

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ARANDELL CORPORATION, MERRICK'S, INC.,
SARGENTO FOODS, INC., BRIGGS & STRATTON
CORPORATION, CARTHAGE COLLEGE, LADISH
CO., INC.,

Plaintiffs,

v.

XCEL ENERGY, INC, NORTHERN STATES POWER
COMPANY, DYNEGY ILLINOIS INC., DYNEGY GP,
INC., DYNEGY MARKETING & TRADE, E PRIME
INC., and DMT G.P. LLC,

Defendants.

ORDER

07-cv-76-jdp

NEWPAGE WISCONSIN SYSTEM, INC.,

Plaintiff,

v.

XCEL ENERGY INC., NORTHERN STATES POWER
COMPANY, DYNEGY ILLINOIS INC., DMT G.P.
LLC, DYNEGY GP INC., DYNEGY MARKETING &
TRADE, and E PRIME INC,

Defendants.

ORDER

09-cv-240-jdp

The plaintiffs in these consolidated cases are commercial and industrial entities that purchased natural gas between 2000 and 2002 for consumption in Wisconsin. Plaintiffs allege that defendants conspired to fix the prices for natural gas, in violation of antitrust law. The litigation began nearly 20 years ago, and the class members have settled with most of the original defendants. Seven defendants remain: Dynegy Illinois Inc., DMT G.P. L.L.C., Dynegy GP Inc. and Dynegy Marketing and Trade, e prime, inc., Northern States Power Company,

and Xcel Energy Inc. Plaintiffs and the remaining defendants now jointly move for certification of a class under Federal Rule of Civil Procedure 23(b)(3) and for preliminary approval of a class settlement in the amount of \$16 million. Dkt. 326.¹

Both the scope of the class and the structure of the settlement and class notice are the same as the settlement this court approved in 2023 with a different set of defendants. Dkt. 314. The only difference is the amount of the settlement. (The 2023 settlement was for \$12 million.) For the same reasons that the court discussed in its 2023 order, Dkt. 292, the court concludes that the parties have satisfied the requirements for class certification under Rule 23(a) and (b)(3) and for preliminary approval of their settlement under Rule 23(e)(2). The court will grant the parties' motion, appoint class counsel, and set a schedule leading up to a hearing for final approval of the settlement.

ORDER

IT IS ORDERED that:

1. The motion for class certification and preliminary approval of the class settlement, Dkt. 326, is GRANTED.
2. The court certifies the following class:

All industrial and commercial purchasers of natural gas for their own use or consumption during the period from January 1, 2000 until October 31, 2002, and which gas was used or consumed by them in Wisconsin. Excluded from the Class are: (a) entities that purchased natural gas for resale (to the extent of such purchase for resale); (b) entities that purchased natural gas for generation of electricity for the purpose of sale (to the extent of such purchase for generation); (c) entities that purchased natural gas at rates approved by the Wisconsin Public Service Commission (to the extent of such purchases at such approved rates);

¹ Docket citations are to case number 07-cv-076-jdp.

(d) defendants and their predecessors, affiliates, and subsidiaries;
and (e) the federal government and its agencies.

3. The law firms of Kohner Mann & Kailas, S.C., Perkins Coie LLP, and Polsinelli PC are appointed as counsel for the settlement class.
4. The parties proposed class notices are approved.
5. The parties are directed to promptly serve notice on the appropriate government officials in accordance with 28 U.S.C. § 1715.
6. No later than December 17, 2025, the parties are directed to disseminate notice to the class. The notices are to give class members 45 days to submit a claim, opt out of the class, or file an objection.
7. No later than December 17, 2025, the parties are to submit proof to the court that they complied with the notice requirements in 28 U.S.C. § 1715.
8. No later than February 25, 2026, the parties are to file a motion for final approval of the settlement agreement. The motion for final approval must address all the factors in Rule 23(e)(2), identify all class members who requested exclusion or objected to the settlement, and respond to any objections raised by class members. Also by February 25, class counsel are to submit a motion for attorney fees and expenses.
9. A settlement approval hearing will be held via video conference on Friday, March 27, 2026, at 2:00 p.m.

Entered November 17, 2025.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge