

2. The Defendants' investigation in this matter is continuing. Accordingly, they reserve the right to supplement, clarify, and revise these disclosures to the extent additional information becomes available or is obtained through discovery.

3. As the Defendants have argued in their Motion for a More Definite Statement, which is fully briefed and is pending before the Court, the Plaintiffs' Complaint in this matter is unclear and ambiguous regarding the nature of Plaintiffs' claims and the relief sought. The uncertainty and ambiguity surrounding the Plaintiffs' claims has made it impossible for the Defendants to identify with certainty their potential defenses and, by the same token, the potential relevance of witnesses and documents that may be used to support any potential defenses. Accordingly, the Defendants reserve their rights to supplement, clarify, and revise these disclosures after the pending Motion for More Definite Statement has been resolved.

4. Due to their pending Motion for a More Definite Statement, the Defendants have not yet filed an Answer to the Plaintiffs' Complaint, and the filing of any such answer may be preceded by motions to dismiss some or all of the Plaintiffs' claims against the Defendants. Since such responsive pleadings have not yet been filed, it is not possible for the Defendants to identify with certainty the potential defenses they might assert in this proceeding, or the counterclaims, cross-claims, and third-party claims that each might bring if the Plaintiffs' claims are not dismissed. As a result, the Defendants reserve their rights to supplement, clarify, and revise these disclosures after the Answer in this matter has been filed.

I. Persons having discoverable information

The time period covered by the allegations made in the Plaintiffs' Complaint encompasses at least six decades, and Plaintiffs' allegations all arise out of the operation of a manufacturing facility during the period from the early 1950s until 1969. Over the ensuing decades, there have been numerous changes in professional staff employed by the Defendants; there have been several corporate transactions and agreements, including acquisitions and reorganizations, affecting the relationship between the Defendants; and, since the early 1980s there have been judicial and administrative proceedings to investigate and address the environmental conditions allegedly caused by the facility in question and by virtually countless other sources of contamination found in the Passaic River and Newark Bay. The chronological breadth of the Complaint is rivaled by its geographic scope, as it covers the so-called "Newark Bay Complex," which spans the "lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill van Kull, and into adjacent waters and sediments." *Complaint*, ¶ 1. The difficulties posed by the chronological and geographical breadth of the Complaint, when coupled with the ambiguities identified in the Motion for More Definite Statement, have hampered the Defendants' ability to identify individuals having discoverable information that may be used to support the Defendants' defenses to the Plaintiffs' claims and/or to support any counterclaims, cross-claims, or third-party claims that the Defendants might assert at the appropriate time. Due to the extended period of time and the vast area implicated by the Plaintiffs' Complaint, the volume of potentially-relevant information is enormous, and it is likely that additional individuals will be

identified in the future. As stated above, the Defendants' investigation is continuing, and they reserve the right to supplement and modify these disclosures.

The Defendants hereby disclose this list of persons who they believe are likely to have discoverable information that they may use to support their defenses, based on its inquiry to date, and the potential subjects of those individuals' knowledge. For former or retired employees, this disclosure is based on the Defendants' current understanding and inquiry. In these Initial Disclosures, Defendants are disclosing the identity of certain individuals that work for Tierra consultants that may have discoverable, non-privileged information regarding matters related to this lawsuit that the Defendants may use in this lawsuit. This disclosure does not, and is not intended to, waive any applicable privileges that apply to work done by these individuals or the entities with which they are associated.

Individual:	Subjects:
<p>David Rabbe President Tierra Solutions, Inc. 2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p>	<p>Environmental conditions at the Lister Site, in the Passaic River, in Newark Bay, and at various upland sites along or in proximity to Newark Bay or its tributaries.</p> <p>Response actions at the Lister Avenue site, the Passaic River, Newark Bay, and related areas, including the costs incurred by Tierra to implement such actions.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Tierra's performance of judicial and administrative orders and decrees regarding the Lister Site, and its performance of administrative orders and decrees regarding the Passaic River and Newark Bay.</p> <p>Discharges to the Passaic River, Newark Bay, and related tributaries made by other entities, and associated environmental impacts.</p> <p>Tierra's agreements and transactions with other defendants.</p>

