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

NEW JERSEY MANUFACTURERS INSURANCE COMPANY,

Plaintiff,

v.

J. SCOTT BRADY, Individually, and BRADY & GRABOWSKI, P.C.,

Defendants.

CIVIL ACTION NO. 3:15-CV-02236

(JUDGE CAPUTO)

ORDER

NOW, this 20th day of January, 2017, **IT IS HEREBY ORDERED** that:

(1) Plaintiff's Motion for Partial Summary Judgment (Doc. 18) is **GRANTED in part and DENIED in part**.

(a) Defendants are not precluded from conducting further discovery related to NJM's alleged bad faith handling of the Wells claim.

(b) The Court will **strike** Defendants' bad faith contributory negligence defense (Answer ¶¶ 1, 3, Doc. 10) only to the extent that this defense is based on NJM's alleged bad faith conduct that is not causally related to the arbitration award.

(2) Defendants' Motion to Compel Production of Documents (Doc. 31) is **GRANTED in part and DENIED in part**.

(a) Plaintiff must produce NJM documents 4005-4006, 4013-4022, 4048-4050, 4051-4052, and 4060.

(b) The remaining documents in the NJM file are privileged from discovery and not subject to waiver.

(c) NJM is required to supplement its privilege log within **fourteen (14) days** from the date of entry of this Order to include the specific sender and recipient information for all documents in the Curtin & Heefner file listed as an Attorney Client Communication. NJM must also specify

which attorney(s) prepared the documents listed as Attorney Work Product in the privilege log. Additionally, NJM must provide more detailed descriptions explaining the contents of the documents withheld in the Curtin & Heefner file that allow the Court to determine whether each element of the privilege claimed is satisfied.

(d) If Defendants choose to file a motion challenging the sufficiency of the supplemented privilege log, they must do so within **fourteen (14) days** from the date of the filing of the supplemented privilege log with the Court.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge