

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<p><b>TELFORD BOROUGH AUTHORITY,</b></p> <p style="padding-left: 40px;"><b>Plaintiff,</b></p> <p style="padding-left: 40px;">v.</p> <p><b>UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, et al.,</b></p> <p style="padding-left: 40px;"><b>Defendants.</b></p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p><b>CIVIL ACTION NO.:</b></p> <p><b>2:12-CV-6548</b></p>
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**ORDER**

**AND NOW**, this 15<sup>th</sup> day of November, **IT IS HEREBY ORDERED:**

- 1.) Defendants’ motion to dismiss, (Doc. No. 12), is **GRANTED IN PART** and **DENIED IN PART**.
  
- 2.) The motion to dismiss Count I of the complaint will be **GRANTED**. Count I of the complaint will be **DISMISSED WITH PREJUDICE**.
  
- 3.) The motion to dismiss Count IV of the complaint will be **DENIED WITHOUT PREJUDICE**. The court will **GRANT** the parties **LEAVE TO ENGAGE IN LIMITED DISCOVERY** on the issue of subject matter jurisdiction. Discovery on this matter shall be completed on or before **January 15, 2014**.

**BY THE COURT:**

/s/ C. Darnell Jones, II  
**C. DARNELL JONES II, J.**