

**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 defendants Duke Energy Corp. and Duke Energy Trading and Marketing, L.L.C.'s motion for determination of good faith settlement (collectively "Duke Defendants") 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, the Duke Defendants have 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 the Duke Defendants is within the ballpark of its proportionate share of liability. (Duke's Notice of Lodgment, Exhibit 1; See also Duke Defendants' Memorandum of Points and Authorities ("Duke Defendants 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. (Duke Defendants' P&A, p. 3.)

IT IS SO ORDERED.