

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

CALIFORNIA DEPARTMENT OF WATER)	
RESOURCES,)	2:05-cv-0518-GEB-EFB
)	
Plaintiff,)	
)	<u>ORDER</u> *
v.)	
)	
POWEREX CORPORATION,)	
)	
Defendant.)	

On September 9, 2011, Plaintiff California Department of Water Resources ("CDWR") filed a "Motion to Confirm End of Stay or, in the Alternative, to Lift Stay ("motion"), arguing FERC has adjudicated three pertinent filings. (Pl.'s Mot., 2:1-4.) This case was stayed in an order filed September 4, 2009, during the Federal Energy Regulatory Commission's ("FERC") adjudication of FERC filings referenced in the stay order. Defendant Powerex Corporation ("Powerex") opposes the motion and argues FERC is still adjudicating issues that bear directly on this case. (Def.'s Opp'n ("Opp'n"), 1:12-2:2.)

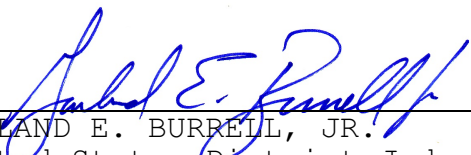
CDWR requested rehearings on the three FERC filings that CDWR argues have been adjudicated. (Mot., 5:11-12.) This evinces that CDWR is still actively seeking relief from FERC that bears on issues in this case.

* This matter is deemed suitable for decision without oral argument. E.D. Cal. R. 230(g).

1 Powerex's argument that two other proceedings at FERC
2 necessitate the stay has not been shown to be within the scope of CDWR's
3 Motion and is an argument that is not properly decided in light of the
4 motion CDWR noticed for hearing. Therefore, the merits of this argument
5 are not reached.

6 Since CDWR has not shown that the stay should be lifted,
7 CDWR's motion is denied.

8 Dated: October 7, 2011

9
10 
11 _____
12 GARLAND E. BURRELL, JR.
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28