<p>Richard McNutt</p> <p>Remediation Manager (retired) Tierra Solutions, Inc. 2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p>	<p>Environmental conditions at the Lister Site, in the Passaic River, in Newark Bay, and at various upland sites along or in proximity to Newark Bay or its tributaries.</p> <p>Response actions at the Lister Avenue site, the Passaic River, Newark Bay, and related areas, including the costs incurred by Tierra to implement such actions.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Tierra's performance of judicial and administrative orders and decrees regarding the Lister Site, and its performance of administrative orders and decrees regarding the Passaic River and Newark Bay.</p> <p>Discharges to the Passaic River, Newark Bay, and related tributaries made by other entities, and associated environmental impacts.</p>
<p>Paul Bluestein</p> <p>Senior Environmental Engineer Tierra Solutions, Inc. 2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p>	<p>Environmental conditions at the Lister Site, in the Passaic River, in Newark Bay, and at various upland sites along or in proximity to Newark Bay or its tributaries.</p> <p>Response actions at the Lister Avenue site, the Passaic River, Newark Bay, and related areas, including the costs incurred by Tierra to implement such actions.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Tierra's performance of judicial and administrative orders and decrees regarding the Lister Site, and its performance of administrative orders and decrees regarding the Passaic River and Newark Bay.</p> <p>Discharges to the Passaic River, Newark Bay, and related tributaries made by other entities, and associated environmental impacts.</p>
<p>Rick Hartline</p> <p>Maxus Energy Corp. 1330 Lake Robbins Drive, Suite 300 The Woodlands, TX 77380</p>	<p>Accounting practices and financial transactions involving Maxus and Tierra.</p> <p>The costs incurred by Maxus and Tierra in performing Maxus's indemnity obligation to Occidental in connection with the Lister Site, the Passaic River, and Newark Bay.</p>
<p>Sammy Saleh</p> <p>Financial Coordinator Tierra Solutions, Inc.</p>	<p>Accounting practices and financial transactions involving Tierra.</p> <p>The costs incurred by Maxus and Tierra in</p>

<p>2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p>	<p>performing Maxus's indemnity obligation to Occidental in connection with the Lister Site, the Passaic River, and Newark Bay.</p>
<p>Mark Harris Former Tierra project manager ChemRisk Millennium Tower 10375 Richmond Avenue, Suite 350 Houston, TX 77042</p>	<p>Environmental conditions at the Lister Site, in the Passaic River, in Newark Bay, and at various upland sites along or in proximity to Newark Bay or its tributaries.</p> <p>Response actions at the Lister Avenue site, the Passaic River, Newark Bay, and related areas.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Tierra's performance of judicial and administrative orders and decrees regarding the Lister Site, and its performance of administrative orders and decrees regarding the Passaic River and Newark Bay.</p> <p>Discharges to the Passaic River, Newark Bay, and related tributaries made by other entities, and associated environmental impacts.</p>
<p>Scott Burton Former Tierra environmental engineer 6 Lancaster Drive Suffern, NY 10901 Bus: (914) 732-3492 Home: (845) 732-3492</p>	<p>Environmental conditions at the Lister Site, in the Passaic River, in Newark Bay, and at various upland sites along or in proximity to Newark Bay or its tributaries.</p> <p>Response actions at the Lister Avenue site, the Passaic River, Newark Bay, and related areas</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Tierra's performance of judicial and administrative orders and decrees regarding the Lister Site, and its performance of administrative orders and decrees regarding the Passaic River.</p> <p>Discharges to the Passaic River, Newark Bay, and related tributaries made by other entities, and associated environmental impacts.</p>
<p>Alex Pittignano Former Tierra environmental engineer American International Underwriters Department: Special Casualty Division 2 Place De Mareil 78100 St Germain En-Laye France Phone: +33-1-4902-4361</p>	<p>Environmental conditions at the Lister Site, in the Passaic River, in Newark Bay, and at various upland sites along or in proximity to Newark Bay or its tributaries.</p> <p>Response actions at the Lister Avenue site, the Passaic River, Newark Bay, and related areas.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New</p>

