

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

_____	)	
UNITED STATES OF AMERICA	)	
	)	Civil Action No. 05-6336-ABB
Plaintiff,	)	
	)	
v.	)	
	)	
SUNOCO, INC., et al.,	)	
	)	
Defendants.	)	
	)	
	)	
	)	
	)	
_____	)	

**ORDER**

**AND NOW**, this 15<sup>th</sup> day of July, 2009, it is **ORDERED** that:

- The United States’ Motion for Summary Judgment on the Statute of Limitations Defenses (Doc. #200) is **DENIED** in part and **GRANTED** in part:
  - The United States’ Tank Act claim against Sunoco for diminution in property value is not time barred.
  - There is an open question of fact as to whether or not the United States’ Tank Act claim against Sunoco for costs of abatement is time barred.
  - The United States’ UCATA claims against Sunoco and Atlantic Richfield are not time barred.
  
- Sunoco’s Motion for Summary Judgment on the Statute of Limitations (Doc. #202) is **DENIED**; Sunoco’s Motion for Summary Judgment on Causation (Doc. #202) is **DENIED** without prejudice; Sunoco’s Motion for Summary Judgment on the United States’ Clean Streams Act Claim (Doc. #202) is **DENIED**; Sunoco’s Motion for Summary Judgment on the Tank Act Counterclaim (Doc. #202) is **DENIED** without prejudice.
  
- Atlantic Richfield’s Motion for Summary Judgment on the Statute of Limitations (Doc. #204) is **DENIED**.

s/Anita B. Brody

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ANITA B. BRODY, J.

Copies **VIA ECF** on \_\_\_\_\_ to:

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