

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
STATE OF NEW YORK, STATE OF NEW)	
JERSEY, STATE OF CONNECTICUT,)	
HOOSIER ENVIRONMENTAL COUNCIL,)	
and OHIO ENVIRONMENTAL COUNCIL,)	
Plaintiff-Intervenors,)	
)	
vs.)	1:99-cv-1693-LJM-JMS
)	
CINERGY CORP., PSI ENERGY, INC., and)	
THE CINCINNATI GAS & ELECTRIC)	
COMPANY,)	
Defendants.)	

ORDER TO SHOW CAUSE

In an order dated December 18, 2008, this Court concluded that defendants, Cinergy Corp., PSI Energy, Inc., and The Cincinnati Gas & Electric Company (“Cinergy”), acting with and through their attorneys, committed misconduct during the liability phase jury trial in this matter. Specifically, the Court concluded that Cinergy and its lawyers committed misconduct when they failed to disclose a consulting agreement (the “Agreement”) Cinergy had entered into with one of its fact witnesses, Robert Batdorf (“Batdorf”); when they allowed Batdorf to testify at trial that he was unemployed and emphasized that misstatement in front of the jury; and when Cinergy relied on the misrepresentation as a theme during the trial.

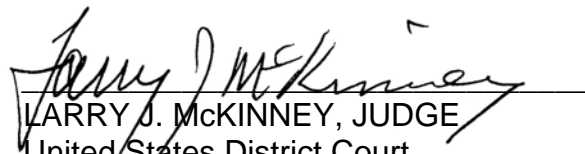
Pursuant to Southern District of Indiana Local Rule 83.5(f), Southern District of Indiana Rule of Disciplinary Enforcement V, and the inherent authority of the Court,

Cinergy and each one of its counsel of record as of May 5, 2008, shall appear before the Court to **SHOW CAUSE** why Cinergy's counsel should not be suspended immediately from practice before this Court, and why Cinergy and its counsel should not be ordered to pay for plaintiff's, the United States of America, and plaintiff-intervenors', the State of New York, the State of New Jersey, the State of Connecticut, Hoosier Environmental Council, and Ohio Environmental Council (collectively, "Plaintiffs"), attorneys' fees for bringing this matter to the Court's attention through a Motion for New Trial. Each of Cinergy's attorneys of record as of May 5, 2008, shall submit on or before Friday, January 9, 2009, a written statement of his or her knowledge of the Agreement including a date upon which such information was made known to him or her.

Said **Hearing to SHOW CAUSE** is hereby **SET for Tuesday, January 13, 2009, at 9:00 a.m., in Courtroom 202**, Birch Bayh Federal Building and United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana.

The Clerk of the Court is directed to serve on all counsel for Cinergy who have withdrawn their appearance between May 5, 2008, and the date of this Order a paper copy of this Order and the above-referenced Order dated December 18, 2008, granting Plaintiffs' Motion for New Trial.

IT IS SO ORDERED this 18th day of December, 2008.


LARRY J. MCKINNEY, JUDGE
United States District Court
Southern District of Indiana

Distribution attached.

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