all communications that you had or witnessed concerning the identification, consideration or selection of any person to be a member of the Administrative Committee (including in your answer the date of the communication, whether the communication was written or oral, the names of the participants, and a description of the matters discussed), and identify all documents evidencing those communications and all persons who may have knowledge of those communications.

ANSWER TO INTERROGATORY NO. 1:

Harrison objects to this interrogatory as overly burdensome to the extent it purports to shift from Lay to Harrison the burden of reviewing materials provided by or to the Enron Board of Directors (the "Board"), or minutes of Board and committee meetings, for relevant information. In addition to and without waiving the foregoing objections, Harrison does

not presently recall having or witnessing any such communications. To the extent that Harrison witnessed any such communications in his capacity as a member of the Board, those communications would be reflected in Board meeting materials which have been produced to the document depository established by the Depository Order and/or are in the possession of Lay.

INTERROGATORY NO. 2:

Describe in detail all communications that you had or witnessed concerning the removal or resignation of any Administrative Committee members (including in your answer the date of the communication, whether the communication was written or oral, the names of the participants, and a description of the matters discussed), and identify all documents evidencing those communications and all persons who may have knowledge of those communications.

ANSWER TO INTERROGATORY NO. 2:

Harrison objects to this interrogatory as overly burdensome to the extent it purports to shift from Lay to Harrison the burden of reviewing materials provided by or to the Board, or minutes of Board meetings, for relevant information. In addition to and without waiving the foregoing objections, Harrison does not recall having or witnessing any such communications. To the extent that Harrison witnessed any such communications in his capacity as a member of the Board, those communications would be reflected in Board meeting materials which have been produced to the document depository established by the Depository Order and/or are in the possession of Lay.

INTERROGATORY NO. 3:

State all of the facts that you know regarding the process Enron followed to select persons to serve as members of the Administrative committee, explain how you became aware of those facts, and identify all documents evidencing those facts and all persons who may have knowledge of those facts.

ANSWER TO INTERROGATORY NO. 3:

Harrison objects to this interrogatory as overly burdensome to the extent it purports to shift from Lay to Harrison the burden of reviewing materials provided by or to the Board, or minutes of Board meetings, for relevant information. In addition to and without waiving the foregoing objections, Harrison does not know any facts regarding the process Enron followed to select persons to serve as members of the Administrative committee that are not either embodied in plan documents and/or in Board meeting materials which have been produced to the document depository established by the Depository Order and/or are in the possession of Lay. All litigants with access to the document depository are likely to have knowledge of those facts as may Administrative committee members and drafters of plan documents.

INTERROGATORY NO. 4:

Describe in detail all communications between you or your attorney(s) and Plaintiffs or their attorneys concerning the settlement or potential settlement of claims asserted in this lawsuit or the use of insurance proceeds in connection with such settlement or potential settlement (including in your answer the date of the communication, whether the communication was written or oral, the names of the participants, and a description of the matters discussed), and identify all documents evidencing those communications and all persons whom you believe have knowledge of those communications.

ANSWER TO INTERROGATORY NO. 4:

Harrison objects to this interrogatory because it seeks information that is not relevant to the claims or defenses of any party. Harrison further objects to this interrogatory because it is contrary to the public policy to encourage settlements. Harrison further objects to this interrogatory because, in the absence of independent evidence of collusion in the negotiating process between the parties to the settlement, discovery into the negotiation of the proposed settlement is improper.

INTERROGATORY NO. 5:

Describe in detail all communications between you or your attorney(s) and representatives of the Department of Labor concerning the settlement or potential settlement of claims asserted against you by the Department of Labor or the use of insurance proceeds in connection with such settlement or potential settlement (including in your answer the date of the communication, whether the communication was written or oral, the names of the participants, and a description of the matters discussed), and identify all documents evidencing those communications and all persons whom you believe have knowledge of those communications.

ANSWER TO INTERROGATORY NO. 5:

Harrison objects to this interrogatory because it seeks information that is not relevant to the claims or defenses of any party. Harrison further objects to this interrogatory because it is contrary to the public policy to encourage settlements. Harrison further objects to this interrogatory because, in the absence of independent evidence of collusion in the negotiating process between the parties to the settlement, discovery into the negotiation of the proposed settlement is improper.

INTERROGATORY NO. 6:

Describe in detail all communications between you or your attorney(s) and any agent or representative of Associated Electric & Gas Insurance Services Limited or Federal Insurance Company concerning the potential settlement of claims asserted in this lawsuit or the use of insurance proceeds in connection with such settlement or potential settlement (including in your answer the date of the communication, whether the communication was written or oral, the names of the participants, and a description of the matters discussed), and identify all documents evidencing those communications and all persons whom you believe have knowledge of those communications.

ANSWER TO INTERROGATORY NO. 6:

Harrison objects to this interrogatory because it seeks information that is not relevant to the claims or defenses of any party. Harrison further objects to this interrogatory because it is contrary to the public policy to encourage settlements. Harrison further objects to this interrogatory because, in the absence of independent evidence of collusion in the negotiating process between the parties to the settlement, discovery into the negotiation of the proposed settlement is improper.

INTERROGATORY NO. 7:

Explain the basis for your contention that the Settling Defendants should be permitted to use "the entire aggregate Limits of Liability under the two Enron Fiduciary Liability Policies" to fund their settlement with the plaintiffs in this lawsuit (as specified in Paragraph 8.6.1(a) of the Amended and Restated Class Action Settlement Agreement), including in your answer the specific policy provisions and/or any other legal authority on which you rely, and identify all facts supporting your answer, all documents evidencing those facts, and all persons with knowledge of those facts.

ANSWER TO INTERROGATORY NO. 7:

Harrison objects to this interrogatory because it calls for information protected by the attorney work product doctrine. Harrison submits that the interrogatory is susceptible to an interpretation that would require drafting a legal memorandum on settlement issues for the benefit of Lay. Harrison objects and declines to undertake this effort. Harrison further objects to this interrogatory because it seeks to elicit legal conclusions from a lay witness. Harrison reserves the right to submit briefing on this subject in accordance with the briefing schedule set by the Court.

