

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL

MINUTE ORDER

Date: 07/10/2007

Time: 10:00:00 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)

Appearances:

The Court, having taken the above-entitled matter under submission on 07/10/2007 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

RULING AFTER ORAL ARGUMENT: The Court rules on defendants Duke Energy Corp. and Duke Energy Trading and Marketing, L.L.C.'s (collectively "Duke") demurrer as follows:

The case shall be stayed pending the decision of the Ninth Circuit in E&J Gallo Winery v. Encana Energy Servs., Inc. et al. (2004) CV F 03-5412 AWI LJO, In re Western States Wholesale Natural Gas Antitrust Litig. (D. Nev. 2005) 368 F.Supp.2d 1110, In re Western States Wholesale Natural Gas Antitrust Litig. (D. Nev. 2005) 408 F.Supp.2d 1055, and Sierra Pacific Resources et al. v. El Paso Corp. et al. (D. Nev. 2004) CV S 03-0414 JCM RJJ.

The parties are to appear for a status conference on November 9, 2007, at 10 a.m. However, if the Ninth Circuit issues its decision before this date than the parties shall participate in a conference call within 72 hours of the issuance of the decision to set a briefing schedule. In addition, the Independent Plaintiffs that believe the stay should not be applied to any particular case (e.g., if the antitrust claims could effectively be severed) may notify opposing counsel and contact the Court by conference call to set a briefing schedule and obtain a hearing date for a motion to sever and to remove the stay on the severed, non-antitrust causes of action.

IT IS SO ORDERED.