

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

APR 21 2010

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

In re: WESTERN STATES  
WHOLESALE NATURAL GAS  
ANTITRUST LITIGATION,

No. 06-15950

D.C. No. CV-06-00282-PMP

SINCLAIR OIL CORPORATION,

MEMORANDUM \*

Plaintiff - Appellant,

v.

ONEOK ENERGY SERVICES  
COMPANY, L.P.,

Defendant - Appellee.

Appeal from the United States District Court  
for the District of Nevada  
Philip M. Pro, District Judge, Presiding

Submitted April 5, 2010\*\*

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Sinclair Oil Corporation appeals from the district court's judgment dismissing its action as barred by the Filed Rate Doctrine. We have jurisdiction pursuant to 28 U.S.C. § 1291. In light of defendant OneOK Energy Services Company, L.P.'s agreement that this case should be remanded following *E. & J. Gallo Winery v. EnCana Corp.*, 503 F.3d 1027 (9th Cir. 2007), we reverse and remand.

As the parties agreed in an October 22, 2009 filing, they shall bear their own costs on appeal.

**REVERSED and REMANDED.**