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F I L E D

Clerk of the Superior Court

AUG 09 2006

5 Attorneys for Independent Plaintiffs

By: K SANDOVAL, Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF SAN DIEGO**

11	Coordination Proceeding Special Title)	JCCP Nos. 4221, 4224, 4226 and 4228
	(Rule 1550(b)))	
12	NATURAL GAS ANTI-TRUST CASES)	[PROPOSED] ORDER DENYING
13	I, II, III & IV)	AQUILA, INC.'S MOTION TO QUASH
	_____)	SERVICE OF SUMMONS ON BASIS OF
14)	LACK OF PERSONAL JURISDICTION
15	This document relates to:)	Date: To be set by the Court
16	ALL PRICE INDEXING CASES)	Time: To be set by the Court
	_____)	Department: 71
)	Hon. Ronald S. Prager

1 Defendant Aquila, Inc.'s Motion to Quash Service of Summons on Basis of Lack of
2 Personal Jurisdiction, came on regularly for hearing before this Court, the Honorable Ronald S.
3 Prager, presiding.

4 Having reviewed and considered the pleadings, arguments, and papers of the parties, and
5 good cause appearing therefore, IT IS HEREBY ORDERED AND ADJUDGED that:

6 **Aquila, Inc.'s Motion to Quash Service of Summons on Basis of Lack of Personal**
7 **Jurisdiction is DENIED.** California's long-arm statute authorizes California courts to exercise
8 jurisdiction on any basis not inconsistent with the Constitution of the United States or the
9 Constitution of California. Code Civ. Proc., § 410.10. Aquila, Inc. has sufficient minimum
10 contacts with California, including purposefully availing itself of the State's benefits, such that
11 the assertion of jurisdiction does not violate "traditional notions of fair play and substantial
12 justice." *International Shoe Co. v. Washington* (1945) 326 U.S. 310, 316; *Vons Companies, Inc.*
13 *v. Seabest Foods, Inc.* (1996) 14 Cal.4th 434, 444-445. Aquila, Inc. is also subject to personal
14 jurisdiction under the representative services doctrine because Aquila Merchant Services, Inc.,
15 who has consented to this Court's jurisdiction, performs a function with is compatible with, and
16 assists Aquila, Inc. in the pursuit of Aquila Inc.'s own business. See *Dorel Industries v. Superior*
17 *Court* (2005) 134 Cal.App.4th 1267, 1277; *Paneno v. Centres for Academic Programmes*
18 *Abroad, Ltd.* (2004) 118 Cal.App.4th 1447; *Sonora Diamond Corp. v. Superior Court* (2000) 83
19 Cal.App.4th 523, 540-546.

20 IT IS SO ORDERED.

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22 Dated: AUG 09 2006

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RONALD S. PRAGER