

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

TENTATIVE RULINGS - July 09, 2007

EVENT DATE: 07/10/2007 EVENT TIME: 10:00:00 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 Sempra Energy, Southern California Gas Co., and San Diego Gas & Electric (collectively "Sempra Defendants") motion of notice of mandatory Code of Civil Procedure section 916 stay of all proceedings by certain Independent Plaintiffs and, alternatively, motion for discretionary stay based on the Court's inherent powers as follows:

On July 20, 2006, this Court entered its Judgment, Final Order and Decree Granting Final Approval (hereafter "Judgment") to the Class Action Settlement between numerous classes and Sempra Energy, SoCalGas, SDG&E, and Sempra Energy Trading (collectively "Sempra Parties"), among others. (Fogelman Declaration, Exhibit A (Judgment).) The Judgment states that "This Document Relates to the Pipeline Cases and the Price Reporting Class Action Cases." (*Id.* at Exhibit C.) As a result, this Court lost jurisdiction to act on the Judgment and "upon the matters embraced therein or affected thereby." (Code Civ. Proc. §916(a).) This case is now on appeal.

The following Independent Plaintiffs are affected by the Judgment: (1) the Association of Bay Area Governments, (2) County of San Mateo, (3) Nurserymen's Exchange, (4) California State University Board of Trustees, (5) Regents of the University of California, (6) Sacramento Municipal Utility District, (7) School Project for Utility Rate Reduction, (8) City of San Diego, and (9) County of Alameda.

Code of Civil Procedure section 916 subd. (a) states that "the perfecting of an appeal stays proceedings in the trial court upon the judgment or order appealed from or upon the matters embraced therein or affected thereby...." The purpose of the section 916 mandatory stay pending appeal "is to protect the appellate court's jurisdiction by preserving the status quo until the appeal is decided." (*Varian Medical Systems v. Delfino* (2005) 35 Cal.4th 180, 189 (hereafter "*Varian*").)

Based on the foregoing, the Court finds that the Sempra Defendants have met the standards set forth in section 916. Therefore, the case shall be stayed as to the above noted Independent Plaintiffs.

IT IS SO ORDERED.