INTERROGATORY NO. 8:

State your current net worth and explain the method of calculation used to determine your current net worth.

ANSWER TO INTERROGATORY NO. 8:

Harrison objects to this interrogatory because it seeks disclosure of confidential, sensitive and personal information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Harrison further objects to this interrogatory because it invades the constitutional right to privacy. Harrison further objects because this interrogatory is contrary to the public policy in favor of settlement of litigation. Harrison further objects because this interrogatory appears not calculated to meaningfully assist Lay's participation in the fairness hearing, but rather appears to be calculated to harass, unduly burden, and/or embarrass Harrison and to delay or derail the fair settlement of this litigation.

DATED: July 1, 2004.

Objections respectfully submitted,

TONKON TORP LLP

By: 

William F. Martson, Jr., OSB No. 72163

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Attorney-in-Charge for Defendant, Ken L. Harrison

Of Counsel:

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DEFENDANT KEN L. HARRISON'S RESPONSE TO DEFENDANT KENNETH LAY'S FIRST SET OF INTERROGATORIES TO ENRON DIRECTOR DEFENDANTS - 8

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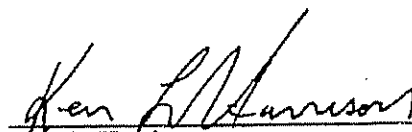
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VERIFICATION

My name is Ken L. Harrison. I have read the Answers to Interrogatories Nos. 1-3 contained in the foregoing DEFENDANT KEN L. HARRISON'S RESPONSE TO DEFENDANT KENNETH LAY'S FIRST SET OF INTERROGATORIES TO ENRON DIRECTOR DEFENDANTS and know the contents thereof. The answers are true to the best of my own knowledge, except as to those matters that are stated upon my information and belief, and as those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the United States that the foregoing Answers to Interrogatories Nos. 1-3 are true and correct to the best of my knowledge.


Executed this 1 day of July, 2004.



Ken L. Harrison

CERTIFICATE OF SERVICE

I certify that on the 1st day of July, 2004, a true and correct copy of
**DEFENDANT KEN L. HARRISON'S RESPONSE TO DEFENDANT KENNETH LAY'S
FIRST SET OF INTERROGATORIES TO ENRON DIRECTOR DEFENDANTS** was
served by posting the same to the website pursuant to the Order entered by United States District
Judge Melinda Harmon, Southern District of Texas, Houston Division, in Civil Action No. H-01-
3913 (Consolidated Cases) (Instrument No. 819).



William F. Martson, Jr. *permissum*

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DEFENDANT KEN L. HARRISON'S RESPONSE TO DEFENDANT KENNETH LAY'S FIRST SET OF
INTERROGATORIES TO ENRON DIRECTOR DEFENDANTS - 11

Tonkon Torp LLP
888 SW Fifth Avenue, Suite 1600
Portland, Oregon 97204
503-221-1440

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

PAMELA M. TITTLE, on behalf of herself
and a class of persons similarly situated, *et al.*,

Plaintiffs,

v.

ENRON CORP., an Oregon corporation, *et al.*,

Defendants.

CIVIL ACTION NO. H 01-3913
AND CONSOLIDATED CASES

**REBECCA MARK-JUSBASCHE'S OBJECTIONS AND RESPONSES TO
DEFENDANT KENNETH L. LAY'S FIRST SET OF INTERROGATORIES
TO ENRON DIRECTOR DEFENDANTS**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Rebecca Mark-Jusbasche, one of the defendants in the above-styled and numbered cause ("Mark-Jusbasche" or "Defendant"), serves her responses and objections to Defendant Kenneth L. Lay's First Set of Interrogatories to Enron Director Defendants.

OBJECTIONS APPLICABLE TO ALL INTERROGATORIES

Mark-Jusbasche asserts the following objections applicable to all Interrogatories. Where a response refers to specific numbered objections, it incorporates by reference the specific numbered objections which follow, in their entirety (the briefer parenthetical reference to the numbered objection is included for convenience).

1. Relevancy. Defendant objects to the Interrogatories to the extent that they seek information not relevant to claims or defenses in this action or that are neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence. The Court dismissed all claims originally asserted against Mark-Jusbasche by Plaintiffs. *See* Memorandum and Order re



Title Defendants' Motions to Dismiss, September 30, 2003, Dkt. Entry 635, at 330 (dismissing RICO and state law conspiracy claims, the only claims pled against Mark-Jusbasche in the First Amended Consolidated Complaint) ("Title Order"). The Title Order specifically incorporated the conclusions of law in Judge Harmon's prior order dismissing all claims against Mark-Jusbasche under the 1934 Securities Exchange Act, including claims under §§ 10(b), 20(a), 20A as well as under Rule 10b-5, and the claim under § 15 of the 1933 Securities Act. *See* Title Order at 30, and Memorandum and Order re Enron Insider Defendant Rebecca Mark-Jusbasche, Docket Entry #1300 ("Dismissal Order"). After entry of the Title Order, plaintiffs filed the Second Amended Consolidated Complaint which for the first time named Mark-Jusbasche -- who never served on any ERISA-related committee or even on any Board committee -- as a defendant to ERISA claims. Absent settlement in *Title*, Mark-Jusbasche will file a motion to dismiss all ERISA claims and is confident of their ultimate dismissal. Given the foregoing, Mark-Jusbasche objects generally to production of information (such as personal financial information) which is not relevant to the fairness hearing.

2. Overbreadth and Burden. Defendant objects to the Interrogatories to the extent that they are unduly burdensome, overbroad, annoying, harassing or oppressive.

3. Vagueness and Ambiguity. Defendant objects to the Interrogatories to the extent that they are vague, ambiguous, or fail to identify requested information with reasonable particularity.

