   CautionAs of: August 8, 2018 7:06 PM Z



# [***Reorganized FLI, Inc. v. Williams Cos. (In re Western States Wholesale Natural Gas Antitrust Litig.)***](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:5N6Y-B581-F04D-Y17T-00000-00&context=)

United States District Court for the District of Nevada

March 30, 2017, Decided; March 30, 2017, Filed

2:03-cv-01431-RCJ-PAL; MDL No. 1566; 2:05-cv-01331-RCJ-PAL; 2:06-cv-00233-RCJ-PAL; 2:06-cv-00267-RCJ-PAL; 2:06-cv-00282-RCJ-PAL; 2:06-cv-01351-RCJ-PAL; 2:07-cv-00987-RCJ-PAL; 2:07-cv-01019-RCJ-PAL; 2:09-cv-00915-RCJ-PAL

**Reporter**

2017 U.S. Dist. LEXIS 49435 \*

In re WESTERN STATES WHOLESALE NATURAL GAS ***ANTITRUST*** LITIGATION;REORGANIZED FLI, INC. et al., Plaintiffs, vs. WILLIAMS COMPANIES. et al., Defendants.LEARJET, INC. et al., Plaintiffs, vs. ONEOK, INC. et al., Defendants.SINCLAIR OIL CORP., Plaintiff, vs. E PRIME INC. et al., Defendants.SINCLAIR OIL CORP., Plaintiff, vs. ONEOK ENERGY SERVICES CO., L.P., Defendant.BRECKENRIDGE BREWERY OF COLORADO, LLC et al., Plaintiffs, vs. ONEOK INC. et al., Defendants.HEARTLAND REGIONAL MEDICAL CENTER et al., Plaintiffs, vs. ONEOK, INC. et al., Defendants.ARANDELL CORP. et al., Plaintiffs, vs. XCEL ENERGY INC. et al., Defendants.NEWPAGE WISCONSIN SYSTEM INC., Plaintiff, vs. CMS ENERGY RESOURCE MANAGEMENT CO. et al., Defendants.

**Subsequent History:** Motion denied by, Motion granted by [*In re W. States Wholesale Natural Gas* ***Antitrust*** *Litig., 2017 U.S. Dist. LEXIS 108444 (D. Nev., July 12, 2017)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:5P10-JF91-F04D-Y0DC-00000-00&context=)

Reconsideration granted by [*Reorganized FLI, Inc. v. Williams Companies (In re W. States Wholesale Nat. Gas* ***Antitrust*** *Litig.), 2017 U.S. Dist. LEXIS 191228 (D. Nev., Nov. 20, 2017)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:5R0P-XJH1-JJSF-23KM-00000-00&context=)

**Prior History:** [*In re Western States Wholesale Natural Gas* ***Antitrust*** *Litig., 2017 U.S. Dist. LEXIS 23969 (D. Nev., Feb. 21, 2017)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:5MXV-05H1-F04D-Y0G9-00000-00&context=)

**Core Terms**

natural gas, class action, Energy, trading, Settlement, cases, summary judgment, class member, party's, court finds, attesting, relevant time period, consumers, issues, ***antitrust***, motions, prices, class certification, prosecuted, deny a motion, state law, Movants, notice, requirements, churning, expert testimony, expert opinion, industrial, purchasing, entities

**Counsel:** **[\*1]**For Western States Wholesale Natural Gas ***Antitrust*** Litigation, In Re (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna**[\*2]** A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Auila, Inc., Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Charles A. Moore, LEAD ATTORNEY, Dewey & LeBoeuf LLP, Houston, TX; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Mark Benscheidt, Plaintiff (2:03-cv-01431-RCJ-PAL): Michael P. Lehmann, LEAD ATTORNEY, Cohen, Milstein, Hausfeld & Toll P.L.L.C., San Francisco, CA; Athena Jiangxioa Hou, Zelle Hofmann Voelbel Mason & Gette, LLP, San Francisco, CA; Christopher T. Micheletti, Zelle, Hofmann, Voelbel, Mason & Gette LLP, San Francisco,**[\*3]** CA; Craig C. Corbitt, Zelle Hofmann Voelbel & Mason, LLP, San Francisco, CA; Francis O. Scarpulla, Zelle Hofmann Voelbel Mason & Gette, LLP, San Francisco, CA; Josef D. Cooper, Cooper & Kirkham, PC, San Francisco, CA; Judith A. Shimm, Zelle Hofmann Voelbel Mason & Gette, LLP, San Francisco, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Tracy R. Kirkham, Cooper & Kirkham, PC, San Francisco, CA.

For Susan Benscheidt, Plaintiff (2:03-cv-01431-RCJ-PAL): Michael P. Lehmann, LEAD ATTORNEY, Cohen, Milstein, Hausfeld & Toll P.L.L.C., San Francisco, CA; Athena Jiangxioa Hou, Zelle Hofmann Voelbel Mason & Gette, LLP, San Francisco, CA; Christopher T. Micheletti, Zelle, Hofmann, Voelbel, Mason & Gette LLP, San Francisco, CA; Craig C. Corbitt, Zelle Hofmann Voelbel & Mason, LLP, San Francisco, CA; Francis O. Scarpulla, Zelle Hofmann Voelbel Mason & Gette, LLP, San Francisco, CA; Josef D. Cooper, Cooper & Kirkham, PC, San Francisco, CA; Judith A. Shimm, Zelle Hofmann Voelbel Mason & Gette, LLP, San Francisco, CA; Michael John Miguel, PRO HAC VICE,**[\*4]** McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Tracy R. Kirkham, Cooper & Kirkham, PC, San Francisco, CA.

For Bing's Stop & Shop, Plaintiff (2:03-cv-01431-RCJ-PAL): Thomas H. Brill, LEAD ATTORNEY, PRO HAC VICE, Law Office of Thomas H. Brill, Mission Hills, KS; Alan G. Crone, Crone & Mason, PLC, Memphis, TN; James J. Webb, Crone & Mason, PLC, Memphis, TN; John S. Wilder, Sr., Wilder & Sanders, Somerville, TN; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For David C. Brown, Plaintiff (2:03-cv-01431-RCJ-PAL): A. J. De Bartolomeo, Girard Gibbs & DeBartolomeo, San Francisco, CA; Amelia F. Burroughs, Girard Gibbs & DeBartolomeo, San Francisco, CA; Daniel C. Girard, Girard Gibbs LLP, San Francisco, CA; Gordon M. Fauth, Jr., Girard Gibbs & DeBartolomeo, San Francisco, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst**[\*5]** Johansen Hail Shank, Dallas, TX.

For People of the State of California, Plaintiff (2:03-cv-01431-RCJ-PAL): Joseph W. Cotchett, Cotchett Pitre,Simon & McCarthy, Burlingame, CA; Mark Albright, Albright Stoddard Warnick & Albright, Las Vegas, NV; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Frank H. Colvett, Jr., Plaintiff (2:03-cv-01431-RCJ-PAL): Thomas H. Brill, LEAD ATTORNEY, PRO HAC VICE, Law Office of Thomas H. Brill, Mission Hills, KS; Alan G. Crone, Crone & Mason, PLC, Memphis, TN; James J. Webb, Crone & Mason, PLC, Memphis, TN; John S. Wilder, Sr., Wilder & Sanders, Somerville, TN; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

Ever-Bloom, Inc., Plaintiff (2:03-cv-01431-RCJ-PAL), Pro se.

For Ever-Bloom, Inc., Plaintiff (2:03-cv-01431-RCJ-PAL): Dennis J. Stewart, Hulett Harper Stewart LLP, San Diego, CA; Joshua D Snyder, Boni & Zack LLC, Bala Cynwyd, PA; Kate Reznick, Boni & Zack LLC,**[\*6]** Bala Cynwyd, PA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Susan G. Kupfer, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, Glancy Binkow & Goldberg, San Francisco, CA; Theresa J. Henson, Boni & Zack LLC, Bala Cynwyd, PA.

For Fairhaven Power Co., Plaintiff (2:03-cv-01431-RCJ-PAL): Francis O. Scarpulla, LEAD ATTORNEY, Zelle Hofmann Voelbel Mason & Gette, LLP, San Francisco, CA; Bruce Alverson, Alverson Taylor Mortensen & Sanders, Las Vegas, NV; Craig C. Corbitt, Zelle Hofmann Voelbel & Mason, LLP, San Francisco, CA; Josef D. Cooper, Cooper & Kirkham, PC, San Francisco, CA; Joshua D Snyder, Boni & Zack LLC, Bala Cynwyd, PA; Kathleen S. Rogers, Glancy Binkow & Goldberg LLP, San Francisco, CA; Marc H. Edelson, Hoffman & Edelson, LLC, Doylestown, PA; Michael J. Boni, Boni & Zack LLC, Bala Cynwyd, PA; Michael P. Lehmann, Cohen, Milstein, Hausfeld & Toll P.L.L.C., San Francisco, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nathan Reinmiller, Alverson Taylor Mortensen, et al, Las Vegas,**[\*7]** NV; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; William Timothy Needham, Janssen, Malloy, Needham, Morrison, Reinholtsen & Crowley, L, Eureka, CA.

For H&M Roses, Plaintiff (2:03-cv-01431-RCJ-PAL): Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; William Bernstein, Lieff Cabraser Heimann & Bernstein LLP, San Francisco, CA.

For Dennis J. Herrera, Plaintiff (2:03-cv-01431-RCJ-PAL): Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For JP Morgan Trust Company, NA, Plaintiff (2:03-cv-01431-RCJ-PAL): Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Eric I. Unrein, LEAD ATTORNEY, Frieden, Unrein & Forbes LLP, Topeka, KS; Gary D. McCallister, LEAD ATTORNEY, Gary D. McCallister & Associates, LLC, Chicago, IL; Isaac Diel, LEAD ATTORNEY, Sharp McQueen P.A., Overland Park, KS; Susan G. Kupfer, LEAD ATTORNEY, Glancy**[\*8]** Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Thomas H. Brill, LEAD ATTORNEY, PRO HAC VICE, Law Office of Thomas H. Brill, Mission Hills, KS; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Samuel D. Leggett, Plaintiff (2:03-cv-01431-RCJ-PAL): Thomas H. Brill, LEAD ATTORNEY, PRO HAC VICE, Law Office of Thomas H. Brill, Mission Hills, KS; Alan G. Crone, Crone & Mason, PLC, Memphis, TN; James J. Webb, Crone & Mason, PLC, Memphis, TN; John S. Wilder, Sr., Wilder & Sanders, Somerville, TN; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Lois the Pie Queen, Plaintiff (2:03-cv-01431-RCJ-PAL): Donald Chidi Amamgbo, Amambgo & Associates, Oakland, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los**[\*9]** Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Reginald V. Terrell, The Terrell Law Group, Oakland, CA; Remigius Chibueze, Amambgo & Associates, Oakland, CA.

For Los Angeles, City Of, Plaintiff (2:03-cv-01431-RCJ-PAL): Don E Lanson, Greenberg & Bass, Encino, CA; Edwin W. Duncan, Greenberg & Bass, Encino, CA; Jennifer L. Nassiri, Greenberg & Bass, Encino, CA; Joseph W. Cotchett, Cotchett Pitre,Simon & McCarthy, Burlingame, CA; Kerrin I. Tso, Los Angeles City Attorney's Office, Los Angeles, CA; Mark C. Molumphy, Cotchett Pitre,Simon & McCarthy, Burlingame, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Richard M. Helgeson, Los Angeles City Attorney's Office, Los Angeles, CA; Rockard J. Delgadillo, Los Angeles City Attorney's Office, Los Angeles, CA; Stanton J. Snyder, Los Angeles City Attorney's Office, Los Angeles, CA; Steven N. Williams, Cotchett, Pitre & McCarthy, Burlingame, CA.

For Celina Martinez, Plaintiff (2:03-cv-01431-RCJ-PAL): Michael P. Lehmann,**[\*10]** LEAD ATTORNEY, Cohen, Milstein, Hausfeld & Toll P.L.L.C., San Francisco, CA; Athena Jiangxioa Hou, Zelle Hofmann Voelbel Mason & Gette, LLP, San Francisco, CA; Christopher T. Micheletti, Zelle, Hofmann, Voelbel, Mason & Gette LLP, San Francisco, CA; Craig C. Corbitt, Zelle Hofmann Voelbel & Mason, LLP, San Francisco, CA; Francis O. Scarpulla, Zelle Hofmann Voelbel Mason & Gette, LLP, San Francisco, CA; Josef D. Cooper, Cooper & Kirkham, PC, San Francisco, CA; Judith A. Shimm, Zelle Hofmann Voelbel Mason & Gette, LLP, San Francisco, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Tracy R. Kirkham, Cooper & Kirkham, PC, San Francisco, CA.

For Maximum Nursery, Inc., Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Dennis J. Stewart, Hulett Harper Stewart LLP, San Diego, CA; Kate Reznick, Boni & Zack LLC, Bala Cynwyd, PA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan**[\*11]** PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Susan G. Kupfer, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, Glancy Binkow & Goldberg, San Francisco, CA; Theresa J. Henson, Boni & Zack LLC, Bala Cynwyd, PA.

For Multiut Corporation, Plaintiff (2:03-cv-01431-RCJ-PAL): Alan J. Mandel, LEAD ATTORNEY, ALAN J. MANDEL, LTD., Skokie, IL; Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Ira P Gould, LEAD ATTORNEY, Greenberg Trauring, LLP, Chicago, Il; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Howard K Jeruchimowitz, Greenberg Traurig, LLP, Chicago, IL; Jeffrey S. Torosian, Greenberg Traurig, LLP, Chicago, IL; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Paul Alexis Del Aguila, Greenberg Traurig, LLP, Chicago, IL; Paul T Fox, Greenberg**[\*12]** Traurig, LLP, Chicago, IL.

For Oberti Wholesale Foods, Inc., Plaintiff (2:03-cv-01431-RCJ-PAL): Daniel J. Mulligan, Jenkins & Mulligan, San Francisco, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Thomas A. Jenkins, Jenkins & Mulligan, San Francisco, CA.

For Dan L. Older, Plaintiff (2:03-cv-01431-RCJ-PAL): Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Ralph B Kalfayan, Krause & Kalfayan, San Diego, CA.

For Craig Podesta, Plaintiff (2:03-cv-01431-RCJ-PAL): Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; William Henry Parish, Parish & Small PLC, Parish & Small A Professional Law Corp., Stockton, CA.

For County of San Diego, Plaintiff (2:03-cv-01431-RCJ-PAL): Joseph W. Cotchett, Cotchett Pitre,Simon & McCarthy, Burlingame, CA; Michael John Miguel,**[\*13]** PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For City of San Francisco, Plaintiff (2:03-cv-01431-RCJ-PAL): Joseph W. Cotchett, Cotchett Pitre,Simon & McCarthy, Burlingame, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For County of San Francisco, Plaintiff (2:03-cv-01431-RCJ-PAL): Joseph W. Cotchett, Cotchett Pitre,Simon & McCarthy, Burlingame, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For County of Santa Clara, Plaintiff (2:03-cv-01431-RCJ-PAL): Joseph W. Cotchett, Cotchett Pitre,Simon & McCarthy, Burlingame, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Shanghai 1930 Restaurant Partners, LP, Plaintiff**[\*14]** (2:03-cv-01431-RCJ-PAL): A. J. De Bartolomeo, Girard Gibbs & DeBartolomeo, San Francisco, CA; Cadio Zirpoli, Saveri & Saveri, San Francisco, CA; Geoffrey C. Rushing, Saveri & Saveri, San Francisco, CA; Guido Saveri, Saveri & Saveri, Inc., San Francisco, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Richard Alexander Saveri, Saveri & Saveri, San Francisco, CA.

For Haleema Silverman, Plaintiff (2:03-cv-01431-RCJ-PAL): Albro L. Lundy, III, Baker Burton & Lundy, Hermosa Beach, CA; Brad N. Baker, Baker Burton & Lundy, Hermosa Beach, CA; Elizabeth A. Hernandez, Engstrom Lipscomb & Lack, Los Angeles, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Paul A. Traina, Engstrom Lipscomb & Lack, Los Angeles, CA; Rahul Ravipudi, Engstrom Lipscomb & Lack, Los Angeles, CA; Walter J. Lack, Engstrom Lipscomb & Lack, Los Angeles, CA.

For Michael Silverman, Plaintiff (2:03-cv-01431-RCJ-PAL): Albro L. Lundy,**[\*15]** III, Baker Burton & Lundy, Hermosa Beach, CA; Brad N. Baker, Baker Burton & Lundy, Hermosa Beach, CA; Elizabeth A. Hernandez, Engstrom Lipscomb & Lack, Los Angeles, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Paul A. Traina, Engstrom Lipscomb & Lack, Los Angeles, CA; Rahul Ravipudi, Engstrom Lipscomb & Lack, Los Angeles, CA; Walter J. Lack, Engstrom Lipscomb & Lack, Los Angeles, CA.

For Lynette Stevenson, Plaintiff (2:03-cv-01431-RCJ-PAL): Albro L. Lundy, III, Baker Burton & Lundy, Hermosa Beach, CA; Brad N. Baker, Baker Burton & Lundy, Hermosa Beach, CA; Elizabeth A. Hernandez, Engstrom Lipscomb & Lack, Los Angeles, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Paul A. Traina, Engstrom Lipscomb & Lack, Los Angeles, CA; Rahul Ravipudi, Engstrom Lipscomb & Lack, Los Angeles, CA; Walter J. Lack, Engstrom Lipscomb & Lack, Los Angeles, CA.

For Tom Stevenson, Plaintiff (2:03-cv-01431-RCJ-PAL):**[\*16]** Albro L. Lundy, III, Baker Burton & Lundy, Hermosa Beach, CA; Brad N. Baker, Baker Burton & Lundy, Hermosa Beach, CA; Elizabeth A. Hernandez, Engstrom Lipscomb & Lack, Los Angeles, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Paul A. Traina, Engstrom Lipscomb & Lack, Los Angeles, CA; Rahul Ravipudi, Engstrom Lipscomb & Lack, Los Angeles, CA; Walter J. Lack, Engstrom Lipscomb & Lack, Los Angeles, CA.

For Team Design, Plaintiff (2:03-cv-01431-RCJ-PAL): Albro L. Lundy, III, Baker Burton & Lundy, Hermosa Beach, CA; Brad N. Baker, Baker Burton & Lundy, Hermosa Beach, CA; Elizabeth A. Hernandez, Engstrom Lipscomb & Lack, Los Angeles, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Paul A. Traina, Engstrom Lipscomb & Lack, Los Angeles, CA; Rahul Ravipudi, Engstrom Lipscomb & Lack, Los Angeles, CA; Walter J. Lack, Engstrom Lipscomb & Lack, Los Angeles, CA.

Texas-Ohio Energy, Inc., Plaintiff**[\*17]** (2:03-cv-01431-RCJ-PAL), Pro se.

For Texas-Ohio Energy, Inc., Plaintiff (2:03-cv-01431-RCJ-PAL): Allan M Hoffman, Hoffman & Edelson, Doylestown, PA; Dennis J. Stewart, Hulett Harper Stewart LLP, San Diego, CA; Jerold B Hoffman, Hoffman & Edelson, LLC, Doylestown, PA; Joshua D Snyder, Boni & Zack LLC, Bala Cynwyd, PA; Kate Reznick, Boni & Zack LLC, Bala Cynwyd, PA; Marc H. Edelson, Hoffman & Edelson, LLC, Doylestown, PA; Michael J. Boni, Boni & Zack LLC, Bala Cynwyd, PA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Theresa J. Henson, Boni & Zack LLC, Bala Cynwyd, PA.

For Utility Savings & Refund Services, LLP, Plaintiff (2:03-cv-01431-RCJ-PAL): Jerold B Hoffman, LEAD ATTORNEY, Hoffman & Edelson, LLC, Doylestown, PA; Allan M Hoffman, Hoffman & Edelson, Doylestown, PA; Dennis J. Stewart, Hulett Harper Stewart LLP, San Diego, CA; Joshua D Snyder, Boni & Zack LLC, Bala Cynwyd, PA; Kate Reznick, Boni & Zack LLC, Bala Cynwyd, PA; Marc H. Edelson, Hoffman & Edelson, LLC, Doylestown, PA; Michael J. Boni, Boni & Zack LLC, Bala Cynwyd, PA; Michael**[\*18]** John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Theresa J. Henson, Boni & Zack LLC, Bala Cynwyd, PA.

For Laurence Uyeda, Plaintiff (2:03-cv-01431-RCJ-PAL): Barry R Himmelstein, PRO HAC VICE, Lieff Cabraser Heimann and Bernstein, San Francisco, CA; Francis O. Scarpulla, Zelle Hofmann Voelbel Mason & Gette, LLP, San Francisco, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; William Bernstein, Lieff Cabraser Heimann & Bernstein LLP, San Francisco, CA.

For Vittice Corporation, Plaintiff (2:03-cv-01431-RCJ-PAL): Derek G. Howard, Murray & Howard, LLP, Oakland, CA; Gilmur R. Murray, Murray & Howard, LLP, Oakland, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

Wolfe River Cafe, Plaintiff (2:03-cv-01431-RCJ-PAL), Pro se.

For Wolfe River Cafe, Plaintiff (2:03-cv-01431-RCJ-PAL):**[\*19]** Thomas H. Brill, LEAD ATTORNEY, PRO HAC VICE, Law Office of Thomas H. Brill, Mission Hills, KS; Alan G. Crone, Crone & Mason, PLC, Memphis, TN; James J. Webb, Crone & Mason, PLC, Memphis, TN; John S. Wilder, Sr., Wilder & Sanders, Somerville, TN; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Learjet, Inc., Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Dennis D. Palmer, LEAD ATTORNEY, Polsinelli Shughart, P.C., Kansas City, MO; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Eric I. Unrein, LEAD ATTORNEY, Frieden, Unrein & Forbes LLP, Topeka, KS; Gary D. McCallister, LEAD ATTORNEY, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory L. Musil, LEAD ATTORNEY, Shughart Thompson & Kilroy, Overland Park, KS; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Kathleen A. Hardee, LEAD ATTORNEY, Polsinelli Shughart, P.C., Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C.,**[\*20]** Milwaukee, WI; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Russell S. Jones, LEAD ATTORNEY, Jr., Polsinelli P.C., Kansas City, MO; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Von S. Heinz, LEAD ATTORNEY, Lewis Roca Rothgerber Christie LLP, Las Vegas, NV; Andrew Ennis, Polsinelli PC, Kansas City, MO; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Patrick D. Martin, PRO HAC VICE, Shughart Thomson & Kilroy, PC, Kansas City, MO.

