

SUPERIOR COURT OF CALIFORNIA

County of San Diego

DATE: August 11, 2005 **DEPT. 71** **REPORTER A: Peter Stewart** **CSR# 3184**

PRESENT HON. RONALD S. PRAGER **REPORTER B:** **CSR#**

JUDGE

CLERK: K. Sandoval

BAILIFF: K. Williams

REPORTER'S ADDRESS: P.O. BOX 120128

SAN DIEGO, CA 92112-4104

JUDICIAL COUNSEL
COORDINATION PROCEEDINGS
NO. JCCP 4221
1,11,111, AND 1V

TITLE [Rule 1550(b)]
NATURAL GAS CASES

PIPELINE

10:25 a.m. This being the time previously set for **EX PARTE HEARING** in the above entitled cause Court convenes with John Shaeffer of O'Donnell Shaeffer Mortimer, Bard Baker of Baker, Burton & Lundy and Brian McMahan personally present for the Plaintiffs. Rich Levy, Kay Ellen Kochenderfer and Robert Cooper of Gibson, Dunn & Crutcher personally present for the Defendants.

Court and counsel discuss the proposed scope of the upcoming trial. Counsel propose that there will be one class Ventura comprising both gas and electricity customers.

Counsel will stipulate to the mechanism used to extrapolate damages, if they cannot agree the Court will use its own mechanism to determine the measure of damages.

The proposal is that the jury will determine liability and causation and damages for the Ventura residential gas and electric customer. The Court will make a post-jury determination of what proportion is attributable to Ventura residential if counsel cannot stipulate to the percentage. This will be based on post-jury testimony.

After final judgement, if agreed upon by all parties and the Court, will be taken to the court of appeal so all related issues will be resolved, and all appellate remedies will be exhausted. Counsel propose that all proceedings will be stayed while this issue is appealed.

Court and counsel discuss the possibility of an interlocutory judgement in regard to appeals and the underlying gas case.

Counsel have agreed to a bond of no more than 75 million dollars.

Counsel are working on a stipulation regarding all issues discussed at this ex parte. If no agreement is reached, counsel will discuss with the Court when he returns from vacation.

The Court directs counsel to meet and confer regarding the joint exhibit list and witness list. Court informs counsel that these lists should be completed by the trial date.

Counsel to advise what witnesses are to be called and give 48-hour notice.

Court advises counsel that there will be no long delays in the start of the trial, the Court is ready to go forward and directs counsel to be prepared.

11:10 a.m. Court is adjourned.

ks