

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL

MINUTE ORDER

Date: 06/12/2007

Time: 08:15:00 AM

Dept: C-71

Judicial Officer Presiding: Judge Ronald S. Prager

Clerk: Kathleen Sandoval

Bailiff/Court Attendant: L. Wilks

ERM:

Reporter: Peter C. Stewart

Case Init. Date: 12/03/2001

Case No: JCCP4221

Case Title: JCCP4221 COORDINATION PROCEEDING NATURAL  
GAS ANTI-TRUST CASES

Case Category: Civil - Unlimited

Case Type: Antitrust/Trade Regulation

Event Type: Motion Hearing (Civil)

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**Appearances:**

Personally appearing for the Plaintiff are Barry Himmelstein, Brad Baker, Paul Traina and Reginald terrell. Personally appearing for the Defendants are Chris Healy and Bennett Young.

Appearances as noted on Exhibit "A" which is attached hereto and incorporated herein as though set forth in ful..

Appearing telephonically are Nanci Nishimura, Lisa Kaas, Peter Kavik and Oren Harrison

The Court confirms the tentative ruling as follows:

:  
The Court rules on defendant CMS Energy Resources Mgmt. Co.'s ("CMS") motion for determination of good faith settlement as follows:

This unopposed motion for good faith settlement is GRANTED for the reasons stated below.

The factors that a Court considers in evaluating whether a settlement was made in good faith is set forth in *Tech-Bilt, Inc. v. Woodward-Clyde & Associates* (1985) 38 Cal.3d 488, 499 (hereafter "*Tech-Bilt*").

Here, CMS set forth sufficient evidence for this Court find that the requirements outlined in *Tech-Bilt* have been met in this case. Based on the information provided by the moving parties, the Court concludes that the settlement between the Class Plaintiffs and CMS is within the ballpark of its proportionate share of liability. (Goodman Declaration, Exhibit A; See also CMS' Memorandum of Points and Authorities ("CMS' P&A"), pp. 2-3.) The Court also notes that no evidence of collusion, fraud, or tortious conduct has been brought to this Court's attention. (CMS' P&A, p. 3.)

IT IS SO ORDERED.

