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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORTH STAR GAS COMPANY,
Plaintiff,
v.
PACIFIC GAS AND ELECTRIC
COMPANY, et al.,
Defendants.

Case No. [15-cv-02575-HSG](#)

**ORDER DIRECTING SUPPLEMENTAL
BRIEFING ON DEFENDANTS'
MOTION TO DISMISS**


Re: Dkt. No. 60

The parties are directed to submit simultaneous supplemental briefs, not to exceed 15 pages, focusing on the legal basis for allowing (or prohibiting) a showing of anticompetitive conduct under Section 2 in a regulated industry based on a “business torts” theory, however named. The parties should discuss why the Court should or should not extend the application of Section 2 to this case under the Ninth Circuit’s analysis in MetroNet Servs. Corp. v. Qwest Corp., 383 F.3d 1124 (9th Cir. 2004), and why the Court should or should not make that determination as a matter of law at the motion to dismiss stage.

In addition, the parties are directed to submit a list of Supreme Court and Circuit Court cases that consider the application of Verizon to allegedly anticompetitive conduct in regulated industries. The briefs must be submitted by February 6, 2017. No responsive filings are permitted.

IT IS SO ORDERED.

Dated: 1/24/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge