

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	
)	
AVX CORPORATION, <i>et al.</i> ,)	CIVIL ACTION NO. 83-3882-Y
Defendants.)	
)	
COMMONWEALTH OF MASSACHUSETTS,)	
Plaintiff,)	
)	
v.)	
)	
AVX CORPORATION, <i>et al.</i> ,)	
Defendants.)	
)	

MOTION TO ENTER SUPPLEMENTAL CONSENT DECREE

Plaintiffs, United States of America and Commonwealth of Massachusetts (“Governments”), bring this Motion for Entry of the Supplemental Consent Decree between the United States, the Commonwealth, and Defendant AVX Corporation (“AVX”). Attached hereto is a Memorandum In Support of this Motion.

The United States and the Commonwealth respectfully request that the Court enter the proposed Supplemental Consent Decree between the parties as a final judgment pursuant to Fed. R. Civ. P. 54(b). The Supplemental Consent Decree resolves certain of the Governments’ claims pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of

1980, as amended, 42 U.S.C. §§ 9601-9675 (“CERCLA”), in this action. These claims include AVX’s liability for response costs and injunctive relief reserved by the Governments in the previous Consent Decree entered on February 3, 1992 (the “1992 Consent Decree”).¹

On October 10, 2012, the Governments lodged with the Court the proposed Supplemental Consent Decree. Exhibit 1 of Notice of Lodging, Docket No. 2617. Following lodging of the Supplemental Consent Decree, in accordance with 28 C.F.R. § 50.7 and Paragraph 22 of the Supplemental Decree, the United States published notice of lodging and invited the public to comment on the Supplemental Consent Decree. 77 Fed. Reg. 63,871 (Oct. 17, 2012); 77 Fed. Reg. 67,025 (Nov. 8, 2012). A number of comments were submitted concerning the Supplemental Consent Decree. The Governments have reviewed all comments received and, as discussed in the attached Memorandum in Support, have determined that none of the comments warrants the Governments’ withdrawal of the Supplemental Consent Decree. Therefore the Governments request that the Court approve the Supplemental Consent Decree as fair, reasonable, and consistent with the goals of CERCLA.

Respectfully submitted,

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¹ The 1992 Consent Decree is attached as Appendix A of the Supplemental Decree, which is attached to the Notice of Lodging, Docket No. 2617, as Exhibit 1.

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of June 2013, a copy of the foregoing Motion to Enter Supplemental Consent Decree, along with the Memorandum in Support and Exhibits thereto, was filed electronically, and served by overnight carrier on counsel listed below. Parties may access this filing electronically through the Court's CM/ECF system.

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