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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FEDERAL ENERGY REGULATORY
COMMISSION,

Plaintiff,

v.

BARCLAYS BANK PLC, DANIEL
BRIN, SCOTT CONNELLY, KAREN
LEVINE, and RYAN SMITH,

Defendants.

No. 2:13-cv-2093-TLN-DAD

**REQUEST FOR SUPPLEMENTARY
BRIEFING**

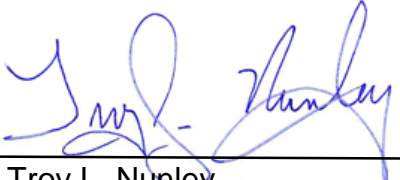
The Court has reviewed and considered the parties' Joint Status Report (ECF No. 97). The Court requests supplementary briefing on the issue of separating the Court's determination of disgorgement from a determination of Defendants' liability and the amount in penalties, as discussed in the Joint Status Report, pages 18–19 and 27. FERC states expert testimony and discovery may be helpful for a determination of disgorgement, but is not necessary for a determination of liability and penalties. Defendants argue bifurcation will be prejudicial and inefficient. The Court requests further briefing from the parties in support of these positions.

The Court reserves issuing a scheduling order at this juncture. The parties' briefing should assume a scenario in which the Court, for the purposes of reviewing civil penalties, conducts a review of the record identified by FERC at page 16 of the Joint Status Report. The

1 parties' briefing should also assume briefing is completed in a manner similar to the schedule
2 proposed by FERC at page 17 of the Joint Status Report. The parties need not address the scope
3 of de novo review under section 31(d)(3) of the Federal Power Act.

4 The parties (FERC and collectively Defendants) should limit their briefing to no more
5 than 10 pages per side, to be filed within 30 days of entry of this Order.

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7 Dated: August 3, 2015

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12 Troy L. Nunley
13 United States District Judge
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