No. 134, Original

In The Supreme Court of the United States

STATE OF NEW JERSEY,

Plaintiff,

v.

STATE OF DELAWARE,

Defendant.

Before the Special Master the Hon. Ralph I. Lancaster, Jr.

MOTION OF STATE OF NEW JERSEY FOR SUMMARY JUDGMENT

Plaintiff, State of New Jersey, by its Attorney General, hereby moves for summary judgment. In support of this motion, plaintiff shall rely on the brief and appendices filed herewith.

STUART RABNER Attorney General

By: RACHEL J. HOROWITZ* BARBARA L. CONKLIN* Deputy Attorneys General *Counsel of Record

Richard J. Hughes Justice Complex 25 West Market Street P.O. Box 112 Trenton, New Jersey 08625 (609)984-6811

Dated: December 22, 2006

No. 134, Original

In The Supreme Court of the United States

STATE OF NEW JERSEY,

Plaintiff,

v.

STATE OF DELAWARE,

Defendant.

Before the Special Master the Hon. Ralph I. Lancaster, Jr.

CERTIFICATE OF SERVICE

The Undersigned hereby certifies that on this 22nd day of December counsel for the State of New Jersey caused true and correct copies of the Motion For Summary Judgment brief and appendices in support of the motion to be served upon counsel for the State of Delaware in the manner indicated below:

BY ELECTRONIC MAIL AND THREE COPIES BY OVERNIGHT MAIL (BRIEF and APPENDICES) David Frederick, Esquire Kellogg, Huber, Hansen, Todd, Evans and Figel PLLC 1615 M Street Suite 400 Washington, D.C. 20036 Email: Dfrederick@khhte.com

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Dated: December 22, 2006