4. Time Period. Defendant became a director on July 1, 1999, and her connection with Enron ended in August 2000, when her status as director was terminated. The Court has dismissed the state law conspiracy and RICO claims originally brought against Defendant in *Title*. Under the Second Amended and Consolidated Complaint, Plaintiffs for the first time asserted ERISA claims against Defendant, predicated solely on her brief role as a director. *See* Second Amended and Consolidated Complaint, at ¶¶ 68, 70, and Counts I and V. Defendant objects to the time period

instruction to the extent it would require production of documents or information prepared after her departure. Defendant also objects as overbroad and unduly burdensome to the instruction requiring her to produce documents and information dating from January 1, 1986 to the present. Defendant has already made available to the *Titile* Plaintiffs, in response to their discovery requests, otherwise discoverable, responsive, unobjected-to documents prepared on or after January 1, 1994, in compliance with the Court's scheduling order signed February 27, 2002, by production to the Document Depository, and objects to production of documents prepared prior to that date.

5. Duplicative Requests. Defendant objects to the Interrogatories to the extent that they request information or identification of documents previously produced in the consolidated litigation or otherwise cumulative or duplicative (such as, for example, minutes of the Enron Board of Directors or its committees, publicly available or publicly filed documents, or other documents already produced by Enron Corp.).

6. Otherwise available. Defendant objects to the Interrogatories to the extent they seek information that Plaintiff can obtain from another source, such as Enron Corp., that is more convenient, less burdensome, or less expensive or with a burden equal to that imposed upon Defendant.

7. Confidential or Personal Information. Defendant objects to the Interrogatories to the extent that they seek to require Defendant to disclose confidential business or personal information, including personal financial documents of Defendant or her spouse or children, tax returns, and personal contact information (e-mail, address, personal phone).

8. Nondisclosable Information. Defendant objects to the Interrogatories to the extent that they call for information that Defendant is prohibited from disclosing by contract, order, statute, rule, regulation, or law.

9. Privileged or Otherwise Protected Information. Defendant objects to the Interrogatories to the extent they seek information or identification of documents specially obtained by counsel or prepared or assembled in anticipation of or preparation for trial, or protected from disclosure by the attorney-client privilege, or the work product doctrine, a protective order or confidentiality agreement, or any other applicable privilege, immunity, or doctrine.

10. Overbroad Instructions Generally. Defendant objects to the Interrogatories to the extent that they seek to impose obligations which are greater than or inconsistent with the requirements of the Federal Rules of Civil Procedure or Local Rules.

11. Overbroad Instructions - "Enron Director Defendants" Definition. Overbroad Instructions - "Enron Director Defendants" Definition. Defendant objects to Definition G, "Enron Director Defendants," and Definition H, "You," as overbroad and to the extent they seek information protected by privilege or seek to impose obligations greater than or inconsistent with the Federal Rules of Civil Procedure, in that they define "Enron Director Defendants" and "You" as including not only defendant but "all persons acting on her behalf." Under these definitions, to which Defendant objects, the Requests arguably but impermissibly seek documents which are protected by the work product or client communication privilege.

12. Incorporation of General Objections. Defendant's specific responses to each Interrogatory are made subject to, and without waiving, these General Objections, which are incorporated by reference in each of Defendant's responses.

13. Time and Place of Production. Defendant has objected to producing any personal or confidential information. In the event that Defendant is required to produce any such information, Defendant objects to any production until an appropriate and agreed protective order is in place which will protect such information and set an agreed time and place for production.

SPECIFIC OBJECTIONS AND RESPONSES

INTERROGATORY NO. 1:

Describe in detail all communications that you had or witnessed concerning the identification, consideration or selection of any person to be a member of the Administrative Committee (including in your answer the date of the communication, whether the communication was written or oral, the names of the participants, and a description of the matters discussed), and identify all documents evidencing those communications and all persons who may have knowledge of those communications.

RESPONSE:

In addition to her general objections, Defendant objects specifically to this Interrogatory for the reasons set forth in General Objections 1 (lack of relevance), 2 (overbreadth and burden) and 3 (time period). Defendant objects to Interrogatory 1 as overbroad and unduly burdensome in its request that she "describe in detail all communications" that she had, or witnessed, concerning identification, consideration or selection of any person to be a member of the Administrative Committee, particularly in that "communication" is intended to refer to both oral and written communications, and "Administrative Committee" is not defined. Defendant specifically objects to Interrogatory No. 1 as overbroad and unduly burdensome in time period in seeking such information for a timeframe beginning January 1, 1987 - over 17 years ago.

Without waiver and subject to her objections, Defendant states to the best of her recollection, none; discussions, if any, which might have taken place during Enron Board meetings she attended would be reflected in the minutes thereof which have been produced to the Depository.

INTERROGATORY NO. 2:

Describe in detail all communications that you had or witnessed concerning the removal or resignation of any Administrative Committee members (including in your answer the date of the communication, whether the communication was written or oral, the names of the participants, and a description of the matters discussed), and identify all documents evidencing those communications and all persons who may have knowledge of those communications.

RESPONSE:

In addition to her general objections, Defendant objects specifically to this Interrogatory for the reasons set forth in General Objections 2 (overbreadth and burden) and 3 (time period). Defendant objects to Interrogatory No. 2 as overbroad and unduly burdensome in its request that she "describe in detail all communications" that she had, or witnessed, concerning "removal or resignation" of any Administrative Committee members, particularly in that "communication" is intended to refer to both oral and written communications, and "Administrative Committee members" are neither identified nor defined. Defendant specifically objects to Interrogatory No. 2 as overbroad and unduly burdensome in time

period, in seeking such information for a timeframe beginning January 1, 1987 - over 17 years ago.

Without waiver of and subject to her objections, Defendant states to the best of her recollection, none; discussion, if any, which might have taken place at Enron Board meetings she attended would be reflected in the minutes thereof which have been produced to the Depository.

INTERROGATORY NO. 3.:

State all of the facts that you know regarding the process Enron followed to select persons to serve as members of the Administrative Committee, explain how you became aware of those facts, and identify all documents evidencing those facts and all persons who may have knowledge of those facts.

RESPONSE:

In addition to her general objections, Defendant objects specifically to this Interrogatory for the reasons set forth in General Objections 2 (overbreadth and burden) and 3 (time period). Defendant objects to Interrogatory No. 3 as overbroad and unduly burdensome in its request that she "state all of the facts that [she] know[s]" regarding "the process Enron followed to select persons to serve as members of the Administrative Committee" particularly in that "Administrative Committee" is not defined; nor is the "process Enron followed" defined. Defendant specifically objects to Interrogatory No. 2 as overbroad and unduly burdensome in time period, in seeking such information for a timeframe beginning January 1, 1987 - over 17 years ago.

