

**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
)	
DENKA PERFORMANCE ELASTOMER,)	Magistrate Judge North
LLC and DUPONT SPECIALTY)	
PRODUCTS USA, LLC,)	
)	
Defendants.)	
<hr style="border: 0.5px solid black; width: 400px; margin-left: 0;"/>)	

**DUPONT SPECIALTY PRODUCTS USA, LLC’S
RULE 12 (b)(1) and 12(b)(6) MOTION TO DISMISS**

NOW INTO COURT, through undersigned counsel, comes defendant DuPont Specialty Products USA, LLC (“Specialty”) who submits this motion to dismiss for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). For the reasons set forth in the accompanying Memorandum in Support, DuPont is entitled to entry of a judgment dismissing all of Plaintiff’s claims against it, as a matter of law.

Respectfully submitted,

/s/ Eric E. Jarrell

ERIC E. JARRELL (#16982)

ROBERT J. BURVANT (#14119)

KRYSTIN FRAZIER-SANTIAGO (#33838)

MARIE O. LUIS (#38332)

KING & JURGENS, LLC

201 St. Charles Avenue, 45th Floor

New Orleans, Louisiana 70170

Telephone: (504) 582-3800

Telefax: (504) 582-1233

ejarrell@kingjurgens.com

rburvant@kingjurgens.com

kfraziersantiago@kingjurgens.com

mluis@kingjurgens.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon known counsel of record for all parties by electronic mail, this 2nd day of May 2023.

/s/ Eric E. Jarrell

ERIC E. JARRELL #16982