For -----Cross Oil Refining & Marketing, Inc., Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Eric I. Unrein, LEAD ATTORNEY, Frieden, Unrein & Forbes LLP, Topeka, KS; Gary D. McCallister, LEAD ATTORNEY,**[\*21]** Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Gregory L. Musil, LEAD ATTORNEY, Shughart Thompson & Kilroy, Overland Park, KS; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Von S. Heinz, LEAD ATTORNEY, Lewis Roca Rothgerber Christie LLP, Las Vegas, NV; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Patrick D. Martin, PRO HAC VICE, Shughart Thomson & Kilroy, PC, Kansas City, MO.

For Topeka Unified School District 501, Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Eric**[\*22]** I. Unrein, LEAD ATTORNEY, Frieden, Unrein & Forbes LLP, Topeka, KS; Gary D. McCallister, LEAD ATTORNEY, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Gregory L. Musil, LEAD ATTORNEY, Shughart Thompson & Kilroy, Overland Park, KS; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Von S. Heinz, LEAD ATTORNEY, Lewis Roca Rothgerber Christie LLP, Las Vegas, NV; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Patrick D. Martin, PRO HAC VICE, Shughart Thomson & Kilroy, PC, Kansas City, MO.

For Breckenridge Brewery of Colorado, LLC, Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner,**[\*23]** Mann & Kailas, Milwaukee, WI; Dennis D. Palmer, LEAD ATTORNEY, Polsinelli Shughart, P.C., Kansas City, MO; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Kathleen A. Hardee, LEAD ATTORNEY, Polsinelli Shughart, P.C., Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Philip Wayne Bledsoe, LEAD ATTORNEY, Shughart Thomson \* Kilroy, PC, Denver, CO; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Russell S. Jones, LEAD ATTORNEY, Jr., Polsinelli P.C., Kansas City, MO; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Andrew Ennis, Polsinelli PC, Kansas City, MO; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; John Preston Baker, Shughart Thomson & Kilroy, PC, Denver, CO; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For BBD Acquisition Co., Plaintiff**[\*24]** (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Philip Wayne Bledsoe, LEAD ATTORNEY, Shughart Thomson \* Kilroy, PC, Denver, CO; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Andrew Ennis, Polsinelli PC, Kansas City, MO; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; John Preston Baker, Shughart Thomson & Kilroy, PC, Denver, CO; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

Abelman Art Glass Company, et al, Plaintiff (2:03-cv-01431-RCJ-PAL), Pro se.

For Abelman Art Glass Company, et al, Plaintiff (2:03-cv-01431-RCJ-PAL): Joshua D Snyder, Boni & Zack**[\*25]** LLC, Bala Cynwyd, PA; Michael J. Boni, Boni & Zack LLC, Bala Cynwyd, PA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Susan G. Kupfer, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, Glancy Binkow & Goldberg, San Francisco, CA.

For Coachella Valley Taxi Owners Association, Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart,**[\*26]** Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Arandell Corp., Plaintiff (2:03-cv-01431-RCJ-PAL): Alexander T. Pendelton, LEAD ATTORNEY, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Dennis D. Palmer, LEAD ATTORNEY, Polsinelli Shughart, P.C., Kansas City, MO; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Jennifer Gille**[\*27]** Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Kathleen A. Hardee, LEAD ATTORNEY, Polsinelli Shughart, P.C., Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Russell S. Jones, LEAD ATTORNEY, Jr., Polsinelli P.C., Kansas City, MO; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Andrew Ennis, Polsinelli PC, Kansas City, MO; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel,**[\*28]** PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Robert L Gegios, Kohner, Mann & Kailas, Milwaukee, WI; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO; W. Terrence Kilroy, Polsinelli Shughart, Kansas City, MO; William E Fischer, Davis & Kuelthau, s.c., Oshkosh, WI.

For Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI;, Plaintiff (2:03-cv-01431-RCJ-PAL): Dennis D. Palmer, LEAD ATTORNEY, Polsinelli Shughart, P.C., Kansas City, MO; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Kathleen A. Hardee, LEAD ATTORNEY, Polsinelli Shughart, P.C., Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; R. Dan Boulware, LEAD ATTORNEY,**[\*29]** Shughart Thompson & Kilroy, PC, St. Joseph, MO; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Russell S. Jones, LEAD ATTORNEY, Jr., Polsinelli P.C., Kansas City, MO; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Andrew Ennis, Polsinelli PC, Kansas City, MO; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna**[\*30]** A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Prime Tanning Corporation, Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; R. Dan Boulware, LEAD ATTORNEY, Shughart Thompson & Kilroy, PC, St. Joseph, MO; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Andrew Ennis, Polsinelli PC, Kansas City, MO; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C.,**[\*31]** Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Missouri Public Service Commission, Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Cathy J. Dean, LEAD ATTORNEY, Polsinelli Shalton Flanigan Suelthaus, Kansas City, MO; Douglas Kramer, LEAD ATTORNEY, Polsinelli Shalton Flanigan Suelthaus, Kansas**[\*32]** City, MO; Matthew C. Hans, LEAD ATTORNEY, Polsinelli Shalton Flanigan Suelthaus, St. Louis, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; S. Jay Dobbs, LEAD ATTORNEY, Polsinelli Shalton Flanigan, St. Louis, MO; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael**[\*33]** John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Merrick's Inc., Plaintiff (2:03-cv-01431-RCJ-PAL): Alexander T. Pendelton, LEAD ATTORNEY, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Robert L Gegios, LEAD ATTORNEY, Kohner, Mann & Kailas, Milwaukee, WI; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern,**[\*34]** LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Andrew Ennis, Polsinelli PC, Kansas City, MO; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO; W. Terrence**[\*35]** Kilroy, Polsinelli Shughart, Kansas City, MO; William E Fischer, Davis & Kuelthau, s.c., Oshkosh, WI.

For Safety-Kleen Systems, Inc., Plaintiff (2:03-cv-01431-RCJ-PAL): Alexander T. Pendelton, LEAD ATTORNEY, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Robert L Gegios, LEAD ATTORNEY, Kohner, Mann & Kailas, Milwaukee, WI; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald,**[\*36]** Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO; William E Fischer, Davis & Kuelthau, s.c., Oshkosh, WI.

For Sargento Foods, Inc., Plaintiff (2:03-cv-01431-RCJ-PAL): Alexander T. Pendelton, LEAD ATTORNEY, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Gregory**[\*37]** M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Robert L Gegios, LEAD ATTORNEY, Kohner, Mann & Kailas, Milwaukee, WI; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Andrew Ennis, Polsinelli PC, Kansas City, MO; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein**[\*38]** & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO; W. Terrence Kilroy, Polsinelli Shughart, Kansas City, MO; William E Fischer, Davis & Kuelthau, s.c., Oshkosh, WI.

For Fairhaven Power Company, Plaintiff (2:03-cv-01431-RCJ-PAL): Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig C. Corbitt, Zelle Hofmann Voelbel & Mason, LLP, San Francisco, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Henry A. Cirillo,**[\*39]** The Furth Firm LLP, San Francisco, CA; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Joshua D Snyder, Boni & Zack LLC, Bala Cynwyd, PA; Kathleen S. Rogers, Glancy Binkow & Goldberg LLP, San Francisco, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael J. Boni, Boni & Zack LLC, Bala Cynwyd, PA; Michael P. Lehmann, Cohen, Milstein, Hausfeld & Toll P.L.L.C., San Francisco, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Thomas P. Dove, The Furth Firm LLP, San Francisco, CA; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Sinclair Oil Corporation, Plaintiff (2:03-cv-01431-RCJ-PAL):**[\*40]** Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Brent Cohen, LEAD ATTORNEY, Lewis Roca Rothgerber Christie LLP, Denver, CO; James Michael Lyons, LEAD ATTORNEY, Lewis Roca Rothgerber Christie LLP, Denver, CO; Kristin M. Bronson, LEAD ATTORNEY, Lewis Roca Rothgerber Christie LLP, Denver, CO; Matthew Corcoran, LEAD ATTORNEY, PRO HAC VICE, Goldstein & Associates, Washington, DC; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, LEAD ATTORNEY, PRO HAC VICE, Goldstein & Associates, PC, Washington, DC; Philip M. Ballif, LEAD ATTORNEY, Durham Jones & Pinegar, Salt Lake City, UT; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston,**[\*41]** TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Kendra N. Beckwith, Wheeler Trigg O'Donnell LLP, Denver, CO; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Michael N. Mulvania, Wheeler Trigg O'Donnell LLP, Denver, CO; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Scott S. Barker, Wheeler Trigg O'Donnell LLP, Denver, CO; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Sinclair Oil Corporation, Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Brent Cohen, LEAD ATTORNEY, Lewis Roca Rothgerber Christie LLP, Denver, CO; James Michael Lyons, LEAD ATTORNEY, Lewis Roca Rothgerber Christie LLP, Denver, CO; Kristin M. Bronson, LEAD ATTORNEY, Lewis Roca Rothgerber Christie LLP, Denver, CO; Matthew Corcoran, LEAD ATTORNEY, PRO HAC VICE, Goldstein & Associates,**[\*42]** Washington, DC; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, LEAD ATTORNEY, PRO HAC VICE, Goldstein & Associates, PC, Washington, DC; Philip M. Ballif, LEAD ATTORNEY, Durham Jones & Pinegar, Salt Lake City, UT; Adam Bloom, PRO HAC VICE, Los Angeles, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel**[\*43]** LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Ladish Co., Inc., Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Robert L Gegios, LEAD ATTORNEY, Kohner, Mann & Kailas, Milwaukee, WI; Alexander T Pendleton, Kohner, Mann & Kailas, Milwaukee, WI; Andrew Ennis, Polsinelli PC, Kansas City, MO; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary**[\*44]** D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO; W. Terrence Kilroy, Polsinelli Shughart, Kansas City, MO; William E Fischer, Davis & Kuelthau, s.c., Oshkosh, WI.

For Reorganized FLI, Inc., Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Eric I. Unrein, LEAD ATTORNEY, Frieden, Unrein & Forbes LLP, Topeka, KS; Gary D. McCallister,**[\*45]** LEAD ATTORNEY, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Isaac Diel, LEAD ATTORNEY, Sharp McQueen P.A., Overland Park, KS; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; Thomas H. Brill, LEAD ATTORNEY, PRO HAC VICE, Law Office of Thomas H. Brill, Mission Hills, KS; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein & Associates, PC, Washington,**[\*46]** DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For NewPage Wisconsin System Inc., Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Melinda Anne Bialzik, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Robert L Gegios, LEAD ATTORNEY, Kohner, Mann & Kailas, Milwaukee, WI; Andrew Ennis, Polsinelli PC, Kansas City, MO; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber**[\*47]** Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO; William E Fischer, Davis & Kuelthau, s.c., Oshkosh, WI.

For Northwest Missouri State University, Plaintiff (2:03-cv-01431-RCJ-PAL): Amy Irene Washburn, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, Milwaukee, WI; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Melinda Anne Bialzik, LEAD ATTORNEY,**[\*48]** PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Andrew Ennis, Polsinelli PC, Kansas City, MO; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan**[\*49]** L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For AEP Energy Services, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Amy M. Gallegos, LEAD ATTORNEY, Hogan & Hartson, Washington, DC; D. Michael Miller, LEAD ATTORNEY, American Electric Power, Columbus, OH; James F. Mauze, LEAD ATTORNEY, Ottsen, Mauze & Leggatt, St. Louis, MO; Jeffrey D. Cross, LEAD ATTORNEY, American Electric Power, Columbus, OH; Robert B. Wolinsky, LEAD ATTORNEY, Hogan & Hartson, Washington, DC; Steven J. Routh, LEAD ATTORNEY, Orrick Herrington & Sutcliffe, Washington, DC; Timothy Belz, LEAD ATTORNEY, Ottsen, Mauze & Leggatt, St. Louis, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Jonathon Abram, Hogan & Hartson, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stacy L. Williams, Locke Lord LLP, Houston, TX; William H. Johnson, Hogan & Hartson, Washington, DC.

For American Electric Power Company, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Amy M. Gallegos, LEAD ATTORNEY, Hogan & Hartson, Washington, DC; D. Michael Miller, LEAD ATTORNEY, American Electric Power, Columbus, OH; James F. Mauze, LEAD**[\*50]** ATTORNEY, Ottsen, Mauze & Leggatt, St. Louis, MO; Jeffrey D. Cross, LEAD ATTORNEY, American Electric Power, Columbus, OH; Robert B. Wolinsky, LEAD ATTORNEY, Hogan & Hartson, Washington, DC; Steven J. Routh, LEAD ATTORNEY, Orrick Herrington & Sutcliffe, Washington, DC; Timothy Belz, LEAD ATTORNEY, Ottsen, Mauze & Leggatt, St. Louis, MO; Jonathon Abram, Hogan & Hartson, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; William H. Johnson, Hogan & Hartson, Washington, DC.

For Aquila, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Charles A. Moore, LEAD ATTORNEY, Dewey & LeBoeuf LLP, Houston, TX; Khai LeQuang, LEAD ATTORNEY, PRO HAC VICE, Orrick, Herrington & Sutcliffe, LLP, Irvine, CA; Martin M. Loring, LEAD ATTORNEY, Blackwell, Sanders, Peper, Martin, Kansas City, MO; William Molinski, LEAD ATTORNEY, Orrick, Herrington & Sutcliffe, LLP, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Jared M. Katz, LeBoeuf Lamb Greene MacRae, LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Brian Bates, Defendant (2:03-cv-01431-RCJ-PAL):**[\*51]** Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Cantera Gas Company, Defendant (2:03-cv-01431-RCJ-PAL): Nitin Reddy, LEAD ATTORNEY, PRO HAC VICE, Sidley Austin LLP, Los Angeles, CA; James Pecht, Sidley Austin LLP, Los Angeles, CA; Mark E. Haddad, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Sherry A. Knutson, Tucker Ellis LLP, Chicago, IL; Steven A Ellis, Goodwin Procter LLP, Los Angeles, CA.

For Cantera Natural Gas, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Mark E. Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Cantera Resources, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Mark E. Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Centerpoint Energy Inc., Defendant (2:03-cv-01431-RCJ-PAL): Christopher J. Healey, LEAD**[\*52]** ATTORNEY, Luce, Forward, Hamilton & Scripps LLP, San Diego, CA; Heather L Peckham, LEAD ATTORNEY, Akin Gump Strauss Hauer & Feld LLP, Dallas, TX; Orrin L Harrison, LEAD ATTORNEY, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Terry Houlihan, LEAD ATTORNEY, Bingham McCutchen LLP, San Francisco, CA; Brian Butler, Stafford Rosenbaum LLP, Madison, WI; Brian I Cheng, Bingham McCutchen, Los Angeles, CA; Elizabeth S Parker, NA, Las Vegas, NV; Karen C Corallo, Akin Gump Strauss Hauer & Feld LLP, Dallas, TX; Mark A. James, Bullivant Houser Bailey, PC, Las Vegas, NV; Matthew E. Digby, Bingham McCutchen, Los Angeles, CA; Meg Vergeront, Stafford Rosenbaum LLP, Madison, WI; Reginald D. Steer, Akin Gump Strauss Hauer & Feld LLP, San Francisco, CA; Stephen R. Mick, Akin Gump Strauss Hauer & Feld, Dallas, TX; Walter L McInnis, Akin Gump Strauss Hauer & Feld LLP, Dallas, TX; William D. Taylor, Akin Gump Strauss Hauer & Feld LLP, Dallas, TX.

For CMS Energy Corporation, Defendant (2:03-cv-01431-RCJ-PAL): Glen G Reid, LEAD ATTORNEY, Jr., Wyatt, Tarrant & Combs, LLP, Memphis, TN; Mark E. Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, LEAD ATTORNEY, Sidley Austin LLP,**[\*53]** Los Angeles, CA; Nitin Reddy, LEAD ATTORNEY, PRO HAC VICE, Sidley Austin LLP, Los Angeles, CA; Robert E. Craddock, LEAD ATTORNEY, Jr., Wyatt, Tarrant & Combs, LLP, Memphis, TN; Steven A Ellis, LEAD ATTORNEY, Goodwin Procter LLP, Los Angeles, CA; David Gordon, Sidley Austin LLP, Chicago, IL; Frederic G. Berner, Jr., Washington, DC; Heather R. Skinazi, Sidley Austin LLP, Los Angeles, CA; James Pecht, Sidley Austin LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Sherry A. Knutson, Tucker Ellis LLP, Chicago, IL.

For CMS Energy Resources, Defendant (2:03-cv-01431-RCJ-PAL): Mark E. Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Frederic G. Berner, Jr., Washington, DC; Heather R. Skinazi, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For CMS Energy Resources Management Company, Defendant (2:03-cv-01431-RCJ-PAL): Mark E Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman,**[\*54]** LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Nitin Reddy, LEAD ATTORNEY, PRO HAC VICE, Sidley Austin LLP, Los Angeles, CA; Steven A Ellis, LEAD ATTORNEY, Goodwin Procter LLP, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; David Gordon, Sidley Austin LLP, Chicago, IL; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Stacy L. Williams, Locke Lord LLP, Houston, TX.

For CMS Enterprises Group, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Bradley C. Weber, Locke Lord LLP, Dallas, TX; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For CMS Field Services, Defendant (2:03-cv-01431-RCJ-PAL): Glen G Reid, LEAD ATTORNEY, Jr., Wyatt, Tarrant & Combs, LLP, Memphis, TN; Mark E. Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Robert E. Craddock, LEAD ATTORNEY, Jr., Wyatt, Tarrant & Combs, LLP, Memphis, TN; Steven A Ellis, LEAD ATTORNEY, Goodwin Procter LLP, Los Angeles, CA; Frederic G. Berner, Jr., Washington, DC; Graydon**[\*55]** Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Heather R. Skinazi, Sidley Austin LLP, Los Angeles, CA; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stacy L. Williams, Locke Lord LLP, Houston, TX.

For CMS Marketing, Service & Trading Company, Defendant (2:03-cv-01431-RCJ-PAL): Glen G Reid, LEAD ATTORNEY, Jr., Wyatt, Tarrant & Combs, LLP, Memphis, TN; Mark E. Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Robert E. Craddock, LEAD ATTORNEY, Jr., Wyatt, Tarrant & Combs, LLP, Memphis, TN; Frederic G. Berner, Jr., Washington, DC; Heather R. Skinazi, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Coral Energy Resources, LP, Defendant (2:03-cv-01431-RCJ-PAL): Bruce A. Schultz, LEAD ATTORNEY, Madison, WI; D. Neal Tomlinson, LEAD ATTORNEY, Snell & Wilmer L.L.P.,**[\*56]** Las Vegas, NV; James Richard Eiszner, LEAD ATTORNEY, Shook, Hardy & Bacon LLP, Kansas City, MO; Joshua D. Lichtman, LEAD ATTORNEY, Norton Rose Fulbright US LLP, Los Angeles, CA; Kristen Bird, LEAD ATTORNEY, Quinn Emanuel Urquhart Oliver & Hedges, LLP, Los Angeles, CA; Lori Renee Schultz, LEAD ATTORNEY, Shook Hardy & Bacon, Kansas City, MO; Marshall M Searcy, LEAD ATTORNEY, Quinn Emanuel Urquhart Oliver & Hedges LLP, Los Angeles, CA; Roxanna A Manuel, LEAD ATTORNEY, Kupferstein Manuel LLP, Los Angeles, CA; A. William Urquhart, Quinn Emanuel Urquhart Oliver & Hedges LLP, Los Angeles, CA; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Peter H. Mason, Fulbright & Jaworski, LLP, Los Angeles, CA; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stacy L. Williams, Locke Lord LLP, Houston, TX.

For Duke Energy, Defendant (2:03-cv-01431-RCJ-PAL): Bruno W Katz, LEAD ATTORNEY, Wilson Elser Moskowitz Edelman & Dicker LLP, San Diego, CA; Joel B.**[\*57]** Kleinman, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Lisa M Kaas, Blank Rome LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Duke Energy & Marketing, LLC, Defendant (2:03-cv-01431-RCJ-PAL): Bruno W Katz, LEAD ATTORNEY, Wilson Elser Moskowitz Edelman & Dicker LLP, San Diego, CA; Joel B. Kleinman, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Lisa M Kaas, Blank Rome LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Duke Energy Corporation, Defendant (2:03-cv-01431-RCJ-PAL): Adam S. Proujansky, LEAD ATTORNEY, Washington, DC; Bruno W Katz, LEAD ATTORNEY, Wilson Elser Moskowitz Edelman & Dicker LLP, San Diego, CA; Jerome T. Wolf, LEAD ATTORNEY, SNR Denton US LLP, Kansas City, MO; Joel B. Kleinman, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Lisa M Kaas, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Katrina June Lee, Nossaman, Gunthur, Knoy & Elliott, San Francisco, CA; Leslie H. Spiegel, Dickstein Shapiro Morin & Oshinsky, LLP, Washington, DC; Lisa M.R. Miller, Dickstein, Shapiro, Morin & Oshinsky, Washington,, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Scott Phillip**[\*58]** DeVries, Nossaman, Gunthur, Knoy & Elliott, San Francisco, CA.

For Duke Energy Field Services, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Bruno W Katz, LEAD ATTORNEY, Wilson Elser Moskowitz Edelman & Dicker LLP, San Diego, CA; Joel B. Kleinman, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Katrina June Lee, Nossaman, Gunthur, Knoy & Elliott, San Francisco, CA; Lisa M.R. Miller, Dickstein, Shapiro, Morin & Oshinsky, Washington,, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Scott Phillip DeVries, Nossaman, Gunthur, Knoy & Elliott, San Francisco, CA.

For Duke Energy North America, LLC, Defendant (2:03-cv-01431-RCJ-PAL): Bruno W Katz, LEAD ATTORNEY, Wilson Elser Moskowitz Edelman & Dicker LLP, San Diego, CA; Joel B. Kleinman, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Katrina June Lee, Nossaman, Gunthur, Knoy & Elliott, San Francisco, CA; Lisa M.R. Miller, Dickstein, Shapiro, Morin & Oshinsky, Washington,, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Scott Phillip DeVries, Nossaman, Gunthur, Knoy & Elliott, San Francisco, CA.

For Duke Energy Trading & Marketing, LLC, Defendant (2:03-cv-01431-RCJ-PAL): Adam S. Proujansky, LEAD ATTORNEY,**[\*59]** Washington, DC; Bruno W Katz, LEAD ATTORNEY, Wilson Elser Moskowitz Edelman & Dicker LLP, San Diego, CA; Jerome T. Wolf, LEAD ATTORNEY, SNR Denton US LLP, Kansas City, MO; Joel B. Kleinman, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Lisa M Kaas, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Clifford Joe Cavitt, Hurley, Burish & Stanton, S.C., Madison, WI; Douglas R. Tribble, Pillsbury Winthrop Shaw Pittman LLP, San Diego, CA; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Katrina June Lee, Nossaman, Gunthur, Knoy & Elliott, San Francisco, CA; Leslie H. Spiegel, Dickstein Shapiro Morin & Oshinsky, LLP, Washington, DC; Lisa M.R. Miller, Dickstein, Shapiro, Morin & Oshinsky, Washington,, DC; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Peter J Kadzik, Dickstein Shapiro LLP, Washington, DC; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Scott Phillip DeVries, Nossaman, Gunthur, Knoy & Elliott, San Francisco, CA; Stacy L. Williams, Locke Lord LLP, Houston, TX.

For Dynegy Holding Co., Inc., Defendant (2:03-cv-01431-RCJ-PAL):**[\*60]** Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Joseph A. Fischer, LEAD ATTORNEY, III, Jackson Walker L.L.P., Houston, TX; Michael J. Kass, LEAD ATTORNEY, VLP Law Group LLP, Oakland, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Douglas R. Tribble, Pillsbury Winthrop Shaw Pittman LLP, San Diego, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Dynegy Inc., Defendant (2:03-cv-01431-RCJ-PAL): Barry S. Hyman, LEAD ATTORNEY, Schiff Hardin LLP, Chicago, IL; David T. Moran, LEAD ATTORNEY, PRO HAC VICE, Jackson Walker LLP, Dallas, TX; Douglas R. Tribble, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman LLP, San Diego, CA; Edwin M. Buffmire, LEAD ATTORNEY, Jackson Walker LLP, Dallas, TX; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; John M. Grenfell, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman LLP, San Francisco, CA; Joseph A. Fischer, LEAD ATTORNEY, III, Jackson Walker L.L.P., Houston, TX; Michael J. Kass, LEAD ATTORNEY, VLP Law Group LLP, Oakland, CA; Samantha C. Norris, LEAD ATTORNEY, Schiff Hardin LLP, Chicago, IL; William M. Hannay, LEAD ATTORNEY, Schiff Hardin LLP, Chicago, IL; Michael J Modl, PRO HAC VICE, Madison,**[\*61]** WI; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Steven M. Streck, Axley Brynelson, Madison, WI.

For Dynegy Inc. Holding Company, Defendant (2:03-cv-01431-RCJ-PAL): Douglas R. Tribble, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman LLP, San Diego, CA; John M. Grenfell, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman LLP, San Francisco, CA; Joseph A. Fischer, LEAD ATTORNEY, III, Jackson Walker L.L.P., Houston, TX; Michael J. Kass, LEAD ATTORNEY, VLP Law Group LLP, Oakland, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Dynegy Marketing & Trade, Defendant (2:03-cv-01431-RCJ-PAL): Barry S. Hyman, LEAD ATTORNEY, Schiff Hardin LLP, Chicago, IL; David T. Moran, LEAD ATTORNEY, PRO HAC VICE, Jackson Walker LLP, Dallas, TX; Douglas R. Tribble, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman LLP, San Diego, CA; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; John M. Grenfell, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman LLP, San Francisco, CA; Joseph A. Fischer, LEAD ATTORNEY, III, Jackson Walker L.L.P., Houston, TX; Michael J. Kass, LEAD ATTORNEY, VLP Law Group LLP, Oakland, CA; Samantha C. Norris, LEAD ATTORNEY, Schiff**[\*62]** Hardin LLP, Chicago, IL; William M. Hannay, LEAD ATTORNEY, Schiff Hardin LLP, Chicago, IL; Edwin M. Buffmire, Jackson Walker LLP, Dallas, TX; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Joel B. Kleinman, Blank Rome LLP, Washington, DC; John S. Golwen, Bass Berry & Sims, PC, Memphis, TN; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Michael J Modl, PRO HAC VICE, Madison, WI; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Stacy L. Williams, Locke Lord LLP, Houston, TX; Steven M. Streck, Axley Brynelson, Madison, WI.

For Dynegy Power Marketing, Inc., Defendant (2:03-cv-01431-RCJ-PAL): David T. Moran, LEAD ATTORNEY, PRO HAC VICE, Jackson Walker LLP, Dallas, TX; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Joseph A. Fischer, LEAD ATTORNEY, III, Jackson Walker L.L.P., Houston, TX; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Douglas R. Tribble, Pillsbury Winthrop Shaw Pittman LLP, San Diego, CA; Edwin M. Buffmire, Jackson Walker LLP, Dallas, TX; Michael J. Kass, VLP Law Group LLP, Oakland, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For e prime Inc., Defendant**[\*63]** (2:03-cv-01431-RCJ-PAL): David Len Bryant, LEAD ATTORNEY, GableGotwals, Tulsa, OK; Jodi K Stanfield, LEAD ATTORNEY, Los Angeles, CA; David T. Peterson, Morgan Lewis & Bockius, Los Angeles, CA; Franz Hardy, White & Steele, PC, Denver, CO; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Joel B. Kleinman, Blank Rome LLP, Washington, DC; John M Palmeri, Gordon & Rees LLP, Denver, CO; Joseph Duffy, Morgan Lewis & Bockius, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Michael C. Lieb, Morgan Lewis & Bockius LLP, Los Angeles, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Michael J Modl, PRO HAC VICE, Madison, WI; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stacy L. Williams, Locke Lord LLP, Houston, TX; Steven M. Streck, Axley Brynelson, Madison, WI.

For El Paso Corporation, Defendant (2:03-cv-01431-RCJ-PAL): Bradley C. Weber, LEAD ATTORNEY, Locke Lord LLP, Dallas, TX; Martin M. Loring, LEAD ATTORNEY, Blackwell, Sanders, Peper, Martin, Kansas City, MO; P. Russell Perdew, LEAD**[\*64]** ATTORNEY, Locke Lord, LLP, Chicago, IL; Paul Howard Morris, LEAD ATTORNEY, Martin Tate Morrow & Marston, Memphis, TN; Paul R. Norman, LEAD ATTORNEY, Boardman, Suhr, Curry & Field LLP, Madison, WI; Stacy L. Williams, LEAD ATTORNEY, Locke Lord LLP, Houston, TX; Diane E. Pritchard, Morrison & Foerster, San Francisco, CA; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Shea Sisk Wellford, Martin Tate Morrow & Marston, Memphis, TN; Steven M. Kaufmann, Morrison & Foerster LLP, Denver, CO; Stuart Plunkett, Morrison & Foerster, San Francisco, CA.

For El Paso Marketing, LP, Defendant (2:03-cv-01431-RCJ-PAL): Bradley C. Weber, LEAD ATTORNEY, Locke Lord LLP, Dallas, TX; P. Russell Perdew, LEAD ATTORNEY, Locke Lord, LLP, Chicago, IL; Paul R. Norman, LEAD ATTORNEY, Boardman, Suhr, Curry & Field LLP, Madison, WI; Diane E. Pritchard, Morrison & Foerster, San Francisco, CA; Donald Schultz, Holland & Hart, Cheyenne, WY; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Joel B. Kleinman, Blank Rome LLP, Washington,**[\*65]** DC; Linda M. Bullen, Lionel, Sawyer & Collins, Las Vegas, NV; Michael Daniel Smith Holland & Hart PO Box 1347 Cheyenne, Wy 82003-1347 Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stacy L. Williams, Locke Lord LLP, Houston, TX.

For El Paso Merchant, Defendant (2:03-cv-01431-RCJ-PAL): Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For El Paso Merchant Energy Company, Defendant (2:03-cv-01431-RCJ-PAL): Paul Howard Morris, LEAD ATTORNEY, Martin Tate Morrow & Marston, Memphis, TN; Diane E. Pritchard, Morrison & Foerster, San Francisco, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Shea Sisk Wellford, Martin Tate Morrow & Marston, Memphis, TN; Stuart Plunkett, Morrison & Foerster, San Francisco, CA.

For El Paso Merchant Energy Holding Co., Defendant (2:03-cv-01431-RCJ-PAL): Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For El Paso Merchant Energy LP, Defendant (2:03-cv-01431-RCJ-PAL): Bradley C. Weber, LEAD ATTORNEY, Locke Lord LLP, Dallas, TX; David E. Harrell, LEAD ATTORNEY, Jr., Locke Lord, Houston, TX; Paul Howard**[\*66]** Morris, LEAD ATTORNEY, Martin Tate Morrow & Marston, Memphis, TN; Scarlett Collings, LEAD ATTORNEY, Locke Lord LLP, Houston, TX; Diane E. Pritchard, Morrison & Foerster, San Francisco, CA; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Shea Sisk Wellford, Martin Tate Morrow & Marston, Memphis, TN; Steven M. Kaufmann, Morrison & Foerster LLP, Denver, CO; Stuart Plunkett, Morrison & Foerster, San Francisco, CA.

For El Paso Merchant Energy-Gas LP, Defendant (2:03-cv-01431-RCJ-PAL): Joel B. Kleinman, Blank Rome LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For El Paso Mojave Pipeline Co., Defendant (2:03-cv-01431-RCJ-PAL): Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For El Paso Natural Gas Company, Defendant (2:03-cv-01431-RCJ-PAL): Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For El Paso Pipeline, Defendant (2:03-cv-01431-RCJ-PAL): Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For El Paso Tennesse Pipeline Company, Defendant (2:03-cv-01431-RCJ-PAL):**[\*67]** Bradley C. Weber, Locke Lord LLP, Dallas, TX; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Encana Corporation, Defendant (2:03-cv-01431-RCJ-PAL): Bruno W Katz, LEAD ATTORNEY, Wilson Elser Moskowitz Edelman & Dicker LLP, San Diego, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Diane McGimsey, Sullivan & Cromwell LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Robert A. Sacks, PRO HAC VICE, Sullivan & Cromwell LLP, Los Angeles, CA.

For Encana Energy Services, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Bradley C. Weber, Locke Lord LLP, Dallas, TX; Diane McGimsey, Sullivan & Cromwell LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Robert A. Sacks, PRO HAC VICE, Sullivan & Cromwell LLP, Los Angeles, CA.

For EPNG Mojave, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Bradley C. Weber, Locke Lord LLP, Dallas, TX; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Mojave Pipeline Company, Defendant (2:03-cv-01431-RCJ-PAL): Bradley C. Weber, Locke Lord LLP, Dallas, TX; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Mojave Pipeline Operating**[\*68]** Company, Defendant (2:03-cv-01431-RCJ-PAL): Bradley C. Weber, Locke Lord LLP, Dallas, TX; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Oneok Energy Marketing & Trading Company, LP, Defendant (2:03-cv-01431-RCJ-PAL): David Len Bryant, LEAD ATTORNEY, GableGotwals, Tulsa, OK; Oliver S Howard, LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; Amelia A Fogleman, Gable & Gotwals, Tulsa, OK; Craig A. Fitzgerald, PRO HAC VICE, Gable Gotwals, Tulsa, OK; Daniel D. Crabtree, Stinson Morrison Hecker, LLP, Overland Park, KS; David S Steefel, Holme Roberts & Owen LLP, Denver, CO; Gregory T Everts, Quarles & Brady LLP, Madison, WI; James W. Richgels, Quarles & Brady, LLP, Madison, WI; Jef Feibelman, Burch, Porter & Johnson, PLLC, Memphis, Te; John Henry Rule, Gable & Gotwals, Tulsa, OK; Kelly H Twigger, Quarles & Brady LLP, Milwaukee, WI; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Mason G Patterson, Gable & Gotwals, Tulsa, OK; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Oneok, Inc., Defendant (2:03-cv-01431-RCJ-PAL): David Len Bryant, LEAD ATTORNEY, GableGotwals, Tulsa, OK; Oliver S Howard, LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; Scott**[\*69]** R. Rowland, LEAD ATTORNEY, GableGotwals, Tulsa, OK; Amelia A Fogleman, Gable & Gotwals, Tulsa, OK; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Craig A. Fitzgerald, PRO HAC VICE, Gable Gotwals, Tulsa, OK; Daniel D. Crabtree, Stinson Morrison Hecker, LLP, Overland Park, KS; David S Steefel, Holme Roberts & Owen LLP, Denver, CO; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Gregory T Everts, Quarles & Brady LLP, Madison, WI; James W. Richgels, Quarles & Brady, LLP, Madison, WI; Jef Feibelman, Burch, Porter & Johnson, PLLC, Memphis, Te; Joel B. Kleinman, Blank Rome LLP, Washington, DC; John Henry Rule, Gable & Gotwals, Tulsa, OK; Kelly H Twigger, Quarles & Brady LLP, Milwaukee, WI; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Mason G Patterson, Gable & Gotwals, Tulsa, OK; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stacy L. Williams, Locke Lord LLP, Houston, TX.

For RRI Energy Services, Inc., formerly known as Reliant Energy Services, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Amy E. Tabor, LEAD ATTORNEY, Baker Botts, LLP,**[\*70]** Houston, TX; Christopher J. Healey, LEAD ATTORNEY, Luce, Forward, Hamilton & Scripps LLP, San Diego, CA; D. Neal Tomlinson, LEAD ATTORNEY, Snell & Wilmer L.L.P., Las Vegas, NV; Jefferson Gregory Copeland, LEAD ATTORNEY, Houston, TX; Jeffrey D Wexler, LEAD ATTORNEY, Luce Forward Hamilton & Scripps, San Diego, CA; Mark R Robeck, LEAD ATTORNEY, Kelley Drye & Warren LLP, Washington, DC; Terry Houlihan, LEAD ATTORNEY, Bingham McCutchen LLP, San Francisco, CA; W. James Foland, LEAD ATTORNEY, Foland, Wickens, Eisfelder, Roper & Hofer, P.C., Kansas City, MO; Brian I Cheng, Bingham McCutchen, Los Angeles, CA; Douglas M. Poland, LaFollette, Godfrey & Kahn, Madison, WI; Elizabeth S Parker, NA, Las Vegas, NV; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Jennifer Cotner, Madison, WI; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joseph P. Hardy, Gordon & Rees LLP, Las Vegas, NV; Mark A. James, Bullivant Houser Bailey, PC, Las Vegas, NV; Matthew E. Digby, Bingham McCutchen, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick,**[\*71]** Gable, Golden & Nelson, P.C., Tulsa, OK; Stacy L. Williams, Locke Lord LLP, Houston, TX.

For Reliant Energy, Inc., Defendant (2:03-cv-01431-RCJ-PAL): D. Neal Tomlinson, LEAD ATTORNEY, Snell & Wilmer L.L.P., Las Vegas, NV; Mark R Robeck, LEAD ATTORNEY, Kelley Drye & Warren LLP, Washington, DC; W. James Foland, LEAD ATTORNEY, Foland, Wickens, Eisfelder, Roper & Hofer, P.C., Kansas City, MO; Amy E. Tabor, Baker Botts, LLP, Houston, TX; Brian I Cheng, Bingham McCutchen, Los Angeles, CA; Christopher J. Healey, Luce, Forward, Hamilton & Scripps LLP, San Diego, CA; Douglas M. Poland, LaFollette, Godfrey & Kahn, Madison, WI; Elizabeth S Parker, NA, Las Vegas, NV; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jefferson Gregory Copeland, Houston, TX; Jeffrey D Wexler, Luce Forward Hamilton & Scripps, San Diego, CA; Jennifer Cotner, Madison, WI; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joseph P. Hardy, Gordon & Rees LLP, Las Vegas, NV; Mark A. James, Bullivant Houser Bailey, PC, Las Vegas, NV; Matthew E. Digby, Bingham McCutchen, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Steven A. Heinzen, Godfrey & Kahn, S.C., Madison, WI; Terry Houlihan,**[\*72]** Bingham McCutchen LLP, San Francisco, CA.

For Reliant Resources, Inc, Defendant (2:03-cv-01431-RCJ-PAL): D. Neal Tomlinson, LEAD ATTORNEY, Snell & Wilmer L.L.P., Las Vegas, NV; Mark R Robeck, LEAD ATTORNEY, Kelley Drye & Warren LLP, Washington, DC; Amy E. Tabor, Baker Botts, LLP, Houston, TX; Brian I Cheng, Bingham McCutchen, Los Angeles, CA; Douglas M. Poland, LaFollette, Godfrey & Kahn, Madison, WI; Elizabeth S Parker, NA, Las Vegas, NV; Jefferson Gregory Copeland, Houston, TX; Jeffrey D Wexler, Luce Forward Hamilton & Scripps, San Diego, CA; Joseph P. Hardy, Gordon & Rees LLP, Las Vegas, NV; Mark A. James, Bullivant Houser Bailey, PC, Las Vegas, NV; Matthew E. Digby, Bingham McCutchen, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Steven A. Heinzen, Godfrey & Kahn, S.C., Madison, WI; Terry Houlihan, Bingham McCutchen LLP, San Francisco, CA.

For San Diego Gas & Electric, Defendant (2:03-cv-01431-RCJ-PAL): J. Randall Jones, LEAD ATTORNEY, Harrison, Kemp & Jones, LLP, Las Vegas, NV; Richard P. Levy, LEAD ATTORNEY, Gibson, Dunn & Crutcher LLP, Los Angeles, CA; Jennifer Dorsey, Kemp, Jones & Coulthard, LLP, Las Vegas, NV; Orrin L Harrison, III, Gruber**[\*73]** Hurst Johansen Hail Shank, Dallas, TX.

For Sempra Energy, Defendant (2:03-cv-01431-RCJ-PAL): Alan Z. Yudkowsky, LEAD ATTORNEY, Stroock & Stroock & Lavan LLP, Los Angeles, CA; J. Randall Jones, LEAD ATTORNEY, Harrison, Kemp & Jones, LLP, Las Vegas, NV; Peter F. Jazayeri, LEAD ATTORNEY, Stroock & Stroock & Lavan LLP, Los Angeles, CA; Richard P. Levy, LEAD ATTORNEY, Gibson, Dunn & Crutcher LLP, Los Angeles, CA; Jennifer Dorsey, Kemp, Jones & Coulthard, LLP, Las Vegas, NV; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Sempra Energy Corp., Defendant (2:03-cv-01431-RCJ-PAL): J. Randall Jones, LEAD ATTORNEY, Harrison, Kemp & Jones, LLP, Las Vegas, NV; Richard P. Levy, LEAD ATTORNEY, Gibson, Dunn & Crutcher LLP, Los Angeles, CA; William R. Urga, LEAD ATTORNEY, Jolley Urga Woodbury & Little, Las Vegas, NV; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Jennifer Dorsey, Kemp, Jones & Coulthard, LLP, Las Vegas, NV; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Sempra Energy Trading Corp., Defendant (2:03-cv-01431-RCJ-PAL): Alan Z. Yudkowsky, LEAD ATTORNEY, Stroock & Stroock & Lavan LLP, Los Angeles, CA; Brian J. Nese, LEAD ATTORNEY, Stroock &**[\*74]** Stroock & Lavan LLP, Los Angeles, CA; J. Randall Jones, LEAD ATTORNEY, Harrison, Kemp & Jones, LLP, Las Vegas, NV; Peter F. Jazayeri, LEAD ATTORNEY, Stroock & Stroock & Lavan LLP, Los Angeles, CA; William R. Urga, LEAD ATTORNEY, Jolley Urga Woodbury & Little, Las Vegas, NV; Jennifer Dorsey, Kemp, Jones & Coulthard, LLP, Las Vegas, NV; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Southern California Gas Company, Defendant (2:03-cv-01431-RCJ-PAL): J. Randall Jones, LEAD ATTORNEY, Harrison, Kemp & Jones, LLP, Las Vegas, NV; Richard P. Levy, LEAD ATTORNEY, Gibson, Dunn & Crutcher LLP, Los Angeles, CA; Jennifer Dorsey, Kemp, Jones & Coulthard, LLP, Las Vegas, NV; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For WD Energy Services, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Bradley C. Weber, Locke Lord LLP, Dallas, TX; Diane McGimsey, Sullivan & Cromwell LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Robert A. Sacks, PRO HAC VICE, Sullivan & Cromwell LLP, Los Angeles, CA.

For West Coast Power LLC, Defendant (2:03-cv-01431-RCJ-PAL): Douglas R. Tribble, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman**[\*75]** LLP, San Diego, CA; John M. Grenfell, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman LLP, San Francisco, CA; Michael J. Kass, LEAD ATTORNEY, VLP Law Group LLP, Oakland, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Williams Companies, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Brent Dwerlkotte, LEAD ATTORNEY, Shook Hardy & Bacon, Kansas City, MO; John Ryan McCambridge, LEAD ATTORNEY, PRO HAC VICE, Shook Hardy & Bacon, L.L.P., Chicago, IL; Stacey R. Gilman, LEAD ATTORNEY, Berkowitz, Oliver, Williams, Shaw & Eisenbrandt, LLP, Kansas City, MO; Steven D. Soden, LEAD ATTORNEY, PRO HAC VICE, Shook, Hardy & Bacon, Kansas City, MO; Tammy Webb, LEAD ATTORNEY, PRO HAC VICE, Shook Hardy & Bacon LLP, San Francisco, CA; Thomas P. Schult, LEAD ATTORNEY, Berkowitz, Oliver, Williams, Shaw & Eisenbrandt, LLP, Kansas City, MO; Tristan L Duncan, LEAD ATTORNEY, Shook Hardy & Bacon, Kansas City, MO; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brandon B Rule, Hall Estill, Tulsa, OK; Craig A. Fitzgerald, PRO HAC VICE, Gable Gotwals, Tulsa, OK; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa,**[\*76]** OK; Heather L. Cupp, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Jeffrey M. Shohet, DLA Piper Rudnick Gray Cary US LLP, San Diego, CA; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Mark H. Hamer, Piper Rudnick Gray Cary, San Diego, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Nancy L. Stagg, DLA Piper Rudnick Gray Cary US LLP, San Diego, CA; Noah A. Katsell, San Diego, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stacy L. Williams, Locke Lord LLP, Houston, TX; Stanley J. Panikowski, DLA Piper Rudnick Gray Cary US LLP, San Diego, CA; Stephanie A. Horton, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stuart G Mondschein, Wheeler, Van Sickle & Anderson, S.C., Madison, WI.

For Williams Energy Marketing & Trading Company, Defendant (2:03-cv-01431-RCJ-PAL): Stacey R. Gilman, LEAD ATTORNEY, Berkowitz, Oliver, Williams, Shaw & Eisenbrandt, LLP, Kansas City, MO; Thomas P. Schult, LEAD ATTORNEY, Berkowitz, Oliver, Williams, Shaw & Eisenbrandt, LLP, Kansas City, MO; Amy Pepke, Armstrong Allen, PLLC, Memphis, TN; Brandon B Rule,**[\*77]** Hall Estill, Tulsa, OK; Brian S. Faughnan, Armstrong Allen, PLLC, Memphis, TN; Cannon F. Allen, Armstrong Allen, PLLC, Memphis, TN; Craig A. Fitzgerald, PRO HAC VICE, Gable Gotwals, Tulsa, OK; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Heather L. Cupp, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Jeffrey M. Shohet, DLA Piper Rudnick Gray Cary US LLP, San Diego, CA; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Mark H. Hamer, Piper Rudnick Gray Cary, San Diego, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Nancy L. Stagg, DLA Piper Rudnick Gray Cary US LLP, San Diego, CA; Noah A. Katsell, San Diego, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stacy L. Williams, Locke Lord LLP, Houston, TX; Stanley J. Panikowski, DLA Piper Rudnick Gray Cary US LLP, San Diego, CA; Stephanie A. Horton, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stuart G Mondschein, Wheeler, Van Sickle & Anderson, S.C., Madison, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Williams Energy**[\*78]** Services Company, Defendant (2:03-cv-01431-RCJ-PAL): Craig A. Fitzgerald, PRO HAC VICE, Gable Gotwals, Tulsa, OK; Jeffrey M. Shohet, DLA Piper Rudnick Gray Cary US LLP, San Diego, CA; Mark H. Hamer, Piper Rudnick Gray Cary, San Diego, CA; Nancy L. Stagg, DLA Piper Rudnick Gray Cary US LLP, San Diego, CA; Noah A. Katsell, San Diego, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stanley J. Panikowski, DLA Piper Rudnick Gray Cary US LLP, San Diego, CA.

For Williams Merchant Services Company, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Stacey R. Gilman, LEAD ATTORNEY, Berkowitz, Oliver, Williams, Shaw & Eisenbrandt, LLP, Kansas City, MO; Thomas P. Schult, LEAD ATTORNEY, Berkowitz, Oliver, Williams, Shaw & Eisenbrandt, LLP, Kansas City, MO; Brandon B Rule, Hall Estill, Tulsa, OK; Craig A. Fitzgerald, PRO HAC VICE, Gable Gotwals, Tulsa, OK; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Heather L. Cupp, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Jeffrey M. Shohet, DLA Piper Rudnick Gray Cary US LLP, San Diego, CA; Joel**[\*79]** B. Kleinman, Blank Rome LLP, Washington, DC; Mark H. Hamer, Piper Rudnick Gray Cary, San Diego, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Nancy L. Stagg, DLA Piper Rudnick Gray Cary US LLP, San Diego, CA; Noah A. Katsell, San Diego, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stacy L. Williams, Locke Lord LLP, Houston, TX; Stanley J. Panikowski, DLA Piper Rudnick Gray Cary US LLP, San Diego, CA; Stephanie A. Horton, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stuart G Mondschein, Wheeler, Van Sickle & Anderson, S.C., Madison, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Williams Power, Defendant (2:03-cv-01431-RCJ-PAL): Brandon B Rule, Hall Estill, Tulsa, OK; Craig A. Fitzgerald, PRO HAC VICE, Gable Gotwals, Tulsa, OK; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Heather L. Cupp, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Mark H. Hamer, Piper Rudnick Gray Cary, San Diego, CA; Noah A. Katsell, San**[\*80]** Diego, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stephanie A. Horton, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stuart G Mondschein, Wheeler, Van Sickle & Anderson, S.C., Madison, WI.

For Xcel Energy Inc., Defendant (2:03-cv-01431-RCJ-PAL): David Len Bryant, LEAD ATTORNEY, GableGotwals, Tulsa, OK; Jodi K Stanfield, LEAD ATTORNEY, Los Angeles, CA; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; David T. Peterson, Morgan Lewis & Bockius, Los Angeles, CA; Joel B. Kleinman, Blank Rome LLP, Washington, DC; John M Palmeri, Gordon & Rees LLP, Denver, CO; Joseph Duffy, Morgan Lewis & Bockius, Los Angeles, CA; Michael C. Lieb, Morgan Lewis & Bockius LLP, Los Angeles, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Michael J Modl, PRO HAC VICE, Madison, WI; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stacy L. Williams, Locke Lord LLP, Houston, TX; Steven M. Streck, Axley Brynelson, Madison, WI.

For Kathleen**[\*81]** M. Zanaboni, Defendant (2:03-cv-01431-RCJ-PAL): D. Neal Tomlinson, LEAD ATTORNEY, Snell & Wilmer L.L.P., Las Vegas, NV; Brian J. O'Neill, Santa Monica, CA, pro hac vice, O'Neill & Sun; Christopher J. Healey, Luce, Forward, Hamilton & Scripps LLP, San Diego, CA; Elizabeth S Parker, NA, Las Vegas, NV; Jefferson Gregory Copeland, Houston, TX; Jeffrey D Wexler, Luce Forward Hamilton & Scripps, San Diego, CA; Luan K. Phan, Paz & Phan, Los Angeles, CA; Mark A. James, Bullivant Houser Bailey, PC, Las Vegas, NV; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Aquila Merchant Services, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Charles A. Moore, LEAD ATTORNEY, Dewey & LeBoeuf LLP, Houston, TX; Khai LeQuang, LEAD ATTORNEY, PRO HAC VICE, Orrick, Herrington & Sutcliffe, LLP, Irvine, CA; Martin M. Loring, LEAD ATTORNEY, Blackwell, Sanders, Peper, Martin, Kansas City, MO; Susan G. Kupfer, LEAD ATTORNEY, Glancy Binkow & Goldberg, LLP, San Francisco, CA; Sylvie K. Kern, LEAD ATTORNEY, Glancy Binkow & Goldberg, San Francisco, CA; William Molinski, LEAD ATTORNEY, Orrick, Herrington & Sutcliffe, LLP, Los Angeles, CA; Bradley**[\*82]** C. Weber, Locke Lord LLP, Dallas, TX; Jared M. Katz, LeBoeuf Lamb Greene MacRae, LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Western Gas Resources, Inc., Defendant (2:03-cv-01431-RCJ-PAL): James E Scarboro, LEAD ATTORNEY, Arnold & Porter LLP, Denver, CO; Jessica Brody, LEAD ATTORNEY, Arnold & Porter, Denver, CO; Matthew Douglas, Arnold & Porter, Denver, CO; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Kansas Gas Marketing Company, Defendant (2:03-cv-01431-RCJ-PAL): Oliver S Howard, LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; Amelia A Fogleman, Gable & Gotwals, Tulsa, OK; Craig A. Fitzgerald, PRO HAC VICE, Gable Gotwals, Tulsa, OK; Jef Feibelman, Burch, Porter & Johnson, PLLC, Memphis, Te; Joel B. Kleinman, Blank Rome LLP, Washington, DC; John Henry Rule, Gable & Gotwals, Tulsa, OK; Mason G Patterson, Gable & Gotwals, Tulsa, OK; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Stacy L. Williams, Locke Lord LLP, Houston, TX.

For OneOK Energy Services Company, L.P., Defendant (2:03-cv-01431-RCJ-PAL): Amelia A Fogleman, LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; David Len Bryant, LEAD ATTORNEY,**[\*83]** GableGotwals, Tulsa, OK; Oliver S Howard, LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; Scott R. Rowland, LEAD ATTORNEY, GableGotwals, Tulsa, OK; Thomas F Reese, LEAD ATTORNEY, Brown, Drew & Massey, LLP, Casper, WY; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Craig A. Fitzgerald, PRO HAC VICE, Gable Gotwals, Tulsa, OK; Daniel D. Crabtree, Stinson Morrison Hecker, LLP, Overland Park, KS; David S Steefel, Holme Roberts & Owen LLP, Denver, CO; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Gregory T Everts, Quarles & Brady LLP, Madison, WI; James W. Richgels, Quarles & Brady, LLP, Madison, WI; Jef Feibelman, Burch, Porter & Johnson, PLLC, Memphis, Te; Joel B. Kleinman, Blank Rome LLP, Washington, DC; John Henry Rule, Gable & Gotwals, Tulsa, OK; Kelly H Twigger, Quarles & Brady LLP, Milwaukee, WI; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stacy L. Williams, Locke Lord LLP, Houston, TX; Thomas Kirby, Gable & Gotwals, Tulsa, OK.

For CMS Energy Corp., Defendant (2:03-cv-01431-RCJ-PAL): Nitin Reddy, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles,**[\*84]** CA.

For Cantera Gas Company, Defendant (2:03-cv-01431-RCJ-PAL): Nitin Reddy, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA.

For CMS Energy Resources Management Co., Defendant (2:03-cv-01431-RCJ-PAL): Nitin Reddy, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA.

For e prime, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA.

For CMS Marketing Services & Trading Company, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Mark E Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; David Gordon, Sidley Austin LLP, Chicago, IL; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago,**[\*85]** IL; Glen G Reid, Jr., Wyatt, Tarrant & Combs, LLP, Memphis, TN; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Center Point Energy, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Heather L Peckham, LEAD ATTORNEY, Akin Gump Strauss Hauer & Feld LLP, Dallas, TX; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool**[\*86]** Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan,**[\*87]** Shook Hardy & Bacon, Kansas City, MO; Walter L McInnis, Akin Gump Strauss Hauer & Feld LLP, Dallas, TX.

For Northern States Power Company, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Michael John Miguel, LEAD ATTORNEY, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joseph Duffy, Morgan Lewis & Bockius, Los Angeles, CA; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C.,**[\*88]** Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael J Modl, PRO HAC VICE, Madison, WI; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Stacy L. Williams, Locke Lord LLP, Houston, TX; Steven M. Streck, Axley Brynelson, Madison, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Cantera Gas Company, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Mark E Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; David Gordon, Sidley Austin LLP, Chicago, IL; Diane R. Hazel, Lewis Roca Rothgerber Christie**[\*89]** LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For CMS Energy, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Mark E Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, LEAD ATTORNEY, Sidley**[\*90]** Austin LLP, Los Angeles, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; David Gordon, Sidley Austin LLP, Chicago, IL; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli**[\*91]** P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Steven A Ellis, Goodwin Procter LLP, Los Angeles, CA; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Duke Energy Carolinas, LLC, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Joel B. Kleinman, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Lisa M Kaas, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Clifford Joe Cavitt, Hurley, Burish & Stanton, S.C., Madison, WI; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Marie A. Stanton, Madison, WI;**[\*92]** Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Dynegy GP Inc DMT Holding, LP, Defendant (2:03-cv-01431-RCJ-PAL): Douglas R. Tribble, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman LLP, San Diego, CA; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Joseph A. Fischer, LEAD ATTORNEY, III, Jackson Walker L.L.P., Houston, TX; Michael J. Kass, LEAD ATTORNEY, VLP Law Group LLP, Oakland, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles,**[\*93]** CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Michael J Modl, PRO HAC VICE, Madison, WI; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stacy L. Williams, Locke Lord LLP, Houston, TX; Steven M. Streck, Axley Brynelson, Madison, WI; Tristan**[\*94]** L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For El Paso Marketing, LP, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Paul R. Norman, LEAD ATTORNEY, Boardman, Suhr, Curry & Field LLP, Madison, WI; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Diane E. Pritchard, Morrison & Foerster, San Francisco, CA; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley**[\*95]** Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Scarlett Collings, Locke Lord LLP, Houston, TX; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Dynegy GP Inc., Defendant (2:03-cv-01431-RCJ-PAL): David T. Moran, LEAD ATTORNEY, PRO HAC VICE, Jackson Walker LLP, Dallas, TX; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Joseph A. Fischer, LEAD ATTORNEY, III, Jackson Walker L.L.P., Houston, TX; Michael J. Kass, LEAD ATTORNEY, VLP Law Group LLP, Oakland, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille**[\*96]** Bacon, Polsinelli PC, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Steven M. Streck, Axley Brynelson, Madison, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO; Douglas R. Tribble, Pillsbury Winthrop Shaw Pittman LLP, San Diego, CA.

For Centerpoint Energy Services, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Heather L Peckham, LEAD ATTORNEY, Akin Gump Strauss Hauer & Feld LLP, Dallas, TX; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna**[\*97]** K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Meg Vergeront, Stafford Rosenbaum LLP, Madison, WI; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan**[\*98]** Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO; Walter L McInnis, Akin Gump Strauss Hauer & Feld LLP, Dallas, TX.

For CMS Energy Resource Management Company, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Mark E Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Nitin Reddy, LEAD ATTORNEY, PRO HAC VICE, Sidley Austin LLP, Los Angeles, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; James Pecht, Sidley Austin LLP, Los Angeles, CA; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua**[\*99]** D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Michelle B Goodman, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Sherry A. Knutson, Tucker Ellis LLP, Chicago, IL; Steven A Ellis, Goodwin Procter LLP, Los Angeles, CA; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Dynegy Illinois Inc., Defendant (2:03-cv-01431-RCJ-PAL): Douglas R. Tribble, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman LLP, San Diego, CA; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Joseph A. Fischer, LEAD ATTORNEY, III, Jackson Walker L.L.P., Houston, TX; Michael J. Kass, LEAD ATTORNEY, VLP Law**[\*100]** Group LLP, Oakland, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Steven M. Streck, Axley Brynelson,**[\*101]** Madison, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For DMT G.Pg. LLC, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Joseph A. Fischer, LEAD ATTORNEY, III, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael J. Kass, VLP Law Group LLP, Oakland, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC,**[\*102]** Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Xcel Energy Inc., Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph**[\*103]** A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Northern States Power Company, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald,**[\*104]** Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For AEP Energy Services, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles,**[\*105]** CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Robert B. Wolinsky, Hogan & Hartson, Washington, DC; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr.,**[\*106]** Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For American Electric Power Company, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik,**[\*107]** Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Robert B. Wolinsky, Hogan & Hartson, Washington, DC; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Cantera Gas Company, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC,**[\*108]** Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Centerpoint Energy Services, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Orrin L Harrison, LEAD ATTORNEY, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver,**[\*109]** CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Duke Energy Carolinas, LLC, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan**[\*110]** PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Lisa M Kaas, Blank Rome LLP, Washington, DC; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas,**[\*111]** Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Duke Energy Trading & Marketing, LLC, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Joel B. Kleinman, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Lisa M Kaas, Blank Rome LLP, Washington, DC; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein,**[\*112]** Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For E Prime Inc, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton**[\*113]** Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For El Paso Corporation, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver,**[\*114]** CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Scarlett Collings, Locke Lord LLP, Houston, TX; Stacy L. Williams, Locke Lord LLP, Houston, TX; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

**[\*115]**For El Paso Marketing LP, Defendant (2:03-cv-01431-RCJ-PAL): David E. Harrell, LEAD ATTORNEY, Jr., Locke Lord, Houston, TX; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin**[\*116]** Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Scarlett Collings, Locke Lord LLP, Houston, TX; Stacy L. Williams, Locke Lord LLP, Houston, TX; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Reliant Energy, Inc., Defendant (2:03-cv-01431-RCJ-PAL): D. Neal Tomlinson, LEAD ATTORNEY, Snell & Wilmer L.L.P., Las Vegas, NV; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer**[\*117]** Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Reliant Energy Services, Defendant (2:03-cv-01431-RCJ-PAL): D. Neal Tomlinson, LEAD ATTORNEY, Snell & Wilmer L.L.P., Las Vegas, NV; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Mark R Robeck, LEAD ATTORNEY, Kelley Drye & Warren LLP, Washington, DC; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber**[\*118]** Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For American Electric Power Company, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P.,**[\*119]** Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Robert B. Wolinsky, Hogan & Hartson, Washington, DC; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas**[\*120]** City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For El Paso Merchant Energy, L.P., Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley**[\*121]** Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Scarlett Collings, Locke Lord LLP, Houston, TX; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Reliant Energy, Inc., Defendant (2:03-cv-01431-RCJ-PAL): D. Neal Tomlinson, LEAD ATTORNEY, Snell & Wilmer L.L.P., Las Vegas, NV; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright**[\*122]** US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Duke Energy Corporation, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz,**[\*123]** Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Duke Energy Trading and Marketing, L.L.C., Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Joel B. Kleinman, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP,**[\*124]** Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Lisa M Kaas, Blank Rome LLP, Washington, DC; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Tristan L Duncan,**[\*125]** Shook Hardy & Bacon, Kansas City, MO.

For American Electric Power Company, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank,**[\*126]** Dallas, TX; Robert B. Wolinsky, Hogan & Hartson, Washington, DC; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Duke Energy Corporation, Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee,**[\*127]** WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Reliant Energy, Inc., Defendant (2:03-cv-01431-RCJ-PAL): D. Neal Tomlinson, LEAD ATTORNEY, Snell & Wilmer L.L.P., Las Vegas, NV; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli**[\*128]** PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For e prime Energy Marketing, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis**[\*129]** Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For El Paso LLC (f/k/a El Paso Corporation), Defendant (2:03-cv-01431-RCJ-PAL): Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan,**[\*130]** P.C., Los Angeles, CA; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI.

For El Paso Marketing Company, L.L.C. (f/k/a El Paso Marketing, L.P. and El Paso Merchant Energy, L.P.), Defendant (2:03-cv-01431-RCJ-PAL): Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen**[\*131]** Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI.

For Centerpoint Energy Services, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI.

For Centerpoint Energy Services, Inc., Defendant (2:03-cv-01431-RCJ-PAL): Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister**[\*132]** & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI.

For e prime Energy Marketing Inc., Defendant (2:03-cv-01431-RCJ-PAL): Michael John Miguel, LEAD ATTORNEY, McKool Smith Hennigan PC, Los Angeles, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI.

For CMS Energy Resources Management Company, Defendant (2:03-cv-01431-RCJ-PAL): Brent Cohen, Lewis**[\*133]** Roca Rothgerber Christie LLP, Denver, CO; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI.

For CMS Energy Resources Management Company, Defendant (2:03-cv-01431-RCJ-PAL): Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI.

For CMS Energy Corporation, Defendant (2:03-cv-01431-RCJ-PAL):**[\*134]** Nitin Reddy, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI.

For Cantera Gas Company, Defendant (2:03-cv-01431-RCJ-PAL): Nitin Reddy, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI.

For CMS Energy**[\*135]** Resources Management Co., Defendant (2:03-cv-01431-RCJ-PAL): Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI.

For CMS Energy Resources Management Co., Defendant (2:03-cv-01431-RCJ-PAL): Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI.

For CMS Energy Resources Management Co., Defendant (2:03-cv-01431-RCJ-PAL): Nitin Reddy, Sidley Austin LLP, Los Angeles, CA.

For Carthage College, Consol Plaintiff (2:03-cv-01431-RCJ-PAL): Jay Kevin**[\*136]** Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Robert L Gegios, LEAD ATTORNEY, Kohner, Mann & Kailas, Milwaukee, WI; Andrew Ennis, Polsinelli PC, Kansas City, MO; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas,**[\*137]** TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO; W. Terrence Kilroy, Polsinelli Shughart, Kansas City, MO; William E Fischer, Davis & Kuelthau, s.c., Oshkosh, WI.

For Briggs and Stratton Corporation, Consol Plaintiff (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Robert L Gegios, LEAD ATTORNEY, Kohner, Mann & Kailas, Milwaukee, WI; Andrew Ennis, Polsinelli PC, Kansas City, MO; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua**[\*138]** D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO; W. Terrence Kilroy, Polsinelli Shughart, Kansas City, MO; William E Fischer, Davis & Kuelthau, s.c., Oshkosh, WI.

For Northern States Power Company, Consol Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals,**[\*139]** Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX;, Consol Defendant (2:03-cv-01431-RCJ-PAL): Orrin L Harrison, LEAD ATTORNEY, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Reginald**[\*140]** D. Steer, LEAD ATTORNEY, Akin Gump Strauss Hauer & Feld LLP, San Francisco, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Meg Vergeront, Stafford Rosenbaum LLP, Madison, WI; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles,**[\*141]** CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Duke Energy Corporation, Consol Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington,**[\*142]** DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Duke Energy Trading & Marketing, LLC, Consol Defendant (2:03-cv-01431-RCJ-PAL): Clifford Joe Cavitt, LEAD ATTORNEY, Hurley, Burish & Stanton, S.C., Madison, WI; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joseph A. Fischer, III, Jackson**[\*143]** Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Lisa M Kaas, Blank Rome LLP, Washington, DC; Marie A. Stanton, Madison, WI; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For El Paso Corporation, Consol Defendant (2:03-cv-01431-RCJ-PAL): Diane E. Pritchard, LEAD ATTORNEY, Morrison & Foerster, San Francisco, CA; Paul R. Norman, LEAD ATTORNEY, Boardman, Suhr, Curry & Field LLP, Madison, WI; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith**[\*144]** Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Scarlett Collings, Locke Lord LLP, Houston, TX; Stacy L. Williams, Locke Lord LLP, Houston, TX; Tristan L Duncan, Shook Hardy & Bacon, Kansas**[\*145]** City, MO.

