

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

Natural Resources Defense Council, Inc.,)
)
Plaintiff,) Case No. 2 08 CV 0204
)
v.) Judge Philip P. Simon
)
BP Products North America, Inc.,)
)
Defendant.)

**DEFENDANT BP PRODUCTS NORTH
AMERICA, INC.'S MOTION TO DISMISS**

Defendant, BP Products North America, Inc., moves this Court for an order dismissing Plaintiff's Complaint with prejudice pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. The grounds for this motion are set out in the Memorandum in Support filed contemporaneously herewith.

Respectfully submitted,

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*(Pro Hac Vice Admission Applications to admit attorneys Patberg, Davis, O'Doherty, and Mercer have been submitted to the Clerk of Courts.)

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

Kim Ferraro
15 N. Franklin, Suite 200
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and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

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/s/ Joel T. Bowers
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