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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

received
9/18/03

received

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

No. 3:02-CV-679
Judge Phillips

UNITED STATES' MOTION FOR SUMMARY JUDGMENT

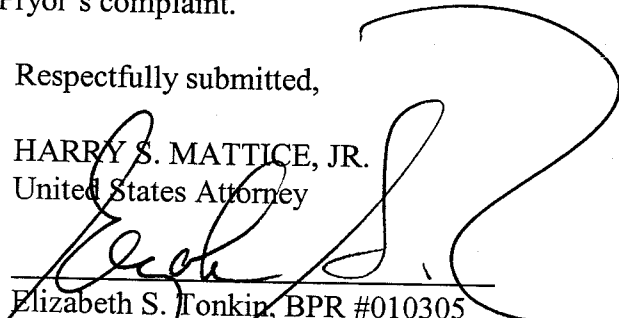
Defendant, United States of America, by and through Harry S. Mattice, Jr., United States Attorney for the Eastern District of Tennessee, moves the Court, pursuant to Rule 56, Federal Rules of Civil Procedure, for entry of summary judgment in its favor and against plaintiff Pryor Oil Co., Inc. (Pryor). The grounds for this motion are set forth fully in the Memorandum in Support of United States' Cross-Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment, filed on September 12, 2003.

Based upon the reasoning and authority discussed in the above-referenced memorandum and the administrative record filed in this action, United States requests that the Court grant its motion for summary judgment and dismiss Pryor's complaint.

Respectfully submitted,

HARRY S. MATTICE, JR.
United States Attorney

By:


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OF COUNSEL:

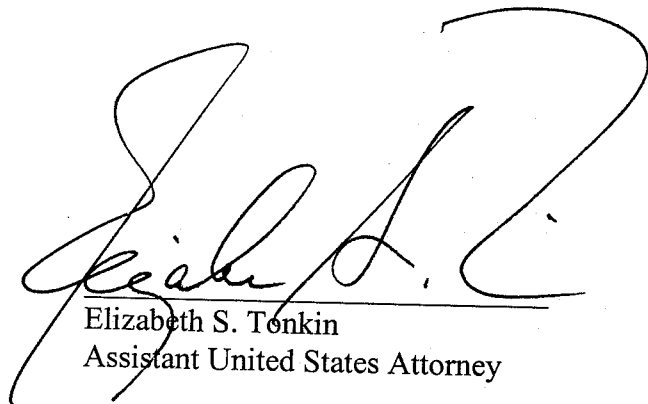
Charles Openchowski
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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., #2366AR
Washington, D.C. 20460
(202) 564-5519

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 15th day of September, 2003:

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