

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

<b>XTO ENERGY, INC.,</b>	:	<b>CIVIL ACTION NO. 1:16-CV-77</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>UNITED STATES DEPARTMENT OF</b>	:	
<b>JUSTICE and PETER J. SMITH, in his</b>	:	
<b>official capacity as United States</b>	:	
<b>Attorney for the Middle District of</b>	:	
<b>Pennsylvania,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 4th day of February, 2016, upon consideration of the motion (Doc. 7) by plaintiff XTO Energy, Inc. (“XTO”), requesting an intra-district transfer of the above-captioned matter from the undersigned to the Honorable A. Richard Caputo, wherein XTO indicates that the matter *sub judice* is substantively and inextricably intertwined with a grand jury matter pending before Judge Caputo, and suggests that consolidation of the two proceedings may be appropriate, and the court in agreement that this matter should be reassigned to Judge Caputo and designated as related to the grand jury matter at Miscellaneous No. 3:MC-10-187, but finding that any consolidation request should be raised before and addressed by Judge Caputo, it is hereby ORDERED that the motion (Doc. 7) is GRANTED to the extent that the Clerk of Court is directed to REASSIGN the above-captioned matter to the Honorable A. Richard Caputo.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania