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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

E & J GALLO WINERY,

CASE NO. CV F 03-5412 LJO DLB

Plaintiff,

**CLARIFICATION OF ORDER ON  
DEFENDANTS’ MIL NO. 10  
(Doc. 878.)**

vs.

ENCANA ENERGY SERVICES,  
INC., et al.,

Defendants.

\_\_\_\_\_ /  
This Court granted defendants Encana Corporation and WD Energy Services Inc.’s (collectively “defendants”) motion in limine no. 10 to exclude several natural gas transactions with Reliant Energy Services, financial restatements of the transactions and Securities and Exchange Commission inquiry and action regarding the transactions. Plaintiff E & J Gallo Winery (“Gallo”) opposed the motion in limine. This Court’s order to grant the motion in limine stated: “The Reliant transactions, related financial restatements and SEC action are collateral and remote to Gallo’s claims **which are limited to trading at the PG&E Citygate, a point which Gallo does not dispute.**” (Bold added.) Gallo seeks clarification that its claims are not limited to PG&E Citygate in that it seeks to prove “an industry-wide conspiracy.”

This Court’s comment “a point which Gallo does not dispute” refers to the allegations in Gallo’s operative first amended complaint that “[t]he natural gas Gallo purchased entered the intrastate pipeline system at PG&E Citygate. . . . The defendants have market power over the pricing of firm and

1 interruptible transportation capacity, over the bundled price of natural gas delivered to PG&E Citygate  
2 . . .” Gallo alleges and thus does not dispute that its claims arise from purchases at the PG&E Citygate.  
3 That is this Court’s point. This Court understands that Gallo attempts to prove an industry-wide  
4 conspiracy. This Court is unable, and has not been asked, to issue a blanket order that all transactions  
5 outside PG&E Citygate are admissible or inadmissible. Transactions outside PG&E Citygate will need  
6 to be addressed on a case-by-case basis at trial. Defendants’ motion in limine no. 10 focused only on  
7 the Reliant transactions on which this Court ruled.

8 Defendants need not respond to Gallo’s clarification request.

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10 IT IS SO ORDERED.

11 **Dated: August 19, 2009**

**/s/ Lawrence J. O’Neill**  
**UNITED STATES DISTRICT JUDGE**

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