

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE**

**UNITED STATES OF AMERICA,** )  
 )  
**Plaintiff,** )  
 )  
 v. )  
 )  
**PULP OF AMERICA LLC, and** )  
**PULP & PAPER OF AMERICA LLC,** )  
 )  
**Defendants.** )  
 \_\_\_\_\_ )

**Civil Action No. 1:09-cv-00269-JD**

**ORDER DISMISSING ACTION WITHOUT PREJUDICE**

Having considered the United States’ Motion for an Order Providing for the Voluntary Dismissal of this Action Without Prejudice Pursuant to Fed. R. Civ. P. 41(a)(2), and good cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

This action is dismissed without prejudice as to the ability of the United States to return to this Court to file an additional Motion or Motions Seeking an Order or Orders in Aid of Immediate Access from this Court authorizing EPA’s access and entry upon Defendants’ real property pursuant to section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (“CERCLA”), 42 U.S.C. § 9604(e), as needed to implement any remedial action and/or removal action or actions ultimately selected by EPA at

the Chlor-Alkali Superfund Site pursuant to CERCLA, 42 U.S.C. § 9601 et seq., and EPA implementing regulations at 40 C.F.R. Part 300.

The Order in Aid of Immediate Access issued by this Court on August 11, 2009 shall remain valid and in effect for so long as EPA requires the access granted pursuant to that Order.

BY THE COURT:

/s/ Joseph A. DiClerico, Jr.  
JOSEPH A. DICLERICO, JR.  
UNITED STATES DISTRICT COURT JUDGE

December 17, 2009