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FILED

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

2007 AUG 21 P 3:30

PRYOR OIL CO., INC.

Plaintiff,

v.

THE UNITED STATES OF AMERICA, as represented  
by CHRISTINE TODD WHITMAN, in her official  
capacity as Administrator of the United States  
Environmental Protection Agency, and by JIMMY  
PALMER, in his official capacity as Regional  
Administrator of EPA Region IV,

Defendant.

Civ. No. 3:02-cv-679

Judge Phillips

U.S. DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
BY DEPT. CLERK

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

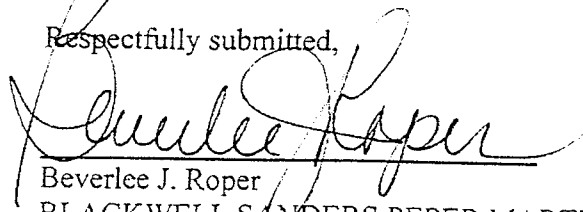
Plaintiff Pryor Oil Co. Inc. ("Pryor Oil") requests this Court grant summary judgment on its claim that Defendant has no statutory jurisdiction over the Howard/White Unit #1 ("Well").

Summary judgment is appropriate because:

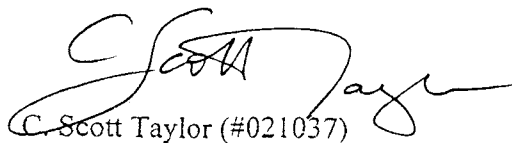
- The Well was capped on July 27, 2002;
- Since July 27, 2002, the Well has not discharged any uncontrolled oil or posed a threat of a substantial discharge of uncontrolled oil.

In support of its motion, Pryor Oil submits its Memorandum of Law.

Respectfully submitted,



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**ATTORNEYS FOR PLAINTIFF**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served via U.S. Mail this <sup>20<sup>th</sup></sup> day of August, 2003, upon:

Elizabeth S. Tonkin  
Assistant U.S. Attorney  
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Attorney