

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	Civil Action No. 2:23-cv-735
)	
v.)	Judge Barbier (Section J)
)	
DENKA PERFORMANCE ELASTOMER,)	Magistrate North
LLC and DUPONT SPECIALTY)	
PRODUCTS USA, LLC.)	
)	
Defendants.)	

**UNITED STATES’ MOTION FOR A PRELIMINARY INJUNCTION
AGAINST DENKA PERFORMANCE ELASTOMER LLC**

This motion seeks a preliminary injunction against Defendant Denka Performance Elastomer, LLC (“Denka”) pursuant to Fed. R. Civ. P. 65. The United States respectfully requests that the Court enter the Preliminary Injunction Order attached as “Exhibit A” to the accompanying memorandum of law.

The United States, on behalf of the United States Environmental Protection Agency, filed a Complaint under 42 U.S.C. § 7603 of the Clean Air Act, alleging that the carcinogenic chloroprene emitted from Denka’s Neoprene manufacturing operations in LaPlace, Louisiana (the “Facility”) presents an imminent and substantial endangerment to public health and welfare. As 42 U.S.C. § 7603 requires, the United States consulted with representatives of the Louisiana DEQ in order to confirm the accuracy of the information upon which the United States is basing this action. *See* Ex. B to Mem. In Supp. of U.S. Mot. for Prelim. Inj., Decl. of James Leathers.

CONCLUSION

For the reasons explained in the accompanying memorandum of law, the United States respectfully asks this Court to grant this motion and issue the proposed Preliminary Injunction Order.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA

TODD KIM

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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2023, a true and correct copy of the United States' Motion for a Preliminary Injunction Against Denka Performance Elastomer, LLC; Memorandum in Support Thereof; and Attached Exhibits (including a Proposed Order) were filed with the Clerk of the U.S. District Court for the Eastern District of Louisiana using the Court's CM/ECF system. Notice of this Electronic Filing will be sent to all parties by operation of the Court's Electronic Filing System. In addition, a copy of the foregoing pleading has been served upon the following counsel by electronic mail, such counsel having consented in writing to service by email:

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In addition, the foregoing has been served upon the following counsel by electronic mail and first class United States mail, postage prepaid:

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