Without waiving and subject to her objections, Defendant states to the best of her recollection, none; discussion, if any, which might have taken place at Enron Board meetings she attended would be reflected in the minutes thereof which have been produced to the Depository.

INTERROGATORY NO. 4.:

Describe in detail all communications between you or your attorney(s) and Plaintiffs or their attorneys concerning the settlement or potential settlement of claims asserted in this lawsuit or the use of insurance proceeds in connection with such settlement or potential settlement (including in your answer the date of the communication, whether the communication was written or oral, the names of the participants, and a description of the matters discussed), and identify all documents evidencing those communications and all persons whom you believe have knowledge of those communications.

RESPONSE:

In addition to her general objections, Defendant objects specifically to this Interrogatory for the reasons set forth in General Objection 1 (lack of relevance), and 9 (seeks privileged information). Defendant objects to Interrogatory No. 4 as seeking information which is neither relevant nor reasonably calculated to lead to the discovery of admissible information in requesting that defendant "describe in detail all communications between you or your attorney(s) and Plaintiffs or their attorneys concerning the settlement or potential settlement of claims asserted in this lawsuit or the use of insurance proceeds in connection with such settlement or potential settlement." Mr. Lay has neither alleged nor submitted evidence of collusion in the settlement negotiating process. Accordingly, he is not entitled to discovery concerning settlement negotiations. *In re Ford Motor Co. Bronco II Products Liability Litig.*, 1994 WL 593998, *4 (E.D. La. 1994); *In re Domestic Air Transportation Antitrust Litig.*, 144 F.R.D. 421, 423 (N.D. Ga. 1992). In addition, this Interrogatory seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible information pursuant to Rule 408, Federal Rules of Evidence (evidence of offers in compromise not admissible).

INTERROGATORY NO. 5.:

Describe in detail all communications between you or your attorney(s) and representatives of the Department of Labor concerning the settlement or potential settlement of claims asserted against you by the Department of Labor or the use of insurance proceeds in connection with such settlement or potential settlement (including in your answer the date of the communication, whether the communication was written or oral, the names of the participants, and a description of the matters discussed), and identify all documents evidencing those communications and all persons whom you believe have knowledge of those communications.

RESPONSE:

In addition to her general objections, Defendant objects specifically to this Interrogatory for the reasons set forth in General Objections 1 (lack of relevance) and 9 (seeks privileged information). Defendant objects to Interrogatory No. 5 as seeking information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence in requesting that defendant "describe in detail all communications between you or your attorney(s) and representatives of the Department of Labor concerning the settlement or potential settlement of claims asserted in this lawsuit or the use of insurance proceeds in

connection with such settlement or potential settlement...." Mr. Lay has neither alleged nor submitted evidence of collusion in the settlement negotiating process. Accordingly, he is not entitled to discovery concerning settlement negotiations. *In re Ford Motor Co. Bronco II Products Liability Litig.*, 1994 WL 593998, *4 (E.D. La. 1994); *In re Domestic Air Transportation Antitrust Litig.*, 144 F.R.D. 421, 423 (N.D. Ga. 1992). In addition, this Interrogatory seeks information which is not relevant nor reasonably calculated to lead to the discovery of admissible information pursuant to Rule 408, Federal Rules of Evidence (evidence of offers in compromise not admissible).

Subject to and without waiving her objections, none.

INTERROGATORY NO. 6:

Describe in detail all communications between you or your attorney(s) and any agent or representative of Associated Electric & Gas Insurance Services Limited or Federal Insurance Company concerning the potential settlement of claims asserted in this lawsuit or the use of insurance proceeds in connection with such settlement or potential settlement (including in your answer the date of the communication, whether the communication was written or oral, the names of the participants, and a description of the matters discussed), and identify all documents evidencing those communications and all persons whom you believe have knowledge of those communications.

RESPONSE:

In addition to her general objections, Defendant objects specifically to this Interrogatory for the reasons set forth in General Objections 1 (lack of relevance) and 9 (seeks privileged information). Defendant objects to this Interrogatory as seeking information which is protected by the privilege accorded communications between an insured (or insured's counsel) and the insurer, in requesting that she "describe in detail all communications between you or your attorney(s) and any agent or representative of Associated Electric & Gas Insurance Services Limited or Federal Insurance Company concerning the potential settlement of claims asserted in this lawsuit or the use of insurance proceeds in connection with such settlement or potential settlement...." Such communications are privileged communications. *Linde Thomson Langworthy Kohn & Van Dyke, P.C. v. Resolution Trust Corp.*, 5 F.3d 1508, 1514 (D.C.Cir. 1993) (recognizing federal privilege where insured communicates with insurer concerning legal advice with respect to concrete claim). Federal evidentiary privileges extend to any stage of proceedings. Rule 1101(c), Federal Rules of Evidence. To the extent state law applies, *see also Metroflight Inc. v. Argonaut Ins. Co.*, 403 F.Supp. 1195 (N.D. Tex. 1975) (Texas recognizes privilege for communications between insured and insurer). Defendant further objects to this Interrogatory on relevancy grounds. Mr. Lay has neither alleged nor submitted evidence of collusion in the settlement negotiating process. Accordingly, he is not entitled to discovery concerning settlement negotiations. *In re Ford Motor Co. Bronco II Products Liability Litig.*, 1994 WL 593998, *4 (E.D. La. 1994); *In re Domestic Air Transportation Antitrust Litig.*, 144 F.R.D. 421, 423 (N.D. Ga. 1992).

Subject to and without waiving her objections, none.

INTERROGATORY NO. 7.:

Explain the basis for your contention that the Settling Defendants should be permitted to use "the entire aggregate Limits of Liability under the two Enron Fiduciary Liability Policies" to fund their settlement with the plaintiffs in this lawsuit (as specified in Paragraph 8.6.1(a) of the Amended and Restated Class Action Settlement Agreement), including in your answer the specific policy provisions and/or any other legal authority on which you rely, and identify all facts supporting your answer, all documents evidencing those facts, and all persons with knowledge of those facts.

