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United States Court of Federal Claims
Case No. 1:04-cv-00036-CCM
ATLANTIC CITY ELECTRIC COMPANY, v. USA

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In the United States Court of Federal Claims

No. 04-36C

(Filed May 17, 2004)

ATLANTIC CITY ELECTRIC COMPANY,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

According to the parties, this Spent Nuclear Fuel (SNF) case stands on its own. Nevertheless, to the extent it may apply, and for purposes of uniformity, the following is hereby ordered.

Defendant has filed motions in a number of recently-filed SNF cases for a stay or, in the alternative, for coordinated discovery. In light of the discovery conference held before Judge Sypolt on April 30, 2004, and the report of the parties filed May 7, 2004, the court directs that discovery in this case on the rate of acceptance or damages issues, and/or any discovery duplicative of information from previous coordinated discovery in SNF cases, be **STAYED** until Friday, December 31, 2004.

This stay of discovery, however, shall not be construed to preclude access by the parties, subject to the protective order, the e-mail preservation order, and the order governing access to the RIS-web issued in the coordinated discovery proceedings, to the discovery previously obtained under the coordinated discovery in the earlier-filed SNF cases. Defendant shall deem plaintiff's use of discovery obtained under the coordinated discovery in the earlier-filed SNF cases as if it were taken in this case.

The judges assigned to SNF cases, including the undersigned, direct that counsel make every effort to work cooperatively, and that plaintiff's counsel, in particular, consistent with client obligations, will keep counsel in the other SNF cases fully and timely informed of motions and discovery activities contemplated and undertaken in this proceeding.

Any party objecting to all or any part of a discovery request on the grounds that it contravenes this order shall file a motion pursuant to Rule 26(c) of the Rules of the Court of Federal Claims. A courtesy copy of the motion shall be provided concurrently, by e-mail, to Chief Judge Edward J. Damich (damich_chambers@ao.uscourts.gov).

IT IS SO ORDERED.

/s/ Bohdan A. Futey

BOHDAN A. FUTEY
Judge