For El Paso Marketing, LP, Consol Defendant (2:03-cv-01431-RCJ-PAL): Diane E. Pritchard, LEAD ATTORNEY, Morrison & Foerster, San Francisco, CA; Paul R. Norman, LEAD ATTORNEY, Boardman, Suhr, Curry & Field LLP, Madison, WI; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail**[\*146]** Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Scarlett Collings, Locke Lord LLP, Houston, TX; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For El Paso Merchant Energy LP, Consol Defendant (2:03-cv-01431-RCJ-PAL): Diane E. Pritchard, LEAD ATTORNEY, Morrison & Foerster, San Francisco, CA; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP,**[\*147]** Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Scarlett Collings, Locke Lord LLP, Houston, TX; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Reliant Resources, Inc, Consol Defendant (2:03-cv-01431-RCJ-PAL): Amy E. Tabor, LEAD ATTORNEY, Baker Botts, LLP, Houston, TX; D. Neal Tomlinson, LEAD ATTORNEY, Snell & Wilmer L.L.P., Las Vegas, NV; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Travis Cushman, LEAD ATTORNEY, PRO HAC VICE, Washington, DC; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool**[\*148]** Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jefferson Gregory Copeland, Houston, TX; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Reliant Energy Services, Inc., Consol Defendant (2:03-cv-01431-RCJ-PAL): D. Neal Tomlinson,**[\*149]** LEAD ATTORNEY, Snell & Wilmer L.L.P., Las Vegas, NV; Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Amy E. Tabor, Baker Botts, LLP, Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jefferson Gregory Copeland, Houston, TX; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin**[\*150]** LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Williams Power Company, Inc., Consol Defendant (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Mark H. Hamer, LEAD ATTORNEY, Piper Rudnick Gray Cary, San Diego, CA; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brandon B Rule, Hall Estill, Tulsa, OK; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Heather L. Cupp, Hall, Estill, Hardwick, Gable, Golden & Nelson,**[\*151]** P.C., Tulsa, OK; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Noah A. Katsell, San Diego, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Michael Beck, Interested Party (2:03-cv-01431-RCJ-PAL): Michael J. Beck, Clerk Of The Panel, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP,**[\*152]** Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX.

For Clerk Jeffery N. Luthi, Interested Party (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison,**[\*153]** III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For McGraw-Hill Companies, Inc., Objector (2:03-cv-01431-RCJ-PAL): Jay Kevin Wieser, LEAD ATTORNEY, Jackson Walker L.L.P., Houston, TX; Anna K. Milunas, McKool Smith Hennigan PC, Los Angeles, CA; Bradley C. Weber, Locke Lord LLP, Dallas, TX; Brent Cohen, Lewis Roca Rothgerber Christie LLP, Denver, CO; Brett D. Bissett, McKool Smith Hennigan, P.C., Los Angeles, CA; Carolyn K. Foley, Davis Wright Tremaine, LLP, New York, NY; Craig A. Fitzgerald, Gable Gotwals, Tulsa, OK; Diane R. Hazel, Lewis Roca Rothgerber Christie LLP, Denver, CO; Gary D. McCallister, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO; Joseph A. Fischer, III, Jackson Walker L.L.P., Houston, TX; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Melinda Anne**[\*154]** Bialzik, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Melvin Goldstein, Goldstein & Associates, PC, Washington, DC; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Nitin Reddy, Sidley Austin LLP, Los Angeles, CA; Orrin L Harrison, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Roxanna A Manuel, Kupferstein Manuel LLP, Los Angeles, CA; Russell S. Jones, Jr., Polsinelli P.C., Kansas City, MO; Ryan Matthew Billings, Kohner, Mann & Kailas, Milwaukee, WI; Tristan L Duncan, Shook Hardy & Bacon, Kansas City, MO.

For Arandell Corp., Plaintiff (2:07-cv-01019-RCJ-PAL): Alexander T. Pendelton, LEAD ATTORNEY, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Alexander T Pendleton, LEAD ATTORNEY, Kohner, Mann & Kailas, Milwaukee, WI; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Ryan Matthew Billings, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwauke, WI; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Robert**[\*155]** L Gegios, Kohner, Mann & Kailas, Milwaukee, WI; William E Fischer, Davis & Kuelthau, s.c., Oshkosh, WI.

For Merrick's Inc., Plaintiff (2:07-cv-01019-RCJ-PAL): Alexander T. Pendelton, LEAD ATTORNEY, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Alexander T Pendleton, LEAD ATTORNEY, Kohner, Mann & Kailas, Milwaukee, WI; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Ryan Matthew Billings, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwauke, WI; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Robert L Gegios, Kohner, Mann & Kailas, Milwaukee, WI; William E Fischer, Davis & Kuelthau, s.c., Oshkosh, WI.

For Safety-Kleen Systems, Inc., Plaintiff (2:07-cv-01019-RCJ-PAL): Alexander T. Pendelton, LEAD ATTORNEY, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Alexander T Pendleton, LEAD ATTORNEY, Kohner, Mann & Kailas, Milwaukee, WI; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli**[\*156]** Shughart, Kansas City, MO; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Robert L Gegios, Kohner, Mann & Kailas, Milwaukee, WI; William E Fischer, Davis & Kuelthau, s.c., Oshkosh, WI.

For Sargento Foods, Inc., Plaintiff (2:07-cv-01019-RCJ-PAL): Alexander T. Pendelton, LEAD ATTORNEY, Kohner, Mann & Kailas, S.C., Milwaukee, WI; Alexander T Pendleton, LEAD ATTORNEY, Kohner, Mann & Kailas, Milwaukee, WI; Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Ryan Matthew Billings, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwauke, WI; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Robert L Gegios, Kohner, Mann & Kailas, Milwaukee, WI; William E Fischer, Davis & Kuelthau, s.c., Oshkosh, WI.

For Ladish Company, Inc., Plaintiff (2:07-cv-01019-RCJ-PAL): Alexander T Pendleton, LEAD ATTORNEY,**[\*157]** Kohner, Mann & Kailas, Milwaukee, WI; Robert L Gegios, LEAD ATTORNEY, Kohner, Mann & Kailas, Milwaukee, WI; Ryan Matthew Billings, LEAD ATTORNEY, PRO HAC VICE, Kohner, Mann & Kailas, S.C., Milwauke, WI; William E Fischer, Davis & Kuelthau, s.c., Oshkosh, WI.

For Xcel Energy Inc., Defendant (2:07-cv-01019-RCJ-PAL): Michael John Miguel, LEAD ATTORNEY, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joseph Duffy, Morgan Lewis & Bockius, Los Angeles, CA; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Michael J Modl, PRO HAC VICE, Madison, WI; Robert B. Wolinsky, Hogan & Hartson, Washington, DC; Steven M. Streck, Axley Brynelson, Madison, WI.

For Northern States Power Company, Defendant (2:07-cv-01019-RCJ-PAL): Michael John Miguel, LEAD ATTORNEY, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Joseph Duffy, Morgan Lewis & Bockius, Los Angeles, CA; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Michael J Modl, PRO HAC VICE, Madison, WI; Steven M. Streck, Axley Brynelson, Madison, WI.

For AEP Energy Services, Inc., Defendant (2:07-cv-01019-RCJ-PAL): Steven J. Routh, LEAD ATTORNEY, Orrick**[\*158]** Herrington & Sutcliffe, Washington, DC; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Robert B. Wolinsky, Hogan & Hartson, Washington, DC.

For American Electric Power Company, Inc., Defendant (2:07-cv-01019-RCJ-PAL): Steven J. Routh, LEAD ATTORNEY, Orrick Herrington & Sutcliffe, Washington, DC; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Robert B. Wolinsky, Hogan & Hartson, Washington, DC.

For Cantera Gas Company, Defendant (2:07-cv-01019-RCJ-PAL): Michelle B Goodman, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Nitin Reddy, LEAD ATTORNEY, PRO HAC VICE, Sidley Austin LLP, Los Angeles, CA; David Gordon, Sidley Austin LLP, Chicago, IL; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Robert B. Wolinsky, Hogan & Hartson, Washington, DC.

For CMS Field Services, Defendant (2:07-cv-01019-RCJ-PAL): Mark E Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, Sidley Austin LLP, Los Angeles, CA.

For Centerpoint Energy Inc., Defendant (2:07-cv-01019-RCJ-PAL): Orrin L Harrison, LEAD ATTORNEY, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Reginald D. Steer, LEAD ATTORNEY, Akin Gump Strauss Hauer & Feld LLP, San Francisco, CA; Brian Butler, Stafford Rosenbaum**[\*159]** LLP, Madison, WI; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Meg Vergeront, Stafford Rosenbaum LLP, Madison, WI; Robert B. Wolinsky, Hogan & Hartson, Washington, DC.

For CMS Energy Corporation, Defendant (2:07-cv-01019-RCJ-PAL): Mark E Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Nitin Reddy, LEAD ATTORNEY, PRO HAC VICE, Sidley Austin LLP, Los Angeles, CA; David Gordon, Sidley Austin LLP, Chicago, IL; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Robert B. Wolinsky, Hogan & Hartson, Washington, DC.

For CMS Energy, Defendant (2:07-cv-01019-RCJ-PAL): Mark E Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; David Gordon, Sidley Austin LLP, Chicago, IL.

For CMS Energy Resources Management Company, Defendant (2:07-cv-01019-RCJ-PAL): Mark E Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Nitin Reddy, LEAD ATTORNEY, PRO HAC VICE, Sidley Austin LLP, Los Angeles, CA; David Gordon, Sidley**[\*160]** Austin LLP, Chicago, IL; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Robert B. Wolinsky, Hogan & Hartson, Washington, DC.

For CMS Marketing Services & Trading Company, Defendant (2:07-cv-01019-RCJ-PAL): Mark E Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; David Gordon, Sidley Austin LLP, Chicago, IL; Joel B. Kleinman, Blank Rome LLP, Washington, DC.

For Coral Energy Resources, LP, Defendant (2:07-cv-01019-RCJ-PAL): A. William Urquhart, LEAD ATTORNEY, Quinn Emanuel Urquhart Oliver & Hedges LLP, Los Angeles, CA; Bruce A. Schultz, LEAD ATTORNEY, Madison, WI; Joshua D. Lichtman, LEAD ATTORNEY, Norton Rose Fulbright US LLP, Los Angeles, CA; Kristen Bird, LEAD ATTORNEY, Quinn Emanuel Urquhart Oliver & Hedges, LLP, Los Angeles, CA; Marshall M Searcy, LEAD ATTORNEY, Quinn Emanuel Urquhart Oliver & Hedges LLP, Los Angeles, CA; Roxanna A Manuel, LEAD ATTORNEY, Kupferstein Manuel LLP, Los Angeles, CA; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Robert B. Wolinsky, Hogan & Hartson, Washington, DC.

For Duke Energy Carolinas, LLC, Defendant (2:07-cv-01019-RCJ-PAL): Clifford Joe Cavitt, LEAD ATTORNEY, Hurley,**[\*161]** Burish & Stanton, S.C., Madison, WI; Joel B. Kleinman, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Lisa M Kaas, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Marie A. Stanton, Madison, WI; Robert B. Wolinsky, Hogan & Hartson, Washington, DC.

For Duke Energy Corporation, Defendant (2:07-cv-01019-RCJ-PAL): Joel B. Kleinman, LEAD ATTORNEY, Blank Rome LLP, Washington, DC.

For Duke Energy Trading & Marketing, LLC, Defendant (2:07-cv-01019-RCJ-PAL): Clifford Joe Cavitt, LEAD ATTORNEY, Hurley, Burish & Stanton, S.C., Madison, WI; Joel B. Kleinman, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Lisa M Kaas, Blank Rome LLP, Washington, DC; Marie A. Stanton, Madison, WI.

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For Dynegy GP Inc DMT Holding, LP, Defendant (2:07-cv-01019-RCJ-PAL): Douglas**[\*162]** R. Tribble, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman LLP, San Diego, CA; Michael J. Kass, LEAD ATTORNEY, VLP Law Group LLP, Oakland, CA; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Michael J Modl, PRO HAC VICE, Madison, WI; Robert B. Wolinsky, Hogan & Hartson, Washington, DC; Steven M. Streck, Axley Brynelson, Madison, WI.

For Dynegy Marketing & Trade, Defendant (2:07-cv-01019-RCJ-PAL): Douglas R. Tribble, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman LLP, San Diego, CA; Michael J. Kass, LEAD ATTORNEY, VLP Law Group LLP, Oakland, CA; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Michael J Modl, PRO HAC VICE, Madison, WI; Steven M. Streck, Axley Brynelson, Madison, WI.

For E Prime Inc, Defendant (2:07-cv-01019-RCJ-PAL): Michael John Miguel, LEAD ATTORNEY, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joseph Duffy, Morgan Lewis & Bockius, Los Angeles, CA; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Michael J Modl, PRO HAC VICE, Madison, WI; Robert B. Wolinsky, Hogan & Hartson, Washington, DC; Steven M. Streck, Axley Brynelson, Madison, WI.

For El Paso Corporation, Defendant (2:07-cv-01019-RCJ-PAL):**[\*163]** Diane E. Pritchard, LEAD ATTORNEY, Morrison & Foerster, San Francisco, CA; Paul R. Norman, LEAD ATTORNEY, Boardman, Suhr, Curry & Field LLP, Madison, WI; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Robert B. Wolinsky, Hogan & Hartson, Washington, DC; Stacy L. Williams, Locke Lord LLP, Houston, TX.

For El Paso Marketing, LP, Defendant (2:07-cv-01019-RCJ-PAL): Bradley C. Weber, LEAD ATTORNEY, Locke Lord LLP, Dallas, TX; Diane E. Pritchard, LEAD ATTORNEY, Morrison & Foerster, San Francisco, CA; Paul R. Norman, LEAD ATTORNEY, Boardman, Suhr, Curry & Field LLP, Madison, WI; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Robert B. Wolinsky, Hogan & Hartson, Washington, DC; Stacy L. Williams, Locke Lord LLP, Houston, TX.

For El Paso Merchant Energy LP, Defendant (2:07-cv-01019-RCJ-PAL): Diane E. Pritchard, LEAD ATTORNEY, Morrison & Foerster, San Francisco, CA; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Robert B. Wolinsky, Hogan & Hartson, Washington, DC.

For OneOK Energy Services Company, L.P., Defendant (2:07-cv-01019-RCJ-PAL): Amelia A Fogleman,**[\*164]** LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; James W. Richgels, LEAD ATTORNEY, Quarles & Brady, LLP, Madison, WI; Kelly H Twigger, LEAD ATTORNEY, Quarles & Brady LLP, Milwaukee, WI; Oliver S Howard, LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; Scott R. Rowland, LEAD ATTORNEY, GableGotwals, Tulsa, OK; Daniel D. Crabtree, Stinson Morrison Hecker, LLP, Overland Park, KS; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Robert B. Wolinsky, Hogan & Hartson, Washington, DC.

For Oneok, Inc., Defendant (2:07-cv-01019-RCJ-PAL): James W. Richgels, LEAD ATTORNEY, Quarles & Brady, LLP, Madison, WI; Kelly H Twigger, LEAD ATTORNEY, Quarles & Brady LLP, Milwaukee, WI; Oliver S Howard, LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; Amelia A Fogleman, Gable & Gotwals, Tulsa, OK; Daniel D. Crabtree, Stinson Morrison Hecker, LLP, Overland Park, KS; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Robert B. Wolinsky, Hogan & Hartson, Washington, DC.

For Oneok Energy Marketing & Trading Company, LP, Defendant (2:07-cv-01019-RCJ-PAL): Amelia A Fogleman, LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; James W. Richgels, LEAD ATTORNEY, Quarles & Brady,**[\*165]** LLP, Madison, WI; Kelly H Twigger, LEAD ATTORNEY, Quarles & Brady LLP, Milwaukee, WI; Oliver S Howard, LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; Scott R. Rowland, LEAD ATTORNEY, GableGotwals, Tulsa, OK; Daniel D. Crabtree, Stinson Morrison Hecker, LLP, Overland Park, KS; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Robert B. Wolinsky, Hogan & Hartson, Washington, DC.

For Reliant Energy, Inc., Defendant (2:07-cv-01019-RCJ-PAL): Amy E. Tabor, LEAD ATTORNEY, Baker Botts, LLP, Houston, TX; D. Neal Tomlinson, Snell & Wilmer L.L.P., Las Vegas, NV; Douglas M. Poland, LaFollette, Godfrey & Kahn, Madison, WI; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jefferson Gregory Copeland, Houston, TX; Jennifer Cotner, Madison, WI; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Mark R Robeck, Kelley Drye & Warren LLP, Washington, DC; Robert B. Wolinsky, Hogan & Hartson, Washington, DC; Steven A. Heinzen, Godfrey & Kahn, S.C., Madison, WI.

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For Williams Companies, Inc., Defendant (2:07-cv-01019-RCJ-PAL): Mark H. Hamer, LEAD ATTORNEY, Piper Rudnick Gray Cary, San Diego, CA; Stephanie A. Horton, LEAD ATTORNEY, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Brandon B Rule, Hall Estill, Tulsa, OK; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Heather L. Cupp, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Joel B. Kleinman, Blank Rome LLP, Washington,**[\*167]** DC; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Noah A. Katsell, San Diego, CA; Robert B. Wolinsky, Hogan & Hartson, Washington, DC; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stuart G Mondschein, Wheeler, Van Sickle & Anderson, S.C., Madison, WI.

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For Williams Energy Marketing & Trading Company, Defendant (2:07-cv-01019-RCJ-PAL):**[\*168]** Mark H. Hamer, LEAD ATTORNEY, Piper Rudnick Gray Cary, San Diego, CA; Stephanie A. Horton, LEAD ATTORNEY, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stuart G Mondschein, LEAD ATTORNEY, Wheeler, Van Sickle & Anderson, S.C., Madison, WI; Brandon B Rule, Hall Estill, Tulsa, OK; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Heather L. Cupp, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Joel B. Kleinman, Blank Rome LLP, Washington, DC; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK.

For Williams Merchant Services Company, Inc., Defendant (2:07-cv-01019-RCJ-PAL): Mark H. Hamer, LEAD ATTORNEY, Piper Rudnick Gray Cary, San Diego, CA; Stephanie A. Horton, LEAD ATTORNEY, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Stuart G Mondschein, LEAD ATTORNEY, Wheeler, Van Sickle & Anderson, S.C., Madison, WI; Brandon B Rule, Hall Estill, Tulsa, OK; Graydon Dean Luthey, Jr., Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Heather L. Cupp, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK; Joel B. Kleinman, Blank Rome LLP, Washington,**[\*169]** DC; Joshua D. Lichtman, Norton Rose Fulbright US LLP, Los Angeles, CA; Noah A. Katsell, San Diego, CA; Robert B. Wolinsky, Hogan & Hartson, Washington, DC; Sarah Jane Gillett, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., Tulsa, OK.

For JP Morgan Trust Company, NA, Plaintiff (2:05-cv-01331-RCJ-PAL): Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Eric I. Unrein, LEAD ATTORNEY, Frieden, Unrein & Forbes LLP, Topeka, KS; Gary D. McCallister, LEAD ATTORNEY, Gary D. McCallister & Associates, LLC, Chicago, IL; Isaac Diel, LEAD ATTORNEY, Sharp McQueen P.A., Overland Park, KS; Thomas H. Brill, LEAD ATTORNEY, PRO HAC VICE, Law Office of Thomas H. Brill, Mission Hills, KS.

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For Centerpoint Energy Inc., Defendant (2:05-cv-01331-RCJ-PAL): Orrin L Harrison, LEAD ATTORNEY, III, Gruber Hurst Johansen Hail Shank, Dallas, TX; Reginald D. Steer, LEAD ATTORNEY, Akin Gump Strauss Hauer & Feld LLP, San Francisco, CA.

For CMS Energy Corporation, Defendant (2:05-cv-01331-RCJ-PAL): Michelle B Goodman, Sidley Austin LLP, Los Angeles, CA; Thomas H. Brill, PRO HAC VICE, Law Office of Thomas H. Brill, Mission Hills, KS.

For CMS Field Services, Defendant (2:05-cv-01331-RCJ-PAL): Mark E Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, Sidley Austin LLP, Los Angeles, CA.

For CMS Marketing, Service & Trading Company, Defendant (2:05-cv-01331-RCJ-PAL): Mark E Haddad, LEAD ATTORNEY, Sidley Austin LLP, Los Angeles, CA; Michelle B Goodman, Sidley Austin LLP, Los Angeles, CA.

For Coral Energy**[\*171]** Resources, LP, Defendant (2:05-cv-01331-RCJ-PAL): Joshua D. Lichtman, LEAD ATTORNEY, Norton Rose Fulbright US LLP, Los Angeles, CA.

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For Duke Energy Trading & Marketing, LLC, Defendant (2:05-cv-01331-RCJ-PAL): Jerome T. Wolf, LEAD ATTORNEY, SNR Denton US LLP, Kansas City, MO; Joel B. Kleinman, LEAD ATTORNEY, Blank Rome LLP, Washington, DC; Leslie H. Spiegel, LEAD ATTORNEY, Dickstein Shapiro Morin & Oshinsky, LLP, Washington, DC; Lisa M Kaas, Blank Rome LLP, Washington, DC.

For Dynegy Marketing & Trade, Defendant (2:05-cv-01331-RCJ-PAL): Douglas R. Tribble, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman LLP, San Diego, CA; John M. Grenfell, LEAD ATTORNEY, Pillsbury Winthrop Shaw Pittman LLP, San Francisco, CA.

For e prime Inc., Defendant (2:05-cv-01331-RCJ-PAL): Joseph Duffy, Morgan Lewis & Bockius, Los Angeles, CA; Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA.

For El Paso Corporation, Defendant (2:05-cv-01331-RCJ-PAL):**[\*172]** Diane E. Pritchard, LEAD ATTORNEY, Morrison & Foerster, San Francisco, CA; Stacy L. Williams, Locke Lord LLP, Houston, TX.

For El Paso Merchant Energy LP, Defendant (2:05-cv-01331-RCJ-PAL): Diane E. Pritchard, LEAD ATTORNEY, Morrison & Foerster, San Francisco, CA; Stacy L. Williams, Locke Lord LLP, Houston, TX.

For Oneoak, Inc., Defendant (2:05-cv-01331-RCJ-PAL): Oliver S Howard, LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; Amelia A Fogleman, Gable & Gotwals, Tulsa, OK; Mason G Patterson, Gable & Gotwals, Tulsa, OK.

For Oneok Energy Marketing & Trading Company, LP, Defendant (2:05-cv-01331-RCJ-PAL): Oliver S Howard, LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; Amelia A Fogleman, Gable & Gotwals, Tulsa, OK; Mason G Patterson, Gable & Gotwals, Tulsa, OK.

For Reliant Energy Services, Defendant (2:05-cv-01331-RCJ-PAL): Amy E. Tabor, Baker Botts, LLP, Houston, TX; D. Neal Tomlinson, Snell & Wilmer L.L.P., Las Vegas, NV; Joseph P. Hardy, Gordon & Rees LLP, Las Vegas, NV; Mark A. James, Bullivant Houser Bailey, PC, Las Vegas, NV.

