

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA, Plaintiff and Counter-Defendant, v. DENKA PERFORMANCE ELASTOMER, LLC., Defendant and Counter-Plaintiff, and DUPONT SPECIALTY PRODUCTS USA, LLC, Defendant.	Case No. 23-cv-00735 Hon. Carl J. Barbier Mag. Michael North
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**PLAINTIFF’S MOTION TO DISMISS DENKA PERFORMANCE
ELASTOMER, LLC’S AMENDED COUNTERCLAIM NO. 5
FOR LACK OF SUBJECT MATTER JURISDICTION**

Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, Plaintiff and Counter-Defendant the United States of America hereby moves this Court to dismiss Defendant and Counter-Claimant Denka Performance Elastomer, LLC’s Amended Counterclaim No. 5 (ECF No. 104). The grounds for this motion are fully set forth in the accompanying Memorandum in Support of Motion to Dismiss Denka Performance Elastomer, LLC’s Amended Counterclaim No. 5 for Lack of Subject Matter Jurisdiction.

Dated: November 8, 2023

Respectfully submitted,

/s/ Heather E. Gange
HEATHER E. GANGE
D.C. Bar 452615
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
P.O. Box 7611
Washington, D.C. 20044
Telephone: (202) 514-4206
Facsimile: (202) 514-8865
E-mail: Heather.Gange@usdoj.gov

CERTIFICATE OF SERVICE

I, Heather E. Gange, certify that on this 8th day of November 2023, the foregoing was filed through the court's ECF system, which provided electronic notice to all counsel of record as more fully described in the notice of filing.

/s/ Heather E. Gange

Heather E. Gange

D.C. Bar 452615

Environmental Defense Section

P.O. Box 7611

Washington, DC 20044

Tel: (202) 514-4206

Fax: (202) 514-8865

Heather.Gange@usdoj.gov