

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

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<b>STATE OF NEW JERSEY,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>CIVIL ACTION NO. 5:07-cv-05298</b>
	:	
<b>v.</b>	:	
	:	
<b>RPI ENERGY MID-ATLANTIC</b>	:	
<b>POWER HOLDINGS, LLC,</b>	:	
<b>et al.,</b>	:	
	:	
<b>Defendants,</b>	:	
	:	
<b>and</b>	:	
	:	
<b>STATE OF CONNECTICUT,</b>	:	
	:	
<b>Intervenor-Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>RRI ENERGY MID-ATLANTIC</b>	:	
<b>POWER HOLDINGS, LLC,</b>	:	
<b>et al.,</b>	:	
	:	
<b>Intervenor-Defendants.</b>	:	
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**ORDER**

**AND NOW**, this 24<sup>th</sup> day of January, 2013, upon consideration of Defendant Metropolitan Edison Company's Amended Motion to Compel Production of Documents (Dkt. No. 270) filed on October 5, 2012, Plaintiff New Jersey's Letter Response (Dkt. No. 273) filed on October 22, 2012, Defendant Metropolitan Edison Company's Letter Reply (Dkt. No. 275) filed on November 1, 2012, Plaintiff New Jersey's Motion for Leave to File a Surreply Memorandum (Dkt. No. 297) filed on November 19, 2012, Defendant Metropolitan Edison

Company's Letter Response to Plaintiff's Surreply Memorandum (Dkt. No. 301) filed on November 20, 2012, and for the reasoning set forth in the foregoing Memorandum;

**IT IS ORDERED** that the motion is **GRANTED** in part<sup>1</sup> and **DENIED** in part.

BY THE COURT:

/s/ Henry S. Perkin  
HENRY S. PERKIN  
United States Magistrate Judge

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<sup>1</sup> Defendant's Motion to Compel is granted only to the extent of the following documents, appearing in Attachment A to Plaintiff's Reply (Dkt. No. 273):

1. NJUD-8593 (Dkt. No. 273-1 at 5)
2. NJUD-8624 (Dkt. No. 273-1 at 5)
3. NJUD-8627-8628 (Dkt. No. 273-1 at 6)
4. DEP PRIV 00015596 (Dkt. No. 273-1 at 49)

As Defendant has withdrawn its challenges based on attorney-client and work-product privileges, the Motion to Compel was analyzed for issues relating solely to Plaintiff's claim of the deliberative process privilege. (Dkt. 275 at 405). Of the four documents listed above, Plaintiff should turn such documents over to Defendant to the extent they contain severable factual information (i.e. statistical information and records of field investigations).