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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

SCHEDULING ORDER

The parties have briefed the nature of the subsequent proceedings in a joint status report and in supplemental briefing.¹ (ECF Nos. 97, 101, 103.) In consideration of those arguments the Court issues the following Scheduling Order:

- Within 30 days after issuance of this Order, FERC shall file with the Court the administrative record used by FERC in assessing civil penalties.
- Within 30 days of the filing of the record, FERC shall file a motion for an order affirming the civil penalties assessed by FERC.
- Within 60 days of the filing of FERC's motion, Defendants shall file an opposition.

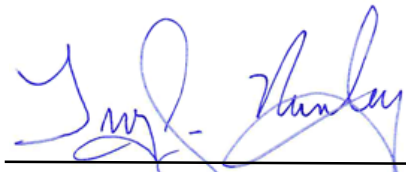
¹ Defendants' motion for leave to file a memorandum on the scope of de novo review under the Federal Power Act (ECF No. 102) is denied.

1 • Within 21 days of the filing of Defendants’ opposition, FERC may file a reply.

2 The Court will review FERC’s assessment to determine whether penalties shall be
3 affirmed, vacated, or modified. 16 U.S.C. § 823b(d)(3)(B). The Court will also consider whether
4 a determination as to this assessment requires supplementation of the record submitted by FERC
5 and/or alternative means of fact-finding.

6 The Court hereby bifurcates its determination of disgorgement from its review of liability
7 and the assessed civil penalties. The Court finds bifurcation facilities a just and expeditious
8 resolution of this litigation. *Exxon Co. v. Sofec, Inc.*, 54 F.3d 570, 575 (9th Cir. 1995).
9 Accordingly, the parties may address issues relevant to disgorgement only to the extent they are
10 relevant to the Court’s review of liability and civil penalties. If necessary at a later date the Court
11 will set forth a schedule for a determination of disgorgement.

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13 Dated: October 1, 2015

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17 _____
18 Troy L. Nunley
19 United States District Judge
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