

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
HALL OF JUSTICE

TENTATIVE RULINGS - June 11, 2007

EVENT DATE: 06/12/2007 EVENT TIME: 08:15:00 AM DEPT.: C-71
JUDICIAL OFFICER: Ronald S. Prager

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)
CAUSAL DOCUMENT/DATE FILED:

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.