

IN THE UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

EXXON MOBIL CORPORATION,	)	CV-16-05-BLG-BMM
a New Jersey corporation	)	
	)	
Plaintiff,	)	
	)	ORDER
	)	
vs.	)	
	)	
NORTHWESTERN	)	
CORPORATION dba	)	
NORTHWESTERN ENERGY, a	)	
Delaware corporation,	)	
	)	
Defendant.	)	

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Plaintiff Exxon Mobil Corporation (XOM) has moved the Court for an order compelling Defendant Northwestern Corporation (NWE) to produce documents in response to its Fifth Set of Requests for the Production of Documents. (Doc. 121). XOM has withdrawn its request for reasonable expenses and attorney’s fees it incurred with its motion. NWE has moved the Court to compel XOM to produce

documents in response to its First Set of Requests for the Production of Documents. (Doc. 134). The Court held a hearing on these motions on August 30, 2017.

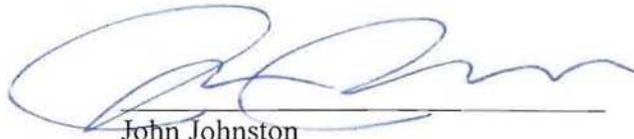
The Court orders that XOM's motion is granted because the requested documents are relevant. In making this ruling, the Court is mindful of comment to Federal Rule of Civil Procedure 26(b)(1) that provides the following:

Since decisions as to relevance to the subject matter of the action are made for discovery purposes well in advance of trial, a flexible treatment of relevance is required and the making of discovery, whether voluntary or under court order, is not a concession or determination of relevance for purposes of trial.

The Court further orders that on or before September 6, 2017, NWE shall produce the documents requested in XOM's Fifth Request for Production, No. 19 to XOM.

In relation to NWE's Motion to Compel, the Court has taken it under advisement. The Court orders that on or before September 6, 2017, XOM shall submit to the Court the documents identified in NWE's Supplemental Exhibit A for an *in camera* review. Each document shall be submitted in its unredacted form. XOM shall include with the documents submitted to the Court a privilege log identifying each document submitted by its number, the date it was prepared, its author(s) and recipient(s), and the legal basis for protection from disclosure. XOM shall file a notice reflecting it has complied with this Order.

DATED this 31<sup>st</sup> day of August, 2017.

A handwritten signature in blue ink, appearing to read 'John Johnston', written over a horizontal line.

John Johnston  
United States Magistrate Judge