

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In re WESTERN STATES WHOLESALE NATURAL GAS ANTITRUST LITIGATION.)	2:03-cv-01431-RCJ-PAL
)	
)	MDL No. 1566
)	
)	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 engaging in wash sales. On November 16, 2016, the Court ruled on 19 of 40 pending motions. The present order concerns two motions for reconsideration as to the November 16, 2016 order.

First, Plaintiffs in Case Nos. 2:07-cv-1019 and 2:09-cv-915 previously asked the Court to overrule the Magistrate Judge’s order of September 13, 2016 denying their motion to compel. The Court denied the motion as untimely. But even assuming for the sake of argument that the motion was timely, the Court cannot find that the Magistrate Judge committed clear error in finding that CES did not waive the attorney–client privilege when Mr. Sullivan spoke to Mr. Hepburn in preparation for his Rule 30(b)(6) deposition and, accordingly, denying the motion to compel.

Second, several parties have asked the Court to clarify or reconsider its ruling on November 16, 2016 that “Any dispositive motions filed by the December 8, 2016 deadline will also be argued at that time [January 26, 2017], and the Court will not extend the December 8,

1 2016 deadline.” They note that the Magistrate Judge approved a previous stipulation by the
2 parties extending the dispositive motions deadline to January 13, 2017. The Court will permit
3 dispositive motions to be filed by January 13, 2017, in accordance with the stipulation approved
4 by the Magistrate Judge on August 17, 2016. When authoring the previous order, the Court did
5 not notice the latest stipulated amendment to the scheduling order because the title of the
6 relevant stipulation and order did not include the words “scheduling order” or “dispositive
7 motions deadline” but were titled “[ORDER granting ECF No. 2507] Motion to Modify Class
8 Certification and Merits Expert Report Deadlines.” The latest entry in the docket referring to the
9 “scheduling order” was the May 31, 2016 order of the Magistrate Judge approving a stipulation
10 to amend the scheduling order to designate December 8, 2016 as the dispositive motions
11 deadline. In summary, the deadline is January 13, 2017, and if any party filed a dispositive
12 motion between the entry of the Court’s November 16, 2016 order and December 8, 2016 and
13 wishes to refile the motion on or before January 13, 2017, it may do so but should also withdraw
14 the previous motion to avoid duplication. Only unwithdrawn motions filed on or before
15 December 8, 2016 will be heard on January 26, 2017.

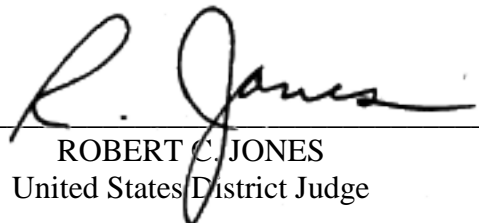
16 CONCLUSION

17 IT IS HEREBY ORDERED that the Motion to Reconsider (ECF No. 2673) is DENIED.

18 IT IS FURTHER ORDERED that the Motion to Clarify (ECF No. 2677) is GRANTED.

19 IT IS SO ORDERED.

20 Dated this 5th day of January, 2017.

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22 
23 ROBERT C. JONES
24 United States District Judge