

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE SUBPOENA ISSUED TO
COMMODITY FUTURES TRADING
COMMISSION

Miscellaneous Action No. 04-564
(JDB)

ORDER

Upon consideration of [29] E. and J. Gallo Winery's Motion to Compel and [39] Duke Energy Corp. and Reliant Energy Services, Inc.'s motion to strike, and the entire record in this case, and for the reasons stated in the accompanying Memorandum Opinion issued on this date, it is this 28th day of April, 2005, hereby

ORDERED that E. and J. Gallo Winery's Motion to Compel is **GRANTED** as to the WD Energy documents held by the CFTC for which WD Energy has asserted a settlement privilege; and it is further

ORDERED that Duke Energy Corp. and Reliant Energy Services, Inc.'s motion to strike is **DENIED** for the reasons stated in open court on March 11, 2005, and March 24, 2005.

/s/ John D. Bates
JOHN D. BATES
United States District Judge

Dated: April 28, 2005

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