For Reliant Energy, Inc., Defendant (2:05-cv-01331-RCJ-PAL): Amy E. Tabor, Baker Botts, LLP, Houston, TX; D. Neal Tomlinson, Snell & Wilmer L.L.P., Las Vegas, NV; Joseph**[\*173]** P. Hardy, Gordon & Rees LLP, Las Vegas, NV; Mark A. James, Bullivant Houser Bailey, PC, Las Vegas, NV; Thomas H. Brill, PRO HAC VICE, Law Office of Thomas H. Brill, Mission Hills, KS.

For Western Gas Resources, Inc., Defendant (2:05-cv-01331-RCJ-PAL): James E Scarboro, LEAD ATTORNEY, Arnold & Porter LLP, Denver, CO; Jessica Brody, LEAD ATTORNEY, Arnold & Porter, Denver, CO; Matthew Douglas, LEAD ATTORNEY, Arnold & Porter, Denver, CO.

For Sinclair Oil Corporation, Plaintiff (2:06-cv-00282-PMP-PAL): Matthew Corcoran, LEAD ATTORNEY, PRO HAC VICE, Goldstein & Associates, Washington, DC; Melvin J Goldberg, LEAD ATTORNEY, Las Vegas, NV; Melvin Goldstein, LEAD ATTORNEY, PRO HAC VICE, Goldstein & Associates, PC, Washington, DC; Philip M. Ballif, LEAD ATTORNEY, Durham Jones & Pinegar, Salt Lake City, UT; Richard Day, LEAD ATTORNEY, Williams, Porter, Casper, WY.

For OneOK Energy Services Company, L.P., Defendant (2:06-cv-00282-PMP-PAL): Amelia A Fogleman, LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; Oliver S Howard, LEAD ATTORNEY, Gable & Gotwals, Tulsa, OK; Thomas F Reese, LEAD ATTORNEY, Brown, Drew & Massey, LLP, Casper, WY.

For NewPage Wisconsin System Inc., Plaintiff (2:09-cv-00915-RCJ-PAL): Robert**[\*174]** L Gegios, LEAD ATTORNEY, Kohner, Mann & Kailas, Milwaukee, WI; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO.

For Heartland Regional Medical Center, Plaintiff (2:07-cv-00987-RCJ-PAL): Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; R. Dan Boulware, LEAD ATTORNEY, Shughart Thompson & Kilroy, PC, St. Joseph, MO; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO.

For Prime Tanning Corporation, Plaintiff (2:07-cv-00987-RCJ-PAL): Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; R. Dan Boulware, LEAD ATTORNEY, Shughart Thompson & Kilroy, PC, St. Joseph, MO; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO.

For Kansas Gas Marketing Company, Defendant (2:07-cv-00987-RCJ-PAL): Amelia A Fogleman, Gable & Gotwals, Tulsa, OK; Craig A. Fitzgerald, PRO HAC VICE, Gable Gotwals, Tulsa, OK; Oliver S Howard, Gable**[\*175]** & Gotwals, Tulsa, OK.

For Sinclair Oil Corporation, Plaintiff (2:06-cv-00267-RCJ-PAL): G. Michael Gruber, LEAD ATTORNEY, Godwin Gruber, LLP, Dallas, TX; Matthew Corcoran, LEAD ATTORNEY, PRO HAC VICE, Goldstein & Associates, Washington, DC; Melvin Goldstein, LEAD ATTORNEY, PRO HAC VICE, Goldstein & Associates, PC, Washington, DC; Philip M. Ballif, LEAD ATTORNEY, Durham Jones & Pinegar, Salt Lake City, UT; Stephen Scott Mathis, LEAD ATTORNEY, Robinett & Murphy, Tulsa, OK; Tracy Wayne Robinett, LEAD ATTORNEY, Robinett & Murphy, Tulsa, OK; Vincent P. Slusher, LEAD ATTORNEY, Dallas, TX.

For e prime Inc., Defendant (2:06-cv-00267-RCJ-PAL): Michael John Miguel, LEAD ATTORNEY, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA.

For Xcel Energy Inc., Defendant (2:06-cv-00267-RCJ-PAL): Michael John Miguel, LEAD ATTORNEY, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA.

For Learjet, Inc., Plaintiff (2:06-cv-00233-RCJ-PAL): Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Eric I. Unrein, LEAD ATTORNEY, Frieden, Unrein & Forbes LLP, Topeka, KS; Gary D. McCallister, LEAD ATTORNEY, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, LEAD ATTORNEY,**[\*176]** Polsinelli Shughart, Kansas City, MO; Gregory L. Musil, LEAD ATTORNEY, Shughart Thompson & Kilroy, Overland Park, KS; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Patrick D. Martin, LEAD ATTORNEY, PRO HAC VICE, Shughart Thomson & Kilroy, PC, Kansas City, MO; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Von S. Heinz, LEAD ATTORNEY, Lewis Roca Rothgerber Christie LLP, Las Vegas, NV; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO.

For Cross Oil Refining & Marketing, Inc., Plaintiff (2:06-cv-00233-RCJ-PAL): Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Eric I. Unrein, LEAD ATTORNEY, Frieden, Unrein & Forbes LLP, Topeka, KS; Gary D. McCallister, LEAD ATTORNEY, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Gregory L. Musil, LEAD ATTORNEY, Shughart Thompson & Kilroy, Overland Park, KS; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Patrick D. Martin, LEAD ATTORNEY, PRO HAC VICE, Shughart Thomson & Kilroy, PC, Kansas City, MO; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC,**[\*177]** Kansas City, MO; Von S. Heinz, LEAD ATTORNEY, Lewis Roca Rothgerber Christie LLP, Las Vegas, NV.

For Topeka Unified School District 501, Plaintiff (2:06-cv-00233-RCJ-PAL): Donald D. Barry, LEAD ATTORNEY, Barry Law Offices, L.L.C., Topeka, KS; Eric I. Unrein, LEAD ATTORNEY, Frieden, Unrein & Forbes LLP, Topeka, KS; Gary D. McCallister, LEAD ATTORNEY, Gary D. McCallister & Associates, LLC, Chicago, IL; Gregory M. Bentz, LEAD ATTORNEY, Polsinelli Shughart, Kansas City, MO; Gregory L. Musil, LEAD ATTORNEY, Shughart Thompson & Kilroy, Overland Park, KS; Jennifer Gille Bacon, LEAD ATTORNEY, Polsinelli PC, Kansas City, MO; Patrick D. Martin, LEAD ATTORNEY, PRO HAC VICE, Shughart Thomson & Kilroy, PC, Kansas City, MO; R. Lawrence Ward, LEAD ATTORNEY, Shughart Thomson & Kilroy, PC, Kansas City, MO; Von S. Heinz, LEAD ATTORNEY, Lewis Roca Rothgerber Christie LLP, Las Vegas, NV.

For Breckenridge Brewery of Colorado, LLC, Plaintiff (2:06-cv-01351-RCJ-PAL): Philip Wayne Bledsoe, LEAD ATTORNEY, Shughart Thomson \* Kilroy, PC, Denver, CO; Gregory M. Bentz, Polsinelli Shughart, Kansas City, MO; Jennifer Gille Bacon, Polsinelli PC, Kansas City, MO.

For BBD Acquisition Co., Plaintiff (2:06-cv-01351-RCJ-PAL):**[\*178]** Philip Wayne Bledsoe, LEAD ATTORNEY, Shughart Thomson \* Kilroy, PC, Denver, CO.

For e prime Energy Marketing Inc., Defendant (2:06-cv-01351-RCJ-PAL): Michael John Miguel, PRO HAC VICE, McKool Smith Hennigan PC, Los Angeles, CA.

**Judges:** ROBERT C. JONES, United States District Judge.

**Opinion by:** ROBERT C. JONES

**Opinion**

**ORDER**

These consolidated cases arise out of the energy crisis of 2000-2002. Plaintiffs (retail buyers of natural gas) allege that Defendants (natural gas traders) manipulated the price of natural gas by reporting false information to price indices published by trade publications and by engaging in "wash sales." Four motions for class certification, six motions for summary judgment, fourteen motions to strike expert opinions or briefs, a motion to amend complaints, a motion to reconsider an order of the magistrate judge, a motion to seal, and a motion for suggestion of remand of five of the eight remaining actions (the class actions) to their respective transferor courts are pending before the Court.

**I. PROCEDURAL HISTORY**

In 2003, the Judicial Panel on Multidistrict Litigation ("JPML") transferred seven class action cases from various districts in California to this District under [*28 U.S.C. § 1407*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GSG1-NRF4-42NR-00000-00&context=) as Multidistrict Litigation**[\*179]** ("MDL") Case No. 1566, assigning Judge Pro to preside. Since then, the JPML has transferred in several more actions from various districts throughout the United States. Between 2003 and 2015, Judge Pro ruled on many motions to remand, to dismiss, and for summary judgment. He also approved several class settlements. Several parties settled on their own. One or more of the cases have been to the Court of Appeals twice and to the Supreme Court once. In 2007, the Court of Appeals reversed several dismissals under the filed rate doctrine and remanded for further proceedings. In 2013, the Court of Appeals reversed several summary judgment orders, ruling that the [*Natural Gas Act*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GT11-NRF4-434M-00000-00&context=) did not preempt state law ***anti-trust*** claims and that certain Wisconsin- and Missouri-based Defendants should not have been dismissed for lack of personal jurisdiction. The Supreme Court granted certiorari as to preemption under the Natural Gas Act and affirmed. The case was soon thereafter reassigned to this Court when Judge Pro retired. The Court has issued several orders on motions to dismiss and for summary judgment. Eight of the eighteen consolidated cases remain open, the others having been variously settled,**[\*180]** dismissed, or remanded to state courts.

**II. MOTIONS TO STRIKE**

The motions are based primarily upon the opposing sides' arguments (which are in turn based on opinions by their own experts) that the other side's experts have used unreliable methods, have made poor assumptions, etc. The main problem with these kinds of arguments is that the Court requires expert assistance to understand the issues in the first instance. An opposing expert's opinion may be helpful in understanding the issues, as well. Some degree of debate and uncertainty as to the issues may exist, and the Court must determine class certification (and juries must eventually determine liability) based on the relevant legal standards having considered the expert evidence provided by all proffered witnesses who have more expertise in some relevant area than a layman and whose testimony will be helpful to the Court in understanding the issues. Finally, the Court notes that it does not require and will not consider any expert's opinion on the law itself.

**A. Motions Nos. 2547 and 2548**

Defendants in the '233, '987, '1019, '915, and '1351 Cases ("the Class Actions") ask the Court to strike the expert opinions of Dr. Mark Dwyer and**[\*181]** his colleague Dr. Michael Harris. The Court denies the motions. It does not matter whether the experts used a reliable definition of "churning" but whether their "testimony is the product of reliable principles and methods [they have] reliably applied . . . to the facts of the case." [*Fed. R. Evid. 702*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5GYC-2991-FG36-120S-00000-00&context=). FERC's or others' definition of "churning" for ***regulatory*** or industry purposes may or may not overlap completely or partially with Dwyer's and Harris's understandings of the term. But so long as they have reliably applied reliable principles and methods to determine that Defendants' activity—whatever it was and whether it falls within anyone's definition of "churning"—had the effect of artificially inflating natural gas prices or some other effect that could reasonably support a verdict in Plaintiffs' favor under the ***antitrust*** laws at issue, their testimony is not objectionable under [*Rule 702*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5GYC-2991-FG36-120S-00000-00&context=) based on unreliability. Defendants argue that Dwyer and Harris did not sufficiently establish causal relationships between trades and price increases or even separate legitimate, non-manipulative rapid trades from manipulative rapid trades. But Defendants are able to argue (and counter with other experts) as to the depth**[\*182]** of their analysis and as to their alleged prior inconsistent statements as to definitions they have used during the litigation. Dwyer and Harris may testify as to the pace of trading and their opinions as to the effect it had on prices. Defendants can argue as to whether Plaintiffs have any evidence of individual or concerted intent to manipulate prices.

**B. Motion No. 2620**

Plaintiffs in the Class Actions ask the Court to strike the expert opinions of Dr. Michelle Burtis. The Court denies the motion. Dr. Burtis's alleged antagonism towards class actions may be relevant to impeachment for bias, but it does not disqualify her as an expert. Plaintiffs' objection to Dr. Burtis is mainly over her disagreement with their own expert, Dr. Harris, as to whether individual trades should be examined for legitimacy versus conspiracy before concluding a conspiracy. The Court does not need either side's experts to address that issue. The Court will not strike Dr. Burtis's testimony but will not rely on any of her legal conclusions just as it will not rely on legal conclusions made by any expert. The Court will consider her expert testimony where it is helpful to class certification.

**C. Motion No. 2621 [\*183]**

Plaintiffs in the Class Actions ask the Court to strike the expert opinions of Michael De Laval. Plaintiffs mainly attack De Laval's lack of academic credentials in the field of economics and argue that his experience trading in the wholesale energy market is not relevant. The Court disagrees. The experience of an actual natural gas trader may be very valuable to understanding the impact of Defendants' actions on price fluctuations. In some respects, it may even be more valuable than the opinions of economics experts who have never actually traded natural gas. An actual trader who witnesses trades and price fluctuations as they happen may have a perspective that cannot be replicated by a cold, after-the-fact mathematical analysis. That is not to say that his testimony will be more important or helpful than that of any particular economist's, but it is certainly relevant and helpful enough for him to give expert testimony in this case. The Court finds that his testimony, along with the testimony of experts in other areas, will aid in understanding the issues and evidence.

**D. Motion No. 2622**

Plaintiffs in the Class Actions ask the Court to strike the expert opinions of Dr. Christopher L.**[\*184]** Cavanagh. They argue that he has wrongly impugned the methods of one of their own experts, Dr. Dwyer. They also argue that his methods are unreliable because he makes incorrect assumptions about the natural gas market. The Court will not exclude his testimony for these reasons. As noted, the Court will consider his testimony and Dr. Dwyer's, as well as their criticisms of one another's methods, in determining the relevant legal issues.

**E. Motion No. 2623**

Plaintiffs in the Class Actions ask the Court to strike the expert opinions of Dr. Randall Heeb, Ph. D. They argue that his testimony is based on a misunderstanding of Plaintiffs' theory of collusion and is based on unreliable methods. Plaintiffs argue that Dr. Heeb concludes there was no illegal collusion because the evidence does not show that Defendants acted identically at all times with respect to price reporting, but Plaintiffs note that a conspiracy can exist even though not all members of the conspiracy participate in it in the exact same way at the exact same time and that some members of the conspiracy may in fact be at cross purposes at various times based on their individual interests. The Court agrees with Plaintiffs' statement**[\*185]** of the law, but it will not strike Dr. Heeb's testimony altogether simply because his conclusions imply his belief in an incorrect legal standard. As with other experts who have a flawed understanding of the law or, more accurately, who have exceeded the limits of their expertise by opining on the law at all (which probably includes most of the experts in this case), Dr. Heeb offers some amount of valuable expertise to the Court, and the Court will not strike his testimony.

**F. Motion No. 2624**

Plaintiffs in the Class Actions ask the Court to strike the expert opinions of Dr. Hendrik Bessembinder, Ph. D. They argue that his opinions contradict opinions he offered in 2007 as a witness for the CFTC. The Court notes that this is legitimate evidence of bias for impeachment purposes but is not a basis to strike his testimony as altogether unreliable. Plaintiffs also argue that Dr. Bessembinder's analysis of "wash trading" and "churning" is not made in the context of *Rule 23* standards. But it is this Court's function to analyze expert testimony against the standards of *Rule 23*. No proffered expert in the case is a legal expert as to *Rule 23* (or even an attorney to the Court's knowledge), so such an analysis is not**[\*186]** expected; it would be beyond the scope of his or her expertise. The Court does not need that kind of expert testimony. It needs expert factual testimony, and Dr. Bessembinder, like the other experts in the case, provides some.

**G. Motion No. 2625**

Plaintiffs in the Class Actions ask the Court to strike the expert declaration of Bob Broxson (attached as Exhibit 3 to Dr. Bessembinder's expert report) for largely the same reasons they move to strike the testimony of Drs. Burtis and Cavanagh, i.e., his attacks on Plaintiffs' own experts. Broxson is an expert in natural gas procurement, marketing, transportation, and trading, having worked in the industry for 35 years and testified as an expert in several cases, (*see* Broxson Decl. 5 & apps. A—B, ECF No. 2465, at 52), and his testimony, limited to his area of expertise, will be helpful to the Court.

**H. Motions Nos. 2644 and 2645**

Defendants in the Class Actions ask the Court to strike the expert opinions of George L. Donkin and Dr. Merrill J. Bateman. The Court grants the motion to strike their testimony in part based on untimeliness. As noted, their testimony was offered only in reply to Defendants' objections to the class certification motions**[\*187]** and Defendants therefore were not able to depose them by June 24, 2016, as contemplated by the Scheduling Order, or to provide expert testimony in response. The evidence therefore cannot be considered, *see, e.g.,* [*Tovar v. U.S. Postal Serv., 3 F.3d 1271, 1273 n.3 (9th Cir. 1993)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-D690-003B-P00H-00000-00&context=), except as relevant to rebutting evidence in the opposition briefs. The Court will not strike the testimnony (as relevant to rebutting evidence in opposition to the motions for class certification) for unreliability, however. Again, movants argue that the experts' testimony is unreliable because it is in conflict with (and criticizes) the methods and conclusions of their own experts. The Court again rejects this argument, as it has done consistently as to experts on both sides.

**I. Motion No. 2650**

Defendants in the '1351 Case ask the Court to strike certain evidence offered by Plaintiffs in opposition to Defendants' Motion for Summary Judgment (ECF No. 2399). (*See* Opp'n, ECF No. 2638). The Court denies the motion as moot because it denies the motion for summary judgment without relying on any of the challenged evidence. *See infra*.

**J. Motion No. 2651**

Defendants in the Class Actions ask the Court to strike the declarations of Dr. Merrill J. Bateman and George Donkin submitted with**[\*188]** Plaintiffs' reply briefs or for leave to file a surresponse. The Court grants the motion in part for the reason it granted Motions Nos. 2644 and 2645 in part. *See supra*. The Court will not permit a surresponse but will strike the expert testimony, except as relevant to rebuttal of expert testimony adduced by Defendants in opposition to the relevant motions.

**K. Motion No. 2679**

Plaintiffs in the Class Actions ask the Court to strike the declarations of Drs. Joseph Kalt, Michelle Burtis, and Christopher Cavanagh filed on November 2, 2016. Plaintiffs first argue the declarations are untimely. The Court agrees and grants the motion. The issue is largely moot, however, because the November 4, 2016 declarations were proffered as support for a requested surresponse with respect to the motions for class certification. The Court has denied leave to file a surresponse and has rendered one unnecessary by striking the untimely expert testimony of Dr. Merrill J. Bateman and George Donkin as to support for class certification.

**L. Motion No. 2767**

Defendants in the '1019 and '915 Cases ask the Court to strike Plaintiffs' Opposition (ECF No. 2737) to Defendants' Motion for Summary Judgment (ECF No. 2694).**[\*189]** The Court denies the motion. The opposition is in excess of the local page limits, but the briefings in these consolidated cases are voluminous in general. To the extent leave is required for the oversized brief, the Court grants it. The Court denies the motion as moot on the merits of the admissibility of the challenged evidence, because the Court does not rely on that evidence in denying summary judgment. *See infra*.

**III. SUMMARY JUDGMENT MOTIONS**

A court must grant summary judgment when "the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." [*Fed. R. Civ. P. 56(a)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5GYC-2421-6N19-F165-00000-00&context=). Material facts are those which may affect the outcome of the case. *See* [*Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 106 S. Ct. 2505, 91 L. Ed. 2d 202 (1986)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-6H80-0039-N37M-00000-00&context=). A dispute as to a material fact is genuine if there is sufficient evidence for a reasonable jury to return a verdict for the nonmoving party. *See id.* A principal purpose of summary judgment is "to isolate and dispose of factually unsupported claims." [*Celotex Corp. v. Catrett, 477 U.S. 317, 323-24, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-6HC0-0039-N37R-00000-00&context=).

In determining summary judgment, a court uses a burden-shifting scheme. The moving party must first satisfy its initial burden. "When the party moving for summary judgment would bear the burden of proof at trial, it must come forward with evidence**[\*190]** which would entitle it to a directed verdict if the evidence went uncontroverted at trial." [*C.A.R. Transp. Brokerage Co. v. Darden Rests., Inc., 213 F.3d 474, 480 (9th Cir. 2000)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:40B0-73W0-0038-X54V-00000-00&context=) (citation and internal quotation marks omitted). In contrast, when the nonmoving party bears the burden of proving the claim or defense, the moving party can meet its burden in two ways: (1) by presenting evidence to negate an essential element of the nonmoving party's case; or (2) by demonstrating that the nonmoving party failed to make a showing sufficient to establish an element essential to that party's case on which that party will bear the burden of proof at trial. *See* [*Celotex Corp., 477 U.S. at 323-24*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-6HC0-0039-N37R-00000-00&context=).

If the moving party fails to meet its initial burden, summary judgment must be denied and the court needn't consider the nonmoving party's evidence. *See* [*Adickes v. S.H. Kress & Co., 398 U.S. 144, 90 S. Ct. 1598, 26 L. Ed. 2d 142 (1970)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-F010-003B-S1XV-00000-00&context=). If the moving party meets its initial burden, the burden then shifts to the nonmoving party to establish a genuine issue of material fact. *See* [*Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586, 106 S. Ct. 1348, 89 L. Ed. 2d 538 (1986)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-7P90-0039-N51W-00000-00&context=). To establish the existence of a factual dispute, the nonmoving party need not establish a material issue of fact conclusively in its favor. It is sufficient that "the claimed factual dispute be shown to require a jury or judge to resolve the parties' differing versions of the truth at trial." [*T.W. Elec. Serv., Inc. v. Pac. Elec. Contractors Ass'n, 809 F.2d 626, 631 (9th Cir. 1987)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-CKS0-001B-K16K-00000-00&context=). In other words, the nonmoving**[\*191]** party cannot avoid summary judgment by relying solely on conclusory allegations unsupported by facts. *See* [*Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-B480-003B-502G-00000-00&context=). Instead, the opposition must go beyond the assertions and allegations of the pleadings and set forth specific facts by producing competent evidence that shows a genuine issue for trial. *See* [*Fed. R. Civ. P. 56(e)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5GYC-2421-6N19-F165-00000-00&context=); [*Celotex Corp., 477 U.S. at 324*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-6HC0-0039-N37R-00000-00&context=).