RESPONSE:

Defendant objects to this Interrogatory as mis-stating the content of paragraph 8.6.1(a) of the Amended and Restated Class Action Settlement Agreement which does not state a contention that the "Settling Defendants" should be permitted to use "the entire aggregate Limits of Liability under the two Enron Fiduciary Liability Policies" to fund their settlement with the plaintiffs in this lawsuit; instead the Settling Parties acknowledge that the Settlement Amount constitutes the "entire aggregate Limits of Liability under the two Enron Fiduciary Liability Policies." Mark-Jusbasche is not defined as a "Settling Defendant" under the Amended and Restated Class Action Settlement Agreement but is included in Schedule 4.1.2 as one of the "Officer and Director Releasees." Defendant specifically objects to this Request to the extent it seeks information protected by the work product or other privilege. Defendant specifically objects to this Request as duplicative and otherwise available to the extent that it seeks the policies or other Enron documents, which are equally available to Mr. Lay. Pursuant to the Court's scheduling order in connection with the fairness hearing, Defendant reserves the right to provide briefing on this and related issues at the scheduled date.

INTERROGATORY NO. 8.:

State your current net worth and explain the method of calculation used to determine your current net worth.

RESPONSE:

Defendant specifically objects to Interrogatory No. 8 as seeking information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, in requesting that defendant state her "current net worth and explain the method of calculation used to determine" her net worth. Defendant Lay is not entitled under any theory to discover Defendant's net worth, particularly in connection with the proposed fairness hearing involving settlement of ERISA claims. Claims involving RICO or state law conspiracy have been dismissed as to this Defendant (*see* Tittle Order), as have *Newby* claims involving trading, and no constructive trust or other similar remedy is being sought against this Defendant. This Interrogatory does not seek information which is relevant to any claim against her or reasonably calculated to lead to the discovery of admissible evidence: it is essentially impermissible post-judgment asset discovery.

Respectfully submitted,

GRAVES, DOUGHERTY, HEARON & MOODY
A Professional Corporation

By: Helen Currie Foster

John J. McKetta, III
State Bar No. 13711500
Federal ID No. 29895

Attorney in Charge

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ATTORNEYS FOR DEFENDANT REBECCA MARK-
JUSEASCHE

CERTIFICATE OF SERVICE

I certify that a true and correct copy of Rebecca Mark-Jusbasche's Objections and Responses to Defendant Kenneth L. Lay's First Interrogatories to Enron Director Defendants was posted on the website esl3624.com pursuant to orders entered by United States District Judge Melinda Harmon, Southern District of Texas, Houston Division, in Civil Action No. H-01-3624 (Consolidated Cases) (Instrument # 819), and via U.S. Mail, certified and return receipt requested, on the following parties who do not accept service by electronic mail, as shown below, on this the 1st day of July, 2004:

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Helen Currie Foster

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

PAMELA M. TITTLE, et al.,	§	No. H-01-3913
	§	
Plaintiffs,	§	
vs.	§	
	§	
ENRON CORP., et al.,	§	
	§	
Defendants.	§	
<hr/>		
ELAINE L. CHAO, Secretary of the	§	No. H-03-2257
United States Department of Labor,	§	Consolidated with
	§	No. H-01-3913
Plaintiff,	§	
vs.	§	
	§	
ENRON CORPORATION, et al.,	§	
	§	
Defendants.	§	
<hr/>		

**OUTSIDE DIRECTOR DEFENDANTS' RESPONSES AND OBJECTIONS
TO REQUEST FOR PRODUCTION OF DEFENDANT KENNETH L. LAY**

The Outside Director Defendants¹ serve these their Responses and Objections to Defendant, Kenneth L. Lay's Request for Production filed herein.

¹These Responses and Objections are served by Robert A. Belfer, Norman P. Blake, Jr., Ronnie C. Chan, John H. Duncan, Wendy L. Gramm, Robert K. Jaedicke, Charles A. LeMaistre and Joe H. Foy (the "Outside Directors").



Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by electronic posting to www.ESL3624.com on this the 1st day of July, 2004.


Michael K. Oldham

GENERAL OBJECTIONS

The following general objections apply to each Definition, Instruction, and Request for Production of Documents ("Requests"), and shall have the same force and effect as if fully set forth in the answer to each Request.

1. Defendant objects to the Requests to the extent that they purport to impose obligations upon the Defendant greater than or inconsistent with those imposed by the Federal Rules of Civil Procedure and Orders of the Court. Defendant will respond to Defendant Lay's Requests in accordance with the Federal Rules of Civil Procedure and Orders of the Court.

2. Defendant objects to the Requests to the extent that it seeks documents or information that are not relevant to the fairness hearing or that are neither admissible in evidence nor reasonably calculated to lead to the discovery of admissible evidence. By producing documents in response to these Requests, the Defendant does not waive any objections that the documents or information requested are not relevant or admissible in court, and expressly reserve the right to assert those objections, and to object to further discovery into the subject matter of any of these Requests.

3. Defendant objects to the Requests to the extent that they are unduly burdensome, overbroad, harassing, or oppressive.

4. Defendant objects to the Requests to the extent that they are vague, ambiguous, or fail to identify with reasonable particularity the documents requested.

5. Defendant objects to the Requests to the extent that they request documents or information that is already in Defendant Lay's possession, has previously been produced to the Document Depository or that is otherwise cumulative or duplicative.

6. Defendant objects to the Requests to the extent they seek information that Defendant

Lay can obtain from another source that is more convenient, less burdensome, or less expensive or with a burden equal to that imposed upon Defendant.

7. Defendant objects to the Requests to the extent that they seek to require the Defendant to disclose confidential business or personal information, including trade secrets or other confidential technical, financial, or commercial information.

8. Defendant objects to the Requests to the extent that they call for information that the Defendant is prohibited from disclosing by contract, order, statute, rule, regulation, or law.

9. Defendant objects to the Requests to the extent that they seek information or documents that are protected from disclosure by the attorney-client privilege, the work product doctrine, a protective order or confidentiality agreement, or any other applicable privilege, immunity, or doctrine. Any inadvertent production of any privileged information shall not constitute a waiver of any of the rights or privileges of the Defendant, and the Defendant reserves the right to seek the return of any such documents and all copies thereof.

