

SUPERIOR COURT OF CALIFORNIA

County of San Diego

DATE: April 11, 2006 DEPT. 71 REPORTER A: CSR# 3184
PRESENT HON. RONALD S. PRAGER REPORTER B: CSR#
JUDGE

CLERK: K. Sandoval

BAILIFF: 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

INDEXING

TENTATIVE RULING- ENCANA MOTION TO QUASH

The Motion of EnCana Corporation to Quash Service of Summons and Complaint is DENIED. (CCP section 418.10) The Court grants the parties’ respective requests for judicial notice.

“California courts may exercise jurisdiction on any basis that is not inconsistent with the state and federal Constitutions. (Citations) By imposing only these constitutional limitations, our Legislature has authorized the broadest possible exercise of jurisdiction. (Citations)” (*In re Automobile Antitrust Cases I & II* (2005) 135 Cal. App. 4th 100)

The Court finds EnCana has maintained sufficient minimum contacts with California such that the exercise of jurisdiction over it is fair and just. The Court recognizes that exercise of jurisdiction over a non-resident defendant of a foreign country may be rare, but under the circumstances of this case and based on the evidence supporting opposition to the motion to quash, the policies expressed in *In re Automobile Antitrust Cases* are outweighed by the interests of California and its citizens.

In addition, the Court was persuaded that EnCana is also subject to personal jurisdiction based on the control it exercised over WD Energy, who has consented to this Court’s jurisdiction, and the representative services doctrine.

The out-of-state federal cases cited by the parties are not controlling, and thus the Court was unpersuaded by the arguments based on those decisions.