At the summary judgment stage, a court's function is not to weigh the evidence and determine the truth, but to determine whether there is a genuine issue for trial. *See* [*Anderson, 477 U.S. at 249*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-6H80-0039-N37M-00000-00&context=). The evidence of the nonmovant is "to be believed, and all justifiable inferences are to be drawn in his favor." [*Id. at 255*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-6H80-0039-N37M-00000-00&context=). But if the evidence of the nonmoving party is merely colorable or is not significantly probative, summary judgment may be granted. *See* [*id. at 249-50*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-6H80-0039-N37M-00000-00&context=). Notably, facts are only viewed in the light most favorable to the nonmoving party where there is a genuine dispute about those facts. [*Scott v. Harris, 550 U.S. 372, 380, 127 S. Ct. 1769, 167 L. Ed. 2d 686 (2007)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:4NM5-XWV0-004C-002K-00000-00&context=). That is, even where the underlying claim contains a reasonableness test, where a party's evidence is so clearly contradicted by the record as a whole that no reasonable jury could believe it, "a court should not adopt that version of the facts for purposes of ruling on a motion for summary judgment." *Id.*

**A. Motion No. 2399**

E prime Energy Marketing,**[\*192]** Inc. ("EPEM") and Xcel Energy Inc. ("XE") move for defensive summary judgment in the '1351 Case (*Breckenridge Brewery of Colo., LLC v. OneOK, Inc.*). Movants argue there is no evidence EPEM traded natural gas commodities or reported trades to industry publications during the relevant time period (January 1, 2000 to October 31, 2002) ("the RTP"), and therefore neither EPEM nor XE (EPEM's former parent company) can be liable under the [*Colorado* ***Antitrust*** *Act of 1992, Colo. Rev. Stat. section ("CRS") 6-4-101 et seq.*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5SNV-B810-004D-11F6-00000-00&context=)

Even assuming Movants have satisfied their initial burden on summary judgment, however, Plaintiffs have satisfied their shifted burden to provide evidence of EPEM's sale of natural gas to Plaintiffs during the RTP. E prime, Inc.'s [*Rule 30(b)(6)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:8JD7-0CJ2-D6RV-H55F-00000-00&context=) deponent testified that EPEM purchased natural gas from e prime, Inc. for sale to customers by EPEM personnel. (Figoli Dep. 117-19, ECF No. 2638-3). Plaintiffs have adduced copies of natural gas sales contracts between EPEM and BBI Acquisition Co. and between EPEM and Breckenridge Brewery of Colo., LLC on August 29 and 24, 2001, respectively, both effective for one year beginning September 1, 2001. (Suppl. Smith Decl. ¶¶ 6, 8 & Exs. 3, 5, ECF No. 2638-9).**[\*193]** The Court denies the motion for summary judgment.

**B. Motions Nos. 2436 and 2709**

OneOK Energy Services Co., L.P. ("OESC"), formerly known as OneOK Energy Marketing and Trading Co., moves for summary judgment against Sinclair Oil Corp. ("Sinclair") in the '282 Case (*Sinclair Oil Corp. v. OneOK Energy Services Co., L.P.*) based on res judicata and/or release based on release under a settlement agreement reached in a consolidated class action brought in the Southern District of New York ("the NYMEX Case"). Sinclair has counter-moved for summary judgment on the res judicata and release issues. The Court denies both motions, as material issues of fact remain as to notice to Sinclair of the NYMEX settlements.

The Amended Consolidated Class Action Complaint ("ACCAC") in the NYMEX Case alleged that the defendants had manipulated the prices of natural gas futures and options on the New York Mercantile Exchange ("NYMEX") between January 1, 2000 and December 31, 2002 by reporting inaccurate, misleading, and false trading information, including artificial volume and price information, to trade publications that compile and publish such information. The Complaint here makes the same allegations. (*Compare****[\*194]*** Compl. ¶¶ 2-5, *with* Am. Consol. Class Action Compl. ¶¶ 5, 60-70, ECF No. 2300-1). OESC was a Defendant under the ACCAC. The plaintiff class in the NYMEX Case was defined as persons who had bought or sold natural gas futures or options on NYMEX during the relevant times. Plaintiff was a member of the NYMEX class according to facts it has admitted. (*See* Am. Resps. to Reqs. for Adm. 2-3, ECF No. 2437-6 ("Sinclair admits that it traded in NYMEX contracts during the Relevant Time Period.")).

On May 24, 2006, the court in the NYMEX Case entered a Final Judgment and Order of Dismissal ("the First Settlement Order") with an expanded plaintiff class definition reaching back to June 1, 1999. The first group of settling class members was to receive a total of nearly $73 million. On June 15, 2007, the court in the NYMEX Case entered a Final Judgment and Order of Dismissal ("the Second Settlement Order") with a similarly defined plaintiff class. The second group of settling class members was to receive a total of nearly $28 million. Paragraph 6 of the First Settlement Order and Paragraph 5 of the Second Settlement Order provided for releases of the parties from further litigation:

The Released Parties**[\*195]** are finally and forever released and discharged from any manner of claims . . . and causes of action in law, admiralty, or equity, whether class, individual, or otherwise in nature . . . whether known or unknown, suspected or unsuspected, whether concealed or hidden, or in law, admiralty, or equity, that the Representative Plaintiffs and other members of the Class who have not timely opted out of the settlement and excluded themselves from the Class ("Settling Plaintiffs"), or any of them, individually, or as a class (whether or not they make a claim upon or participate in the Settlement Funds), ever had, now have or hereafter can, shall or may have, against the Released Parties arising from or relating in any way to trading in NYMEX Natural Gas Contracts (including purchasing, selling, or holding any NYMEX Natural Gas Contract, or taking or making delivery of physical natural gas pursuant to any NYMEX Natural Gas Contract, or any combination thereof, whether as a hedger or speculator), whether or not asserted in the Action, including without limitation, claims which (a) arise from *or relate in any way to any conduct complained of in any complaint filed in the Action*, (b) have been**[\*196]** asserted or could have been asserted in any state or federal court or any other judicial or arbitral forum against the Released Parties or any one of them, (c) arise under *or relate to any federal or state commodity price manipulation law, any state or federal unfair or deceptive business or trade practices law, or other law or* ***regulation****, or common law, including, without limitation, the* [*Commodity Exchange Act, 7 U.S.C. § 1 et seq.*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GRC1-NRF4-427C-00000-00&context=)*, the federal* ***antitrust*** *laws (as that term is defined in* [*15 U.S.C. § 12*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GNX1-NRF4-43GX-00000-00&context=)*), or state* ***antitrust*** *laws* and/or (d) the claims brought in this Action. The Settling Plaintiffs, and each of them, are hereby enjoined from asserting any such claims against the Released Parties.

(First Settlement Order ¶ 6(a), at 4-6, ECF No. 2300-5 (emphases added; footnote omitted)). The omitted footnote defines "Released Parties" as, *inter alia*, the settling defendants and their predecessors and successors. (*See id.* 4 n.3, at 4-5). The release language of the Second Settlement Order is the same in relevant respects. (*See* Second Settlement Order ¶ 5(a), at 4-5, ECF No. 2300-7).

These releases would seem to bar the present claims against OESC, which was a defendant in the NYMEX Case. (*See* Am. Consol. Class Action Compl. ¶¶ 39-40). The**[\*197]** NYMEX court found that notice to the class had been sufficient and that the settlements were fair and reasonable, and OESC provides evidence that the NYMEX Case claims administrator mailed notices to both of Sinclair's NYMEX brokers, ABN AMRO and Smith Barney, (*see* Glenn Aff., ECF No. 2437-8). There is no evidence that Sinclair opted out of the class. Sinclair, however, argues that it had no relationship with the brokers to whom notice was mailed since 2003, before it even filed the ACCAC in the NYMEX Case. (*See* Johnson Aff. ¶¶ 5-6, ECF No. 2520-1). It also argues that this was known to the settlement administrator, so notice to its previous brokers was not reasonable. The Court finds that service upon a party's broker at the time of the relevant trades was reasonable. A broker has a fiduciary duty to notify a former client of such notice. If the broker fails to do so, the client may have a fiduciary claim against the broker, but he has no argument that notice to the broker of record was not a reasonable attempt to notify him of the relevant information.

The Court has also rejected the argument in granting a similar summary judgment motion in the '1331 Case, (*see* Order 9-13, ECF No.**[\*198]** 2416), that the NYMEX Case concerned harm to natural gas *futures traders* via Defendants' acts, i.e., the artificial inflation of futures prices via reporting false prices and engaging in wash trades, whereas the present case concerns harm to natural gas *consumers* due to those acts. The release language of the Settlements is broad enough to preclude the present claims. The release clause releases OESC and other settling defendants from "any manner of claims . . . and causes of action" by settling plaintiffs:

*relating in any way* to trading in NYMEX Natural Gas Contracts . . . *including without limitation, claims which* . . . *relate in any way to any conduct complained of in any complaint filed in the Action* [or which] *arise under or relate to any* federal or state commodity price manipulation law, any state or federal unfair or deceptive business or trade practices law, or other law or ***regulation***, or common law, including, without limitation . . . *state* ***antitrust*** *laws*.

(First Settlement Order ¶ 6(a), at 4-6 (emphases added; footnote omitted)). The language of the release is of course broader than the natural release as a matter of law that would have resulted from the settlement under ordinary**[\*199]** principles of claim preclusion, otherwise the release would serve no purpose. And the language of the release here is extremely broad. It releases OESC from the present claims, because they arise out of alleged conduct relating to conduct complained of in the NYMEX Case. As noted *supra*, the Complaint here and the ACCAC in the NYMEX Case both complain of OESC's alleged manipulation of NYMEX futures prices via the reporting of inaccurate, misleading, and false trading information, including artificial volume and price information, to trade publications that compile and publish such information. (*Compare* Compl. ¶¶ 2-5, *with* Am. Consol. Class Action Compl. ¶¶ 5, 60-70).

Sinclair notes that:

A settlement agreement may preclude a party from bringing a related claim in the future "even though the claim was not presented and might not have been presentable in the class action," but only where the released claim is "based on the identical factual predicate as that underlying the claims in the settled class action."

[*Hesse v. Sprint Corp., 598 F.3d 581, 590 (9th Cir. 2010)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:7Y03-GV00-YB0V-P03P-00000-00&context=) (quoting [*Williams v. Boeing Co., 517 F.3d 1120, 1133 (9th Cir. 2008)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:4RXV-VYH0-TXFX-D26S-00000-00&context=) and [*Class Plaintiffs v. City of Seattle, 955 F.2d 1268, 1287 (9th Cir. 1992))*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-5XD0-008H-V305-00000-00&context=). The claims in the Complaint are based on the "identical factual predicate" as the claims in the NYMEX Case, i.e., the alleged manipulation of natural gas prices via**[\*200]** false reporting of trading information to various trade publications. The NYMEX class complained of having paid inflated prices for NYMEX natural gas contracts or taking delivery of natural gas itself pursuant to such a contract, whereas Sinclair complains of having paid inflated prices due to having purchased natural gas directly from OESC.

Sinclair also argues that the NYMEX class representatives did not adequately represent Sinclair's interests. *See* [*Hesse, 598 F.3d at 588*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:7Y03-GV00-YB0V-P03P-00000-00&context=). But Sinclair provides no evidence indicating that none of the named plaintiffs had potential claims based on having directly purchased natural gas in addition to having purchased natural gas futures. Without such evidence, the Court cannot find that the named plaintiffs in the NYMEX Case did not adequately represent class members who potentially had such claims. And OESC has shown in reply that the claim is simply false; at least one of the named plaintiffs in the NYMEX Case, Cornerstone Propane Partners, L.P., alleged in its complaint that it had marketed natural gas in the United States, and its SEC filings indicate that it not only bought and sold propane (which is produced from natural gas) but also bought and sold natural gas itself**[\*201]** during the RTP and in fact only purchased futures contracts for the purpose of managing its exposure to fluctuations in the purchase prices of natural gas and crude oil. (*See* ECF Nos. 2552-8 to 2552-9).

Furthermore, unlike in [*Hesse*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:7Y03-GV00-YB0V-P03P-00000-00&context=), here the judgment in the class action expressly found that the interests of the NYMEX class were adequately represented by both counsel and the named plaintiffs. (*See* First Settlement Order ¶ 2(a)(iv)-(v)). The Court cannot undermine this express finding. *See* [*Hesse, 598 F.3d at 588*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:7Y03-GV00-YB0V-P03P-00000-00&context=) (citing [*Epstein v. MCA, Inc. (Epstein II), 179 F.3d 641, 643, 648-50 (9th Cir. 1999))*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3WND-26K0-0038-X062-00000-00&context=).

Defendants e prime, inc. ("e prime") and Xcel Energy Inc. ("Xcel Energy") (collectively, "e prime Defendants") have joined the motion. e prime was a settling Defendant in the NYMEX Case. Xcel Energy is and was e prime's parent company, and it is therefore included in the definition of "Released Parties." (*See* First Settlement Order ¶ 6(a) & n.3). Sinclair makes no separate arguments against e prime Defendants, and it appears to agree that they are similarly situated to OESC with respect to the present issues. The Court grants the joinder, as well.

**C. Motion No. 2508**

All remaining Defendants move for defensive summary judgment in the '1019 Case (*Arandell Corp. v. Xcel Energy, Inc.*) against all**[\*202]** claims brought by Briggs & Stratton Corp. ("BSC") and Carthage College ("CC") (collectively, "Plaintiffs") based on release and res judicata. The Court denies the motion. Movants (or their parents and subsidiaries, who were also covered by the releases)[[1]](#footnote-0)1 were defendants in the NYMEX case. (*See* Am. Consol. Class Action Compl. ¶¶ 28, 32-33, 41, 45-46). Plaintiffs were members of the NYMEX class because they purchased NYMEX Natural Gas Contracts within the Relevant Time Period. (*See* Mourand Dep., 57-62, ECF No. 2509-7; Hoare Dep. 102-09, ECF No. 2509-8). Finally, Plaintiffs purportedly received notice of the NYMEX settlements through their broker, Kaztex Energy Management, Inc., and did not opt out. (*See* Glenn Aff. & Ex. 5, ECF No. 2509-9; Young Aff. & Ex. 5, ECF No. 2509-10). But as Plaintiffs note, Kaztex only received notice in its capacity as a class member itself, not as Plaintiffs' agent. Indeed, Defendants and Kaztex itself have always denied that Kaztex was Plaintiffs' agent, and in the present motion, Defendants attempt to qualify their claim of Kaztex's agency as limited to the present motion. The Court will not grant summary judgment under these circumstances, where notice to**[\*203]** Plaintiffs of the NYMEX settlements is so factually uncertain.

**D. Motion No. 2555**

Defendants in the '233, '987, '1019, '0915, '1351, and '1331 Cases move for summary judgment under the [*Supremacy Clause*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GR31-NRF4-44XT-00000-00&context=), specifically, conflict preemption. The Court denies the motion. The Supreme Court has already affirmed the Court of Appeals' ruling that the claims in the present cases are not preempted under the doctrine of field preemption. The Court agrees with Plaintiffs that although Defendants use the term "conflict preemption," they in substance mainly reargue the issue of field preemption, although as limited to the practice of "churning."

Moreover, there is no conflict preemption, here. "[C]onflict pre-emption exists where compliance with both state and federal law is impossible, or where the state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." [*ONEOK, Inc. v. Learjet, Inc., 135 S. Ct. 1591, 1596, 191 L. Ed. 2d 511 (2015)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:5FTC-D411-F04K-F0WK-00000-00&context=) (citations and internal quotation marks omitted). Defendants argue that conflict preemption applies to the state law claims here insofar as state law makes "churning" (rapid, high-volume trading activity) unlawful, because the Federal Energy ***Regulatory*** Commission ("FERC") has opined that the practice does not violate**[\*204]** the Natural Gas Act or attendant ***regulations***.

But the fact that federal law permits a given practice does not mean that compliance with federal law is made impossible by stricter state laws, at least not where the federal law does not explicitly prohibit stricter state ***regulation***, and Defendants do not argue that federal law expressly prohibits the kinds of state law ***regulation*** at issue here. *See, e.g.,* [*Yung Kim v. Gen. Motors, LLC, 99 F. Supp. 3d 1096, 1106 (C.D. Cal. 2015)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:5FTD-5Y01-F04C-T4HD-00000-00&context=). Nor does potential liability for churning obstruct the purposes or objectives of Congress. The opinion of FERC with respect to whether one violates federal law by "churning" therefore has no bearing on whether conflict preemption applies here. The Court's task is to determine by reference to the statutes and ***regulations*** themselves whether the federal and state laws impose inconsistent obligations or whether the state laws obstruct congressional objectives. Defendants have not pointed to any federal statutes or ***regulations*** in conflict with the state laws at issue. Even if FERC had found in some other case that "churning" was *mandated* by federal law, that would not determine this Court's ruling on the conflict preemption issue in the present case. It would still be for this Court to**[\*205]** determine whether there were any conflict between the state laws against "churning" and federal law, e.g., whether federal law mandated "churning." The FERC's opinion would only be potentially persuasive. The only authority put forth in Defendants' favor as to the preemption of the kinds of state laws at issue here is a pre-*ONEOK* ruling by the Nevada Supreme Court in which it found that certain Nevada ***antitrust*** claims were *field* preempted, not *conflict* preempted, *see* [*State ex rel. Johnson v. Reliant Energy, Inc., 128 Nev. 483, 289 P.3d 1186, 1193 (Nev. 2012)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:56NT-9H51-F04H-R1F6-00000-00&context=), a ruling entirely abrogated, in any case, by the U.S. Supreme Court's decision to the contrary in this very case.

**E. Motion No. 2694**

Northern States Power Co.-Wisconsin ("NSP") moves for defensive summary judgment in the '1019 Case (*Arandell Corp. v. Xcel Energy, Inc.*) and the '915 Case (*NewPage Wisconsin System, Inc. v. CMS Energy Resources Management Co.*), arguing that there is no evidence it traded natural gas commodities on the wholesale market or reported any trades to any industry publication and that as a "Local Distribution Company" under Wisconsin law, it was prohibited from doing either.

Even assuming NSP has satisfied its initial burden on summary judgment, however, Plaintiffs have satisfied their shifted burden**[\*206]** to provide evidence of NSP's sale of natural gas to Plaintiffs during the RTP. (*See* Hess Decl., ECF No. 2737-32; Billings Decl. ¶¶ 37-40 & Exs. JJ—MM, ECF No. 2737-3). There is evidence adduced that during the RTP, Integrys Energy Services, Inc. purchased tens of thousands of dollars' worth of natural gas from NSP, (Hess Decl. ¶¶ 1-3, ECF No. 2737-32), that in 2001 NewPage Wisconsin System, Inc. was purchasing its natural gas from WPS, (Krolikowski Dep. 67, ECF No. 2737-33), that Merrick's, Inc. was purchasing its natural gas from WPS at some point in time, (Morris Dep. 10, ECF No. 2737-34), that between 2000 and 2002, Sargento bought its natural gas from WPS, (Link Dep. 29-31, ECF No. 2737-35), and that NewPage Wisconsin System, Inc. had purchased several thousand dollars' worth of natural gas from NSP between 2000 and 2002, (Invoice List, ECF No. 2737-36).

**IV. CLASS CERTIFICATION**

In order to obtain class certification under *Rule 23*, plaintiffs must satisfy two sets of criteria. First, plaintiffs must show each of the following:

(1) the class is so numerous that joinder of all members is impracticable;

(2) there are questions of law or fact common to the class;

(3) the claims or defenses of the**[\*207]** representative parties are typical of the claims or defenses of the class; and

(4) the representative parties will fairly and adequately protect the interests of the class.

*Rodriguez v. Hayes, 591 F.3d 1105, 1121-22 (9th Cir. 2010)* (citing *Fed. R. Civ. P. 23(a)*). Second, plaintiffs must show at least one of the following:

(1) prosecuting separate actions by or against individual class members would create a risk of:

(A) inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for the party opposing the class; or

(B) adjudications with respect to individual class members that, as a practical matter, would be dispositive of the interests of the other members not parties to the individual adjudications or would substantially impair or impede their ability to protect their interests;

(2) the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole; or

(3) the court finds that the questions of law or fact common to class members predominate over any questions affecting only individual members, and that a class action is superior to other available**[\*208]** methods for fairly and efficiently adjudicating the controversy. The matters pertinent to these findings include:

(A) the class members' interests in individually controlling the prosecution or defense of separate actions;

(B) the extent and nature of any litigation concerning the controversy already begun by or against class members;

(C) the desirability or undesirability of concentrating the litigation of the claims in the particular forum; and

(D) the likely difficulties in managing a class action.

*Fed. R. Civ. P. 23(b)(1)-(3)*; *see* *Hayes, 591 U.S. at 1122*. A district court should not address the merits of a case directly when determining certification under *Rule 23*, [*Eisen v. Carlisle & Jacquelin, 417 U.S. 156, 177-78, 94 S. Ct. 2140, 40 L. Ed. 2d 732 (1974)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3RJ6-FCY0-003B-S001-00000-00&context=) (holding that a class action plaintiff cannot argue the merits of his case to circumvent the *Rule 23* certification requirements), except to the extent that determining the certification motion requires probing the merits, in which case the court must address any relevant merits issues, [*Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 338, 349-52, 131 S. Ct. 2541, 180 L. Ed. 2d 374 (2011)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:534M-F5W1-F04K-F4CT-00000-00&context=). If the certification requirements are satisfied, a court should not refuse to certify simply because it believes the case should be dismissed or summarily adjudicated in favor of the defendant.

**A. Motion No. 2308**

Plaintiffs in the '233 Case ask the Court to certify the following class:

All industrial and**[\*209]** commercial direct purchasers of natural gas for their own use or consumption during the Relevant Time Period, and which gas was used or consumed by them in Kansas. Excluded from the Class are (a) entities that purchased natural gas for resale (to the extent of such purchase for resale); (b) entities that purchased natural gas for generation of electricity for the purpose of sale (to the extent of such purchase for generation); (c) defendants and their predecessors, affiliates and subsidiaries; and (d) the federal government and its agencies.

The "relevant time period" is January 2000 through February 2002.

**1. *Rule 23(a)***

**a. Numerosity**

The Court finds the numerosity requirement to be satisfied. There were thousands of industrial consumers and tens of thousands of commercial consumers of natural gas in Kansas during the relevant time period. (*See* Ennis Decl. ¶ 8 & Ex. E, ECF No. 2315-16, 2315-19, at 89).

**b. Commonality and Typicality**

The Court finds that although there are surely some questions of law and fact common to some members of the class and other questions of law and fact common to other members of the class, the Court is not convinced that there are questions of law and fact common to all members**[\*210]** of the class. The class members have similar allegations under Kansas law—that they purchased natural gas for their own consumption the price of which had been unlawfully inflated by Defendants' actions in violation of the Kansas Restraint of [*Trade Act*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GW91-NRF4-44TC-00000-00&context=). Plaintiffs' claims are also typical of the class members' claims in this regard. Plaintiffs Learjet, Inc.; Cross Oil Refining & Marketing, Inc.; and Topeka Unified School District 501, like the proposed class members, are industrial or commercial users of natural gas who purchased natural gas in Kansas for their own use in that state.

But, as Defendants note, the different purchasing strategies used by Plaintiffs and class members will require individualized examination of whether each class member was harmed, both factually (a standing issue) and legally (an ***antitrust*** law issue). So although it may be the case that some subset of the proposed class has been harmed, and that several subclasses (though yet undefined) of that subset have been harmed in the same way such that their damages can be calculated using some yet undetermined number of common methods, the class as currently defined does not satisfy the commonality requirement.**[\*211]** *See* [*Dukes, 564 U.S. at 350*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:534M-F5W1-F04K-F4CT-00000-00&context=) ("Their claims must depend upon a common contention—for example, the assertion of discriminatory bias on the part of the same supervisor. That common contention, moreover, must be of such a nature that it is capable of classwide resolution—which means that determination of its truth or falsity will resolve an issue that is central to the validity of each one of the claims in one stroke.").

Defendants also argue that some Plaintiffs are subject to claim preclusion and release defenses that not all putative class members are, i.e., based on the settlements in the NYMEX Case. The Court finds that this also weighs against class certification. The Court has variously granted or denied motions for summary judgment based on this defense based on the particular facts presented, e.g., whether a broker who received notice was an agent of the class member. If all Plaintiffs in a given class action were to be eliminated via such a defense, a court could either require substitution of one or more class representatives not subject to the defense. That possibility alleviates the typicality concerns. But the commonality concerns would remain. A trial court or jury would potentially have to sift**[\*212]** through thousands of records of notice and resolve thousands of agency issues to determine whether a given class member were properly notified of the NYMEX settlements and therefore bound by the attendant releases.

**c. Adequacy of Representation**

The Court finds that counsel is competent to represent the class. (*See* Bacon Decl. ¶¶ 3-4, 6, ECF No. 2315-10 (attesting that she is a 41-year attorney and former President of the Missouri Bar who has been involved with many of the 130-plus class actions her firm has prosecuted); Barry Decl. ¶ 3, ECF No. 2315-15 (attesting that he is a 52-year attorney with significant ***antitrust*** litigation experience); Bentz Decl. ¶¶ 3, 6, ECF No. 2315-11 (attesting that he is a 34-year attorney who has been involved with many of the 130-plus class actions his firm has prosecuted); Heinz Decl. ¶ 5, ECF No. 2315-13 (attesting that he is currently litigating two other class actions in this District); McCallister Decl. ¶¶ 3, 5, 8, ECF No. 2315-14 (attesting that he is a 42-year attorney and former President of the Kansas Trial Lawyers Association who has prosecuted over a dozen ***antitrust*** and class actions with his current firm); Jones Decl. ¶¶ 3, 6, ECF No. 2315-9**[\*213]** (attesting that he is a 37-year attorney who has been involved with many of the 250-plus class actions (some of which were ***antitrust*** cases) his firm has prosecuted)). The Court also finds that there is no evidence of any conflicts of interest between Plaintiffs and the class.

**2. *Rule 23(b)(3)***

Under *Rule 23(b)(3)*, questions of law or fact common to class members must "predominate" over questions affecting individual members, and a class action must be "superior" to other available methods for fairly and efficiently adjudicating the controversy. "The *Rule 23(b)(3)* predominance inquiry tests whether proposed classes are sufficiently cohesive to warrant adjudication by representation." [*Amchem Prods., Inc. v. Windsor, 521 U.S. 591, 623, 117 S. Ct. 2231, 138 L. Ed. 2d 689 (1997)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3RV9-HGW0-003B-R17N-00000-00&context=). Factors to be considered as to the superiority requirement include the class members' interests in individually controlling separate actions, the extent and nature of any litigation already begun by class members, the desirability or undesirability of concentrating the litigation of the claims in the particular forum, and the likely difficulties in managing a class action. The fact that a defendant may be able to eliminate one or more plaintiffs or class members due to individual issues does not cause individual questions to predominate. [*Halliburton Co. v. Erica P. John Fund, Inc., 134 S. Ct. 2398, 2412, 189 L. Ed. 2d 339 (2014)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:5CH0-84P1-F04K-F007-00000-00&context=). "Private**[\*214]** damage claims by numerous individuals arising out of concerted ***antitrust*** violations may or may not involve predominating common questions." *Fed. R. Civ. P. 23(b)(3)* advisory committee's note to 1966 amendment, *subdivision (b)(3)*.

Where "the damages for individual class members will entail a straightforward calculation," those individual issues are considered "relatively easy" and will not defeat the fact that the class members' harm stems from common acts of a defendant. [*Local Joint Exec. Bd. of Culinary/Bartender Tr. Fund v. Las Vegas Sands, Inc., 244 F.3d 1152, 1163 (9th Cir. 2001)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:42T5-C840-0038-X44K-00000-00&context=) (reversing Judge Pro's denial of class certification). That is not the case here. As counsel for Defendants noted at the hearing, class members in these cases are not small consumers whose damages constitute a straightforward calculation of units of product purchased times some amount by which the retail price was wrongly inflated. Rather, they were sophisticated industrial and commercial consumers who used varying and complex strategies for purchasing natural gas such that it is difficult to calculate their damages in most cases. In many cases, there are no damages at all. And Plaintiffs' own experts have used different methods to calculate injury, resulting in disparate estimations of what percentage of class members were even harmed. Although there are**[\*215]** some common questions of law and fact, they do not predominate over individual issues.

**B. Motion No. 2309**

Plaintiffs in the '987 Case ask the Court to certify the following class:

All industrial and commercial direct purchasers of natural gas for their own use or consumption during the Relevant Time Period, and which gas was used or consumed by them in Missouri. Excluded from the Class are (a) entities that purchased natural gas for resale (to the extent of such purchase for resale); (b) entities that purchased natural gas for generation of electricity for the purpose of sale (to the extent of such purchase for generation); (c) defendants and their predecessors, affiliates and subsidiaries; and (d) the federal government and its agencies.

The "relevant time period" is January 1, 2000 through February 2002.

**1. *Rule 23(a)***

**a. Numerosity**

The Court finds the numerosity requirement to be satisfied. There were thousands of industrial consumers and over a hundred-thousand commercial consumers of natural gas in Missouri during the relevant time period. (*See* Ennis Decl. ¶ 8 & Ex. E, ECF No. 2315-16, 2315-19, at 89).

**b. Commonality and Typicality**

The Court finds the commonality and typicality requirements not to**[\*216]** be satisfied for the reasons given as to the motion in the '233 Case. *See supra*.

**c. Adequacy of Representation**

The Court finds that counsel is competent to represent the class. (*See* Bacon Decl. ¶¶ 3-4, 6, ECF No. 2315-10 (attesting that she is a 41-year attorney and former President of the Missouri Bar who has been involved with many of the 130-plus class actions her firm has prosecuted); Barry Decl. ¶ 3, ECF No. 2315-15 (attesting that he is a 52-year attorney with significant ***antitrust*** litigation experience); Bentz Decl. ¶¶ 3, 6, ECF No. 2315-11 (attesting that he is a 34-year attorney who has been involved with many of the 130-plus class actions his firm has prosecuted); Heinz Decl. ¶ 5, ECF No. 2315-13 (attesting that he is currently litigating two other class actions in this District); Jones Decl. ¶¶ 3, 6, ECF No. 2315-9 (attesting that he is a 37-year attorney who has been involved with many of the 250-plus class actions (some of which were ***antitrust*** cases) his firm has prosecuted)). The Court also finds that there is no evidence of any conflicts of interest between Plaintiffs and the class.

**2. *Rule 23(b)(3)***

The Court finds that the predominance and superiority requirements of *Rule 23(b)(3)* are not met in**[\*217]** this case for the same reasons given as to the '233 Case, *supra*.

**C. Motion No. 2310**

Plaintiffs in the '1351 Case ask the Court to certify the following class:

All industrial and commercial purchasers of natural gas for their own use or consumption that bought from defendants Xcel Energy, Inc., e prime Energy Marketing, or their corporate affiliates during the Relevant Time Period, and which gas was used or consumed by them in Colorado. Excluded from the Class are (a) entities that purchased natural gas for resale (to the extent of such purchase for resale); (b) entities that purchased natural gas for generation of electricity for the purpose of sale (to the extent of such purchase for generation); (c) defendants and their predecessors, affiliates and subsidiaries; and (d) the federal government and its agencies.

The "relevant time period" is January 1, 2000 through February 2002.

**1. *Rule 23(a)***

**a. Numerosity**

The Court finds the numerosity requirement to be satisfied. There were thousands of industrial consumers and over a hundred-thousand commercial consumers of natural gas in Colorado during the relevant time period. (*See* Ennis Decl. ¶ 8 & Ex. E, ECF No. 2315-16, 2315-19, at 89).

**b. Commonality and Typicality**

The Court**[\*218]** finds the commonality and typicality requirements not to be satisfied for the reasons given as to the motion in the '233 Case. *See supra*.

**c. Adequacy of Representation**

The Court finds that counsel is competent to represent the class. (*See* Bacon Decl. ¶¶ 3-4, 6, ECF No. 2315-10 (attesting that she is a 41-year attorney and former President of the Missouri Bar who has been involved with many of the 130-plus class actions her firm has prosecuted); Barry Decl. ¶ 3, ECF No. 2315-15 (attesting that he is a 52-year attorney with significant ***antitrust*** litigation experience); Bentz Decl. ¶¶ 3, 6, ECF No. 2315-11 (attesting that he is a 34-year attorney who has been involved with many of the 130-plus class actions his firm has prosecuted); Heinz Decl. ¶ 5, ECF No. 2315-13 (attesting that he is currently litigating two other class actions in this District); Jones Decl. ¶¶ 3, 6, ECF No. 2315-9 (attesting that he is a 37-year attorney who has been involved with many of the 250-plus class actions (some of which were ***antitrust*** cases) his firm has prosecuted)). The Court also finds that there is no evidence of any conflicts of interest between Plaintiffs and the class.

**2. *Rule 23(b)(3)***

The Court finds that the predominance**[\*219]** and superiority requirements of *Rule 23(b)(3)* are not met in this case for the same reasons given as to the '233 Case, *supra*.

**D. Motion No. 2311**

Plaintiffs in the '1019 and '915 Cases ask the Court to certify the following class:

All industrial and commercial purchasers of natural gas for their own use or consumption during the Relevant Time Period, and which gas was used or consumed by them in Wisconsin. Excluded from the Class are (a) entities that purchased natural gas for resale (to the extent of such purchase for resale); (b) entities that purchased natural gas for generation of electricity for the purpose of sale (to the extent of such purchase for generation); (c) entities that purchased natural gas from entities that sold natural gas at rates approved by the Wisconsin Public Service Commission (to the extent of such purchases at such approved rates); (d) defendants and their predecessors, affiliates and subsidiaries; and (e) the federal government and its agencies.

The "relevant time period" is January 1, 2000 through October 31, 2002.

**1. *Rule 23(a)***

**a. Numerosity**

The Court finds the numerosity requirement to be satisfied. There were thousands of industrial consumers and over a hundred-thousand commercial consumers of natural**[\*220]** gas in Wisconsin during the relevant time period. (*See* Ennis Decl. ¶ 8 & Ex. E, ECF No. 2315-16, 2315-19, at 89).

**b. Commonality and Typicality**

The Court finds the commonality and typicality requirements not to be satisfied for the reasons given as to the motion in the '233 Case. *See supra*.

**c. Adequacy of Representation**

The Court finds that counsel is competent to represent the class. (*See* Bacon Decl. ¶¶ 3-4, 6, ECF No. 2315-10 (attesting that she is a 41-year attorney and former President of the Missouri Bar who has been involved with many of the 130-plus class actions her firm has prosecuted); Gegios Decl. ¶¶ 3, 6, ECF No. 2315-12 (attesting that he is a 36-year attorney who has been involved in many class actions since 1984, including at least two ***antitrust*** class actions); Jones Decl. ¶¶ 3, 6, ECF No. 2315-9 (attesting that he is a 37-year attorney who has been involved with many of the 250-plus class actions (some of which were ***antitrust*** cases) his firm has prosecuted)). The Court also finds that there is no evidence of any conflicts of interest between Plaintiffs and the class.

**2. *Rule 23(b)(3)***

The Court finds that the predominance and superiority requirements of *Rule 23(b)(3)* are not met in these cases for**[\*221]** the same reasons given as to the '233 Case, *supra*.

**V. MOTION TO AMEND**

A party may amend its pleading once as a matter of course within . . . 21 days after serving it, or . . . if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under [*Rule 12(b)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5GYC-1WP1-6N19-F0YW-00000-00&context=), [*(e)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5GYC-1WP1-6N19-F0YW-00000-00&context=), or [*(f)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5GYC-1WP1-6N19-F0YW-00000-00&context=), whichever is earlier. . . . In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

[*Fed. R. Civ. P. 15(a)(1)-(2)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5GYC-1WP1-6N19-F103-00000-00&context=). As noted by Judge Pro in previously denying a motion to amend, however, a deadline to amend pleadings set by scheduling order may only be amended for good cause. *See* [*Fed. R. Civ. P. 16(b)(3)(B)(vii)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:8JD7-4G92-8T6X-702K-00000-00&context=), [*(b)(4)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:8JD7-4G92-8T6X-702K-00000-00&context=).

Sinclair has requested leave to amend the complaints in the '267 and '282 cases to delete five claims, make additional allegations as to six claims, and to add two claims under Wyoming law. Sinclair has not shown that it has been diligent in making this request or that the fact and law upon which the new claims lie were not reasonably available to it until it made the motion. *See* *United States v. Dang, 488 F.3d 1135, 1142-43 (9th Cir. 2007)*; [*Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-1630-008H-V34C-00000-00&context=) (citing [*Fed. R. Civ. P. 16*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:8JD7-4G92-8T6X-702K-00000-00&context=) advisory committee's note to 1983 amendment). Amendment at this stage would also be extraordinarily disruptive**[\*222]** and prejudicial to Defendants. That weighs against a good cause finding, although prejudice need not be found to deny an untimely amendment. *See* [*Coleman v. Quaker Oats Co., 232 F.3d 1271, 1295 (9th Cir. 2000)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:41PN-H5Y0-0038-X3F5-00000-00&context=). Discovery is now nearly closed after several years of litigation, all dispositive motions have been filed, and the Court via the present order is making what will likely be its penultimate dispositive rulings in these cases before remand to the transferor courts for trial.

Movant has not shown good cause for such a late amendment. As Defendants note, Sinclair may voluntarily dismiss some of its claims without obtaining leave to amend. Because the dismissal stage of the litigation is over, repleading claims that have survived to the summary judgment stage would be superfluous, and a request to replead any dismissed claim would in substance constitute a motion to reconsider a previous dismissal. The only purpose of the present motion is to add the constitutional and statutory claims under Wyoming law. But Sinclair has made no showing that those claims are based on new evidence or theories not reasonably available to Sinclair before certain deposition and expert testimony obtained in 2016 leading Sinclair to think that causes of action under**[\*223]** [*Article X, Section 8 of the Wyoming Constitution*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:56XJ-M331-639C-50HM-00000-00&context=) or [*section 40-4-101*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:56VF-H671-73WF-607P-00000-00&context=) of the Wyoming Statutes had suddenly become viable. [*Section 40-4-101*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:56VF-H671-73WF-607P-00000-00&context=) makes it unlawful to "prevent competition or to control or influence production or prices." [*Wyo. Stat. § 40-4-101*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:56VF-H671-73WF-607P-00000-00&context=). The Wyoming Constitution prohibits the "consolidation or combination of corporations of any kind whatever to prevent competition, to control or influence productions or prices thereof." [*Wyo. Const. art. X, § 8*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:56XJ-M331-639C-50HM-00000-00&context=). The kind of activity those provisions make unlawful as relevant to the present case, i.e., price manipulation, has been the core basis of the '267 and '282 Cases since they were filed in 2005. The complaints in those cases are both premised on Defendants having acted alone and in tandem to inflate natural gas prices. (*See* Compl. ¶ 4, ECF No. 1 in Case No. 2:06-cv-267; Compl. ¶ 3, ECF No. 1 in Case No. 2:06-cv-282).

**VI. MOTION TO RECONSIDER A RULING OF THE MAGISTRATE JUDGE**

[*Rule 72(a)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5GYC-25Y1-FG36-104X-00000-00&context=) permits a district court judge to modify or set aside a magistrate judge's non-dispositive ruling that is clearly erroneous or contrary to law:

When a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order**[\*224]** stating the decision. A party may serve and file objections to the order within 14 days after being served with a copy. A party may not assign as error a defect in the order not timely objected to. The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.

[*Fed. R. Civ. P. 72(a)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5GYC-25Y1-FG36-104X-00000-00&context=); *see also* Local R. IB 3-1(a). [*Rule 72(a)*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:5GYC-25Y1-FG36-104X-00000-00&context=) institutes an abuse of discretion standard. *See* [*Grimes v. San Francisco, 951 F.2d 236, 241 (9th Cir. 1991)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4X-6XS0-008H-V2CG-00000-00&context=) (citing [*United States v. BNS Inc., 858 F.2d 456, 464 (9th Cir. 1988)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4W-Y8S0-001B-K1MJ-00000-00&context=) ("We still must determine, however, whether the court abused its discretion in issuing its order based on the facts before it which are supported by the record. Under the abuse of discretion standard, we cannot simply substitute our judgment for that of the district court, but must be left with the definite and firm conviction that the court committed a clear error of judgment in reaching its conclusion after weighing the relevant factors.")).

Movants ask the Court to reverse the order of the Magistrate Judge denying their motion to compel Reliant Energy, Inc. to provide certain discovery. Movants have adduced a transcript of the hearing before the Magistrate Judge. The Court has reviewed the entire transcript of the hearing on the motion to compel,**[\*225]** as well as the previously adduced excerpts of the transcript of Ms. Kupieck's deposition and does not find that the Magistrate Judge erred in denying the motion. The Magistrate Judge recounted the extensive discovery she had provided Plaintiffs, including granting a previous motion to compel the deposition of Ms. Kupieck, whose deposition led to the most recent motion to compel. The Magistrate Judge did not err in concluding that Ms. Kupieck's testimony did not indicate the existence of the kinds of documents Movants have sought to compel Defendants to produce, but that Movants were simply unhappy with their failure to obtain sought-after admissions from Ms. Kupieck.

**VII. MOTION FOR SUGGESTION OF REMAND**

Movants ask the Court to suggest to the JPML under JPML Rule 10.1(b) that it remand the Class Actions back to the transferor courts. Plaintiffs note the Class Actions involve state law ***antitrust*** claims under four different states' laws and argue they are therefore better addressed by the transferor courts. They argue that the JPML typically defers to a transferee court's recommendation of remand. *See* [*In re Franklin Nat'l Bank Sec. Litig., 407 F. Supp. 248, 248 (J.P.M.L. 1976)*](https://advance.lexis.com/api/document?collection=cases&id=urn:contentItem:3S4V-K7B0-0054-61MB-00000-00&context=) ("Generally, the Panel gives great deference to a transferee judge's suggestion that an action pending**[\*226]** before him for [*Section 1407*](https://advance.lexis.com/api/document?collection=statutes-legislation&id=urn:contentItem:4YF7-GSG1-NRF4-42NR-00000-00&context=) treatment is ripe for remand."). Fact and class discovery has closed in the Class Actions. The parties will soon finish merits expert depositions. The Court will not suggest remand of the Class Actions before making summary judgment and class certification rulings where the same conduct by many of the same Defendants forms the basis for Plaintiffs' claims under similar state laws.

**CONCLUSION**

IT IS HEREBY ORDERED that the Motions for Summary Judgment (ECF Nos. 2399, 2508, 2555, 2694, 2709), Motions for Class Certification (ECF Nos. 2308, 2309, 2310, 2311),

the Motions to Strike (ECF Nos. 2547, 2548, 2620, 2621, 2622, 2623, 2624, 2625), the Motion to Reconsider (ECF No. 2772) and Motion to File a Reply (ECF No. 2796), the Motion to File a Surresponse (ECF No. 2718), the Motion to Amend (ECF No. 2454), and the Motion for Suggestion of Remand (ECF No. 2765) are DENIED.

IT IS FURTHER ORDERED that the Motion to Seal (ECF No. 2766), the Motion to Strike (ECF No. 2679), the Motion for Summary Judgment (ECF No. 2436), and the Joinder to Motion No. 2436 (ECF No. 2444), are GRANTED.

IT IS FURTHER ORDERED that the Motions to Strike (ECF Nos. 2644, 2645, 2651) are GRANTED IN PART AND**[\*227]** DENIED IN PART.

IT IS FURTHER ORDERED that the Motion to Strike (ECF No. 2650) is DENIED as moot.

IT IS FURTHER ORDERED that the Motion to Strike (ECF No. 2767) is DENIED IN PART and DENIED as moot in part.

IT IS SO ORDERED.

Dated this 30th day of March, 2017.

/s/ Robert C. Jones

ROBERT C. JONES

United States District Judge

**End of Document**

1. 1The Williams Cos., Inc., Williams Merchant Services Co., LLC (f/k/a Williams Merchant Services Co., Inc.), Williams Gas Marketing, Inc. (f/k/a Williams Power Co., Inc. and Williams Energy Marketing & Trading); Dynegy Ill. Inc., DMT G.P. L.L.C., Dynegy GP Inc., Dynegy Marketing & Trade; El Paso Corp. and El Paso Merchant Energy, L.P.; CMS Energy Corp., Cantera Gas Co., CMS Marketing Services & Trading Co., Reliant Energy, Inc. (n/k/a RRI Energy, Inc.), Reliant Energy Services, Inc. (n/k/a RRI Energy Services, LLC), Northern States Power Co., and Xcel Energy Inc. [↑](#footnote-ref-0)