10. Defendant objects to each and every definition and instruction to the extent that they purport to impose obligations upon the Defendant greater than or inconsistent with those imposed by the Federal Rules of Civil Procedure or Order of the Court. Defendant will respond to Defendant Lay's Requests in accordance with the Federal Rules of Civil Procedure and Orders of the Court.

11. Defendant objects to the definition of the term "Enron" as vague, ambiguous, and overbroad to the extent that it refers to agents, representatives, attorneys, accountants, advisors and all other persons acting or purporting to act on Enron's behalf.

12. Defendant objects to the "time period" set forth in the Definitions ("January 1, 1986 to the present") and any Request incorporating that "time period" on the grounds that such "time

period" and such Requests are overbroad and unduly burdensome and seek information that is neither relevant to the claims or defenses of any party in this action (or to the scope of the fairness hearing) nor reasonably calculated to lead to the discovery of admissible evidence.

13. Defendant's objections and responses to these Requests are based upon information known to Defendant at this time. Defendant reserves his right to supplement their objections and responses to Defendant Lay's Requests.

14. Defendant has objected to producing any personal or confidential information. In the event that Defendant is required to produce any such information, Defendant objects to any production until an appropriate and agreed protective order is in place which will protect such information and set an agreed time and place for production.

RESPONSES TO REQUEST FOR PRODUCTION

REQUEST NO. 1:

All documents concerning the identification, consideration or selection of any person to be a member of the Administrative Committee.

RESPONSE:

Subject to and without waiver of the foregoing General Objections, the Outside Directors state that non-privileged, responsive documents, if any, previously have been produced to the Document Depository.

REQUEST NO. 2:

All documents concerning the removal or resignation of any member of the Administrative Committee.

RESPONSE:

Subject to and without waiver of the foregoing General Objections, the Outside Directors state that non-privileged, responsive documents, if any, previously have been produced to the Document Depository.

REQUEST NO. 3:

All documents constituting or evidencing communications with other Enron Directors concerning the Enron Savings Plan and/or ESOP.

RESPONSE:

Subject to and without waiver of the foregoing General Objections, the Outside Directors state that non-privileged, responsive documents, if any, previously have been produced to the Document Depository.

REQUEST NO. 4:

All documents constituting or evidencing communications with members of the Administrative Committee concerning the Enron Savings Plan and/or ESOP.

The Outside Directors object to this Request because it seeks privileged information, and information to which Defendant Lay is not entitled. The Partial Settlement was negotiated

RESPONSE:

All documents evidencing communications between you or your attorney(s) and the Department of Labor or its attorneys concerning the settlement or potential settlement of claims asserted against you by the Department of Labor.

REQUEST NO. 7:

The Outside Directors object to this Request because it seeks privileged information, and information to which Defendant Lay is not entitled. The Partial Settlement was negotiated at arm's length over the course of many months, and Defendant Lay has not made any allegations to the contrary. Where, as here, there is no independent evidence of collusion in the negotiating process between the parties to the settlement, discovery into the negotiations of the proposed settlement is improper. *E.g., In re Ford Motor Co. Bronco II Products Liability Litig.*, 1994 WL 593998, *4 (E.D. La. 1994); *In re Domestic Air Transportation Antitrust Litig.*, 144 F.R.D. 421, 423 (N.D. Ga. 1992).

RESPONSE:

All documents evidencing communications between you or your attorney(s) and Plaintiffs or their attorneys concerning the settlement or potential settlement of claims asserted in this lawsuit.

REQUEST NO. 6:

Subject to and without waiver of the foregoing General Objections, the Outside Directors state that non-privileged, responsive documents, if any, previously have been produced to the Document Depository.

RESPONSE:

All deposition transcripts, affidavits, declarations and other statements given or made by you pertaining to Enron, Enron stock, the Enron Savings Plan, or the ESOP.

REQUEST NO. 5:

Subject to and without waiver of the foregoing General Objections, the Outside Directors state that non-privileged, responsive documents, if any, previously have been produced to the Document Depository.

RESPONSE:

at arm's length over the course of many months, and Defendant Lay has not made any allegations to the contrary. Where, as here, there is no independent evidence of collusion in the negotiating process between the parties to the settlement, discovery into the negotiations of the proposed settlement is improper. *E.g., In re Ford Motor Co. Bronco II Products Liability Litig.*, 1994 WL 593998, *4 (E.D. La. 1994); *In re Domestic Air Transportation Antitrust Litig.*, 144 F.R.D. 421, 423 (N.D. Ga. 1992).

REQUEST NO. 8:

All documents evidencing communications between you or your attorney(s) and any agent or representative of Associated Electric & Gas Insurance Services Limited ("AEGIS") or Federal Insurance Company concerning the settlement or potential settlement of claims asserted in this lawsuit.

RESPONSE:

The Outside Directors object to this Request because it seeks privileged information, and information to which Defendant Lay is not entitled. The Partial Settlement was negotiated at arm's length over the course of many months, and Defendant Lay has not made any allegations to the contrary. Where, as here, there is no independent evidence of collusion in the negotiating process between the parties to the settlement, discovery into the negotiations of the proposed settlement is improper. *E.g., In re Ford Motor Co. Bronco II Products Liability Litig.*, 1994 WL 593998, *4 (E.D. La. 1994); *In re Domestic Air Transportation Antitrust Litig.*, 144 F.R.D. 421, 423 (N.D. Ga. 1992). Further, communications between insurer and insured are privileged. *See Linde Thompson Langworthy Kohn & Van Dyke, P.C. v. Resolution Trust Corp.*, 5 F.3d 1508, 1514 (D.C. Cir. 1993); *Metroflight Inc. v. Argonaut Ins. Co.*, 403 F. Supp. 1195 (N.D. Tex. 1975).

REQUEST NO. 9:

All documents that you contend support your position that the Settling Defendants should be permitted to use all of the proceeds of the AEGIS and Federal Insurance Company policies to fund their settlement with the plaintiffs in this lawsuit.

