

CERTIFICATE OF SERVICE

I, Beth E. Goldman, am an Assistant United States Attorney in the office of Lev L. Dassin, Acting United States Attorney for the Southern District of New York.

On the 23rd day of January 2009, I caused a copy of the Defendant's Reply Memorandum of Law in Further Support of Defendant's Cross-Motion for Summary Judgment to be delivered by electronic mail to [mbernard@nrdc.org](mailto:mbernard@nrdc.org) and by FEDERAL EXPRESS to:

Mitchell S. Bernard, Esq.  
Natural Resources Defense Council  
40 West 20<sup>th</sup> Street  
New York, New York 10011

I certify under penalty of perjury that the foregoing is true and correct.

Executed on January 23, 2009

  
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BETHE. GOLDMAN