

NOW INTO COURT, through undersigned counsel, comes Defendant, Denka Performance Elastomer LLC (“DPE”), and respectfully moves this Court for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting summary judgment in favor of DPE.

For the reasons set forth in the concurrently filed Memorandum in Support and supporting exhibits, and as shown by DPE’s Statement of Uncontested Material Facts, DPE respectfully requests that this Honorable Court grant its Motion for Summary Judgment and dismiss the Complaint brought by the United States of America, acting on behalf of the United States Environmental Protection Agency (“EPA”) and Michael S. Regan, Administrator of the EPA.

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Respectfully submitted,

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