

**UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 98-20293

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DESTEC ENERGY, INC., ET AL.,

Plaintiffs-Appellants-Cross-Appellees,

versus

SOUTHERN CALIFORNIA GAS  
COMPANY, ET AL.,

Defendants,

SOUTHERN CALIFORNIA GAS  
COMPANY,

Defendant-Appellee-Cross-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas

(H-95-CV-1639)

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February 5, 1999

Before REYNALDO G. GARZA, POLITZ and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Southern California Gas Company appeals an adverse summary judgment. Having considered the briefs and oral arguments of counsel, and pertinent parts of the record, and on the basis of the facts as detailed, authorities cited and analysis made by the district court in its scholarly and thorough opinion, the judgment appealed is AFFIRMED.

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\*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