RESPONSE:

Subject to and without waiver of the foregoing General Objections, the Outside Directors state that non-privileged, responsive documents, if any, previously have been produced to the Document Depository.

REQUEST NO. 10:

All documents identified in your response to Kenneth L. Lay's First Set of Interrogatories that have not previously been produced.

RESPONSE:

None.

REQUEST NO. 11:

All documents provided to Plaintiffs or their counsel regarding your financial resources.

RESPONSE:

None.

REQUEST NO. 12:

All documents provided to the Department of Labor regarding your financial resources.

RESPONSE:

None.

REQUEST NO. 13:

A verified statement of your current net worth, or other documents that evidence your current net worth.

RESPONSE:

The Outside Directors object to this Request because it seeks disclosure of confidential, sensitive, and personal information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. The Outside Directors understand that Defendant Lay has provided limited information about his finances to the Plaintiffs only on condition of absolute confidentiality. Defendant Lay cannot reasonably insist that information about his net worth remain confidential and/or undisclosed, but at the same time seek disclosure of such information by the Outside Directors. This Request is not calculated to meaningfully assist Defendant Lay's participation in the fairness hearing, but rather appears to be calculated to harass, to unduly burden the parties and to cause unnecessary delay of the settlement approval process.

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

IN RE ENRON CORPORATION SECURITIES DERIVATIVE & "ERISA" LITIGATION	MDL 1446
PAMELA M. TITTLE, on behalf of herself and a class of persons similarly situated, <i>et al.</i> , Plaintiffs, v. ENRON CORP., an Oregon corporation, <i>et al.</i> , Defendants.	CIVIL ACTION NO. H 01-3913 AND CONSOLIDATED CASES

**DEFENDANT KEN L. HARRISON'S RESPONSE TO DEFENDANT
KENNETH LAY'S FIRST REQUEST FOR PRODUCTION TO
ENRON DIRECTOR DEFENDANTS**

Ken L. Harrison ("Harrison") hereby responds and objects to Defendant Kenneth Lay's ("Lay") First Requests for Production to Enron Director Defendants (the "Requests").

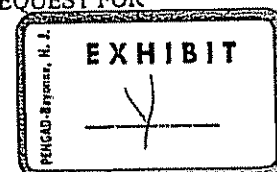
GENERAL OBJECTIONS

Harrison objects to Lay's Requests on the following grounds, each of which is incorporated by reference in the responses to the individual requests below. All responses set forth below are subject to, and without waiver of, these general objections.

1. Harrison objects to each Request, Instruction, or Definition that seeks information that is neither relevant to the claims or defenses of any party, nor reasonably calculated to lead to the discovery of admissible evidence. Harrison objects to each Request, Instruction, or Definition that purports to impose obligations greater than those imposed by the

DEFENDANT KEN L. HARRISON'S RESPONSE TO DEFENDANT KENNETH LAY'S FIRST REQUEST FOR PRODUCTION TO ENRON DIRECTOR DEFENDANTS - 1

Tonkon Torp LLP
888 SW Fifth Avenue, Suite 1600
Portland, Oregon 97204
... ..



Federal Rules of Civil Procedure or the Local Rules of this District. In responding to these Requests, Harrison will comply with the Federal Rules of Civil Procedure, but will not comply with any definitions or instructions that seek to impose further requirements.

2. By producing documents in response to these Requests, Harrison does not waive any objections that documents or information requested are not relevant or admissible in court and expressly reserves the right to assert those objections and to object to further discovery into the subject matter of any of these Requests.

3. Harrison objects to each Request, Instruction, or Definition that seeks production or identification of documents not in Harrison's possession, custody, or control.

4. Harrison objects to each Request, Instruction, or Definition that is over broad.

5. Harrison objects to each Request, Instruction, or Definition that is vague, indefinite, unintelligible or otherwise unanswerable due to ambiguity.

6. Harrison objects to each Request, Instruction, or Definition that is overly burdensome, is unreasonably duplicative of other Requests, Instructions, or Definitions, and/or that seeks documents that are equally available to Lay because they are already in Lay's possession or are already readily accessible.

7. Harrison objects to each Request, Instruction, or Definition that calls for information that Harrison is prohibited from disclosing by contract, order, statute, rule, regulation or law.

8. Harrison objects to each Request, Instruction, or Definition that calls for the disclosure of information that is protected by the attorney-client, common interest, joint-defense, witness-statement or party-communications privileges, or the work-product doctrine, or is otherwise privileged or immune from discovery. This objection includes, but is not limited to, information that Lay seeks regarding communications between Harrison and his attorneys made during or in anticipation of litigation. Any information or documents requested by Lay that are

protected from discovery by these privileges or doctrines will not be produced. Inadvertent production of documents governed by such privileges is not a waiver of those privileges either as to the documents produced or as to any other documents or information.

9. Harrison objects to each Request, Instruction, or Definition that invades the constitutional right to privacy and, as such, is harassing and vexatious and may constitute an attempt to annoy, harass and/or embarrass responding party.

10. Harrison objects to producing documents from January 1, 1986 until the present time because this time period results in requests that are overbroad, unduly burdensome, and not calculated to lead to discovery of admissible evidence.

11. Harrison objects to the Requests to the extent they contain compound, conjunctive or disjunctive questions, or questions that contain sub-parts, instructions or a preface.

12. Harrison's objections and responses to these Requests are based upon information known to Harrison at this time. Harrison reserves his right, but undertakes no affirmative obligation, to supplement his objections and responses to the Requests.

13. Harrison further objects to the production timetable set forth in the Requests. Harrison will produce responsive documents, if any, to the depository established by the Depository Order at a time to agreed upon by counsel for Harrison and Lay.

RESPONSES TO SPECIFIC REQUESTS

REQUEST FOR PRODUCTION NO 1:

All documents concerning the identification, consideration or selection of any person to be a member of the Administrative Committee.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Subject to and without waiver of the objections set forth above, Harrison states that responsive documents, if any, not protected from discovery by the privileges and doctrines referenced in General Objection No. 6, have been produced to the document depository

established by the Depository Order or are already in the possession of Lay.

REQUEST FOR PRODUCTION NO. 2:

All documents concerning the removal or resignation of any member of the Administrative Committee.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Subject to and without waiver of the objections set forth above, Harrison states that responsive documents, if any, not protected from discovery by the privileges and doctrines referenced in General Objection No. 6, have been produced to the document depository established by the Depository Order or are already in the possession of Lay.

REQUEST FOR PRODUCTION NO. 3:

All documents constituting or evidencing communications with other Enron Directors concerning the Enron Savings Plan and/or ESOP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Subject to and without waiver of the objections set forth above, Harrison states that responsive documents, if any, not protected from discovery by the privileges and doctrines referenced in General Objection No. 6, have been produced to the document depository established by the Depository Order or are already in the possession of Lay.

REQUEST FOR PRODUCTION NO. 4:

All documents constituting or evidencing communications with members of the Administrative Committee concerning the Enron Savings Plan and/or ESOP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Subject to and without waiver of the objections set forth above, Harrison states that responsive documents, if any, not protected from discovery by the privileges and doctrines referenced in General Objection No. 6, have been produced to the document depository established by the Depository Order or are already in the possession of Lay.

REQUEST FOR PRODUCTION NO. 5:

All deposition transcripts, affidavits, declarations and other statements given or made by you pertaining to Enron, Enron stock, the Enron Savings Plan, or the ESOP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Harrison objects to this request to the degree it calls for documents that are not in Harrison's possession, custody or control. Subject to and without waiver of this objection and the objections set forth above, Harrison states that the transcript of his testimony before the Enron Examiner has been produced to the document depository established by the Depository Order. Harrison further states that he is informed and believes that the transcript of his testimony before the Department of Labor has been produced to the depository established by the Depository Order.

REQUEST FOR PRODUCTION NO. 6:

All documents evidencing communications between you or your attorney(s) and Plaintiffs or their attorneys concerning the settlement or potential settlement of claims asserted in this lawsuit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Harrison objects to this request because it seeks information that is not relevant to the claims or defenses of any party. Harrison further objects to this request because it is contrary to the public policy to encourage settlements. Harrison further objects to this request because, in the absence of independent evidence of collusion in the negotiating process between the parties to the settlement, discovery into the negotiation of the proposed settlement is improper.

REQUEST FOR PRODUCTION NO. 7:

All documents evidencing communications between you or your attorney(s) and the Department of Labor or its attorneys concerning the settlement or potential settlement of claims asserted against you by the Department of Labor.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Harrison objects to this request because it seeks information that is not relevant to the claims or defenses of any party. Harrison further objects to this request because it is contrary to the public policy to encourage settlements. Harrison further objects to this request because, in the absence of independent evidence of collusion in the negotiating process between the parties to the settlement, discovery into the negotiation of the proposed settlement is improper.

REQUEST FOR PRODUCTION NO. 8:

All documents evidencing communications between your or your attorney(s) and any agent or representative of Associated Electric & Gas Insurance Services Limited ("AEGIS") or Federal Insurance Company concerning the potential settlement of claims asserted in this lawsuit.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Harrison objects to this request because it seeks information that is not relevant to the claims or defenses of any party. Harrison further objects to this request because it is contrary to the public policy to encourage settlements. Harrison further objects to this request because, in the absence of independent evidence of collusion in the negotiating process between the parties to the settlement, discovery into the negotiation of the proposed settlement is improper. Harrison further objects to this request because this information is privileged under Texas and federal law as a communication with an insurer.

REQUEST FOR PRODUCTION NO. 9:

All documents that you contend support your position that the Settling Defendants should be permitted to use all of the proceeds of the AEGIS and Federal Insurance Company policies to fund their settlement with the plaintiffs in this lawsuit.

* * *

* * *

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Subject to and without waiver of the objections set forth above, Harrison states that responsive documents, if any, not protected from discovery by the privileges and doctrines referenced in General Objection No. 6, have been produced to the document depository established by the Depository Order or are already in the possession of Lay.

REQUEST FOR PRODUCTION NO. 10:

All documents identified in your response to Kenneth L. Lay's First Set of Interrogatories that have not previously been produced.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

No responsive documents exist that have not already been addressed elsewhere in this document.

REQUEST FOR PRODUCTION NO. 11:

All documents provided to Plaintiffs or their counsel regarding your financial resources.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Harrison objects to this request because it seeks information that is not relevant to the claims or defenses of any party. Harrison further objects to this request because it is contrary to the public policy to encourage settlements. Harrison further objects to this request because, in the absence of independent evidence of collusion in the negotiating process between the parties to the settlement, discovery into the negotiation of the proposed settlement is improper. Harrison further objects to this request as both vague and ambiguous and also duplicative because many documents already produced by Harrison to the document depository might indirectly reveal information regarding "financial resources." Harrison construes this request to mean documents provided to Plaintiffs or their counsel specifically with respect to settlement of the Tittle or Department of Labor cases. Subject to this objection and the objections set forth above, Harrison states that no responsive documents exist.

REQUEST FOR PRODUCTION NO. 12:

All documents provided to the Department of Labor regarding your financial resources.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12

Harrison objects to this request because it seeks information that is not relevant to the claims or defenses of any party. Harrison further objects to this request because it is contrary to the public policy to encourage settlements. Harrison further objects to this request because, in the absence of independent evidence of collusion in the negotiating process between the parties to the settlement, discovery into the negotiation of the proposed settlement is improper. Harrison further objects to this request as both vague and ambiguous and also duplicative because many documents already produced by Harrison to the document depository might indirectly reveal information regarding "financial resources." Harrison construes this request to mean documents provided to the Department of Labor specifically with respect to settlement of the Tittle or Department of Labor cases. Subject to this objection and the objections set forth above, Harrison states that no responsive documents exist.

REQUEST FOR PRODUCTION NO. 13:

A verified statement of your current worth, or other documents that evidence your current net worth.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

Harrison objects to this request because it seeks disclosure of confidential, sensitive and personal information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Harrison further objects to this request because it invades the constitutional right to privacy. Harrison further objects because this request is contrary to the public policy in favor of settlement of litigation. Harrison further objects because this request appears not calculated to meaningfully assist Lay's participation in the fairness hearing, but