

8-21  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

FILED  
Aug 21 5 34 PM '03

PRYOR OIL CO., INC., )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 THE UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

U.S. DISTRICT COURT  
EASTERN DISTRICT OF TENN.  
BY \_\_\_\_\_ CLERK  
No. 3:02-CV-679  
Judge Phillips

**MOTION FOR JUDGMENT ON THE PLEADINGS**

Defendant, United States of America, by and through Harry S. Mattice, Jr., United States Attorney for the Eastern District of Tennessee, hereby moves the Court, pursuant to Rules 12(b)(1) and 12(c), Federal Rules of Civil Procedure, for judgment on the pleadings and dismissal of plaintiff's complaint on the grounds that the Court lacks subject matter jurisdiction.

In support of this motion, defendant submits an accompanying memorandum.

Respectfully submitted,

HARRY S. MATTICE, JR.  
United States Attorney

By: 

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OF COUNSEL:

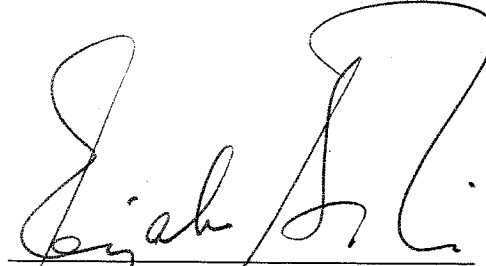
Charles Openchowski  
Office of General Counsel  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W., #2366AR  
Washington, D.C. 20460  
(202) 564-5519

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served upon the following by mailing the same via first class mail, postage prepaid, this 21<sup>st</sup> day of August, 2003

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