

MDL Master File 2022 CI 02879

In Re CPS Energy Gas Supplier § IN THE DISTRICT COURT OF
Litigation §
§ 407th JUDICIAL DISTRICT
§
§ BEXAR COUNTY, TEXAS

CAUSE No. 2021-24173

ENTERPRISE PRODUCTS § IN THE DISTRICT COURT OF
OPERATING, LLC, §
Plaintiff §
§
vs. § 334th JUDICIAL DISTRICT
§
CITY OF SAN ANTONIO ACTING BY §
AND THROUGH THE CITY PUBLIC §
SERVICE BOARD (CPS ENERGY) §
Defendant § HARRIS COUNTY, TEXAS

AMENDED ORDER ON CPS ENERGY’S NO-EVIDENCE MOTION FOR SUMMARY JUDGMENT ON ENTERPRISE PRODUCTS OPERATING LLC’S FRAUDULENT INDUCEMENT CLAIM, CPS ENERGY’S NO-EVIDENCE MOTION FOR SUMMARY JUDGMENT ON ENTERPRISE PRODUCTS OPERATING LLC’S AFFIRMATIVE DEFENSES, ENTERPRISE PRODUCTS OPERATING LLC’S MOTION FOR SUMMARY JUDGMENT ON ITS BREACH-OF-CONTRACT CLAIM AND CPS ENERGY’S AFFIRMATIVE DEFENSES, and ENTERPRISE PRODUCTS OPERATING LLC’S MOTION FOR SUMMARY JUDGMENT ON CPS ENERGY’S COUNTERCLAIMS

On April 22 and 23, 2024, the Court heard Defendant CPS Energy’s No-Evidence Motion For Summary Judgment On Enterprise Products Operating LLC’s Fraudulent Inducement Claim, Defendant CPS Energy’s No-Evidence Motion For Summary Judgment On Enterprise Products Operating LLC’s Affirmative Defenses, Enterprise Products Operating LLC’s Motion For Summary Judgment On Its Breach-Of-Contract Claim And CPS Energy’s Affirmative Defenses, and Enterprise Products Operating LLC’s Motion For Summary Judgment On CPS Energy’s Counterclaims, and the parties appeared through their

respective attorneys and announced ready. The Court, having considered said motions, the responses thereto, and the argument of counsel, finds that the following orders should be entered on the parties' motions:

1. Defendant CPS Energy's No-Evidence Motion For Summary Judgment On Enterprise Products Operating LLC's Fraudulent Inducement Claim should be DENIED.
2. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of force majeure should be GRANTED.
3. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's defense of "failure to state a claim upon which relief may be granted" should be GRANTED.
4. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of failure to mitigate damages should be DENIED.
5. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of unclean hands should be GRANTED.
6. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of estoppel should be GRANTED.
7. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of quasi-estoppel should be GRANTED.
8. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of equitable estoppel should be

GRANTED.

9. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of waiver should be GRANTED.
10. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of prior material breach should be DENIED.
11. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of ratification should be DENIED.
12. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of unjust enrichment should be GRANTED.
13. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of acceptance of the benefits should be DENIED.
14. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of fraud should be GRANTED.
15. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of offset should be GRANTED.
16. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of impossibility should be GRANTED.
17. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of impracticability should be GRANTED.

18. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on its breach of contract claim should be DENIED.
19. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on CPS Energy's affirmative defense that the contracts at issue are void on public policy grounds should be GRANTED.
20. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on CPS Energy's affirmative defense that the contracts at issue are unconscionable should be DENIED.
21. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on CPS Energy's affirmative defense of unclean hands should be GRANTED.
22. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on CPS Energy's affirmative defense of prior material breach should be DENIED.
23. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on CPS Energy's breach of contract counterclaim should be DENIED.
24. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on CPS Energy's declaratory judgment counterclaim should be GRANTED.

It is THEREFORE ORDERED that:

1. Defendant CPS Energy's No-Evidence Motion For Summary Judgment On Enterprise Products Operating LLC's Fraudulent Inducement Claim is DENIED.
2. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of force majeure is GRANTED.
3. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's defense of "failure to state a claim upon which relief may

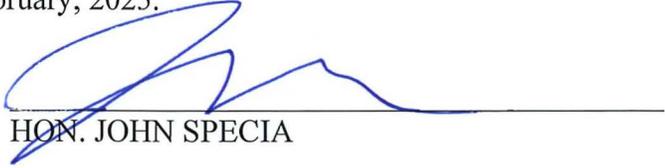
be granted” is GRANTED.

4. Defendant CPS Energy’s motion for summary judgment on Plaintiff Enterprise Products Operating LLC’s affirmative defense of failure to mitigate damages is DENIED.
5. Defendant CPS Energy’s motion for summary judgment on Plaintiff Enterprise Products Operating LLC’s affirmative defense of unclean hands is GRANTED.
6. Defendant CPS Energy’s motion for summary judgment on Plaintiff Enterprise Products Operating LLC’s affirmative defense of estoppel is GRANTED.
7. Defendant CPS Energy’s motion for summary judgment on Plaintiff Enterprise Products Operating LLC’s affirmative defense of quasi-estoppel is GRANTED.
8. Defendant CPS Energy’s motion for summary judgment on Plaintiff Enterprise Products Operating LLC’s affirmative defense of equitable estoppel is GRANTED.
9. Defendant CPS Energy’s motion for summary judgment on Plaintiff Enterprise Products Operating LLC’s affirmative defense of waiver is GRANTED.
10. Defendant CPS Energy’s motion for summary judgment on Plaintiff Enterprise Products Operating LLC’s affirmative defense of prior material breach is DENIED.
11. Defendant CPS Energy’s motion for summary judgment on Plaintiff Enterprise Products Operating LLC’s affirmative defense of ratification is DENIED.
12. Defendant CPS Energy’s motion for summary judgment on Plaintiff Enterprise Products Operating LLC’s affirmative defense of unjust enrichment is GRANTED.
13. Defendant CPS Energy’s motion for summary judgment on Plaintiff Enterprise Products Operating LLC’s affirmative defense of acceptance of the benefits is DENIED.

14. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of fraud is GRANTED.
15. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of offset is GRANTED.
16. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of impossibility is GRANTED.
17. Defendant CPS Energy's motion for summary judgment on Plaintiff Enterprise Products Operating LLC's affirmative defense of impracticability is GRANTED.
18. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on its breach of contract claim is DENIED.
19. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on CPS Energy's affirmative defense that the contracts at issue are void on public policy grounds is GRANTED.
20. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on CPS Energy's affirmative defense that the contracts at issue are unconscionable is DENIED.
21. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on CPS Energy's affirmative defense of unclean hands is GRANTED.
22. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on CPS Energy's affirmative defense of prior material breach is DENIED.
23. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on CPS Energy's breach of contract counterclaim is DENIED.
24. Plaintiff Enterprise Products Operating LLC's motion for summary judgment on CPS

Energy's declaratory judgment counterclaim is GRANTED.

SIGNED on this 19 day of February, 2025.



HON. JOHN SPECIA