<p>Fax: +33-1-4902-4354</p>	<p>Jersey Department of Environmental Protection.</p> <p>Tierra's performance of judicial and administrative orders and decrees regarding the Lister Site, and its performance of administrative orders and decrees regarding the Passaic River and Newark Bay.</p> <p>Discharges to the Passaic River, Newark Bay, and related tributaries made by other entities, and associated environmental impacts.</p>
<p>James F. Kelley, Esq. Former Vice President and General Counsel of Diamond Shamrock Corporation</p> <p>Senior Vice President of Law and General Counsel Georgia Pacific 133 Peachtree St, NE Atlanta, GA 30303 Tel: 404/652-4000</p>	<p>Knowledge regarding the negotiation and consummation of the Stock Purchase Agreement by and among Diamond Shamrock Corporation, Occidental Petroleum Corporation, Occidental Chemical Holding Corporation and Oxy-Diamond Alkali Corporation dated September 4, 1986.</p>
<p>Caroline Calterman</p> <p>Maxus Energy Corporation 1330 Lake Robbins Drive, Suite 300 The Woodlands, TX 77380</p>	<p>Accounting practices and financial information involving Maxus.</p> <p>The costs incurred by Maxus and Tierra in performing its obligation to Occidental in connection with the Lister Site, the Passaic River, and Newark Bay.</p>
<p>William C. ("Bill") Hutton</p> <p>Former Director, Health and Environmental Affairs Diamond Shamrock Corporation</p> <p>Environmental Consultant William C. Hutton Consultants, Inc. 4809 Saint Andrews Drive College Station, TX 77845 (979) 690-7888</p>	<p>Closure and sale of the Lister Site.</p> <p>The formation of Maxus in 1983.</p> <p>The 1986 Maxus Diamond Shamrock Chemical Company's stock to Occidental and indemnification of Occidental for certain environmental liabilities.</p> <p>The acquisition of 80 and 120 Lister Avenue to facilitate cleanup.</p> <p>The formation of Tierra.</p> <p>Maxus's performance of its indemnity obligations to Occidental on matters relating to the Lister Site, the Passaic River, and Newark Bay.</p>
<p>Merton M. ("Mel") Skaggs</p> <p>Principal InDepth Environmental Associates P.O. Box 92653 1500 Corporate Circle, Suite 11 Southlake, Texas 76092</p>	<p>Environmental conditions at the Lister Site, in the Passaic River, in Newark Bay, and at various upland sites along or in proximity to Newark Bay or its tributaries.</p> <p>Response actions at the Lister Avenue site, the Passaic River, Newark Bay, and related areas.</p> <p>Interactions between Tierra and the U.S.</p>

	<p>Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Tierra's performance of judicial and administrative orders and decrees regarding the Lister Site, and its performance of administrative orders and decrees regarding the Passaic River.</p> <p>Discharges to the Passaic River, Newark Bay, and related tributaries made by other entities, and associated environmental impacts.</p> <p>The formation of Tierra.</p> <p>Maxus's and Tierra's agreements and transactions with other defendants.</p> <p>Maxus's and Tierra's performance of its indemnity obligations to Occidental on matters relating to the Lister Site, and the Passaic River.</p> <p>The costs incurred by Maxus and Tierra in connection with the Lister Site, the Passaic River, and Newark Bay.</p>
<p>Dale Laurance</p> <p>Former President, Occidental Petroleum Corp. Chairman of the Board, President, and Chief Executive Officer, Oxy Oil & Gas Corporation 10889 Wilshire Boulevard, 15th Floor Los Angeles, CA 90024</p>	<p>Occidental's 1986 acquisition of the stock of Diamond Shamrock Chemicals Company, including Maxus's indemnity of Occidental regarding certain environmental matters.</p>
<p>Gerald M. Stern, Esq.</p> <p>Former Executive Vice President and General Counsel Occidental Petroleum Corporation 3322 Newark Street, N.W. Washington, D.C. 2008-3330</p>	<p>Occidental's 1986 acquisition of the stock of Diamond Shamrock Chemicals Company, including Maxus's indemnity of Occidental regarding certain environmental matters.</p>
<p>Raymond Gill</p> <p>Former Associate General Counsel Occidental Petroleum Corporation 1102 Villa View Drive Pacific Palisades, CA 90272</p>	<p>Occidental's 1986 acquisition of the stock of Diamond Shamrock Chemicals Company, including Maxus's indemnity of Occidental regarding certain environmental matters.</p>
<p>Ray Guidi</p> <p>Former Diamond Shamrock plant manager Last known location is somewhere in the State of Tennessee</p>	<p>Operations at the former Diamond Shamrock facility at 80 Lister Avenue.</p>
<p>Gordon Steward</p> <p>Former Diamond Shamrock technical</p>	<p>Operations at the former Diamond Shamrock facility at 80 Lister Avenue.</p>

<p>superintendent Last known location is Tuscaloosa, Alabama, 205-553-1135 Last known employer is Transamerica Corp., 205-752-0676</p>	
<p>W. Mark Miller 8804 Glen Garden Drive McKinney, TX 75070 (214) 551-2673</p>	<p>Performance of Maxus's indemnity obligations under the 1986 Stock Purchase Agreement.</p>
<p>Bryon Best P.O.Box 1487 Painesville, OH 44077 120 Avent Pines Lane Holly Springs, N.C. 27540 (919) 757-6537</p>	<p>Supervision of maintenance at the Lister Avenue properties in the late 1980s and early 1990s.</p>
<p>Ed Noble 32782 Briarwood Ct. Avon Lake, Ohio 44012</p>	<p>Environmental responsibilities related to the Lister property in the 1980s.</p>
<p>Mark Ryckman Former consultant Last known location is Atlanta, Georgia. Last known employer is REACT, 800-377-3648</p>	<p>Remediation activities at the 80 and 120 Lister Avenue Site and surrounding areas</p>
<p>Clifford Firstenberg Principal Firstenberg Consulting, LLC 16 Ensigne Spence Williamsburg, VA 23185 (757) 258-7720</p>	<p>Environmental conditions in the Passaic River, in Newark Bay, and at various upland sites along or in proximity to Newark Bay or its tributaries.</p> <p>Response actions in the Passaic River, Newark Bay, and related areas.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Tierra's performance of administrative orders and decrees regarding the Passaic River and Newark Bay.</p> <p>Discharges to the Passaic River, Newark Bay, and related tributaries made by other entities, and associated environmental impacts.</p>
<p>Bob Romagnoli Vice President Blasland, Bouck & Lee, Inc. 6723 Towpath Road</p>	<p>Response actions in the Passaic River and related areas.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New</p>

<p>PO Box 66 Syracuse, NY 13214-0066</p>	<p>Jersey Department of Environmental Protection. Environmental conditions in the Passaic River. Tierra's performance of certain administrative orders and decrees regarding the Passaic River.</p>
<p>Tim Iannuzzi Principal Ecologist Blasland, Bouck & Lee, Inc. 6723 Towpath Road PO Box 66 Syracuse, NY 13214-0066</p>	<p>Response actions in the Passaic River and related areas. Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection. Environmental conditions in the Passaic River and Newark Bay. Tierra's performance of certain administrative orders and decrees regarding the Passaic River.</p>
<p>Alan Fowler Principal Engineer Blasland, Bouck & Lee, Inc. 6723 Towpath Road PO Box 66 Syracuse, NY 13214-0066</p>	<p>Response actions in the Passaic River and related areas. Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection. Environmental conditions in the Passaic River. Tierra's performance of certain administrative orders and decrees regarding the Passaic River.</p>
<p>Helder Costa Former Senior Scientist Blasland, Bouck & Lee, Inc. Current address: Haley & Aldrich 465 Medford Street Boston, MA 02129 (617) 886-7392</p>	<p>Response actions in the Passaic River and related areas. Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection. Environmental conditions in the Passaic River. Tierra's performance of certain administrative orders and decrees regarding the Passaic River.</p>
<p>Brent Finley Managing Principal Chemrisk Millenium Tower 10375 Richmond Avenue, Suite 350 Houston, TX 77042</p>	<p>Human health risk information provided to the Environmental Protection Agency.</p>
<p>Mark Harris Managing Principal Chemrisk</p>	<p>Human health risk information provided to the Environmental Protection Agency.</p>

<p>Millenium Tower 10375 Richmond Avenue, Suite 350 Houston, TX 77042</p>	
<p>Diane Waldschmidt</p> <p>Principal Environmental Data Services, Ltd. 2690 Oak Hill Drive Allison Park, PA 15101</p>	<p>Data and the validation of data provided to the Environmental Protection Agency.</p>
<p>Ted Tomasi</p> <p>Principal Entrix 10 Corporate Circle, Suite 100 New Castle, DE 19720</p>	<p>Response actions in the Passaic River and related areas.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Environmental conditions in the Passaic River.</p> <p>Tierra's performance of certain administrative orders and decrees regarding the Passaic River.</p>
<p>Ralph K. Markarian</p> <p>Senior Principal and Vice President Entrix 10 Corporate Circle, Suite 100 New Castle, DE 19720</p>	<p>Response actions in the Passaic River and related areas.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Environmental conditions in the Passaic River.</p> <p>Tierra's performance of certain administrative orders and decrees regarding the Passaic River.</p>
<p>Christopher E. Pfeifer</p> <p>Entrix 10 Corporate Circle, Suite 100 New Castle, DE 19720</p>	<p>Response actions in the Passaic River and related areas.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Environmental conditions in the Passaic River.</p> <p>Tierra's performance of certain administrative orders and decrees regarding the Passaic River.</p>
<p>V. Craven</p> <p>Staff Scientist Exponent 320 Goddard Way, Suite 200 Irvine, CA 92618</p>	<p>Human health risk information provided to the Environmental Protection Agency.</p>
<p>D. Procter</p> <p>Managing Scientist</p>	<p>Human health risk information provided to the Environmental Protection Agency.</p>

<p>Exponent 320 Goddard Way, Suite 200 Irvine, CA 92618</p>	
<p>E.R. Mancini Principal E.R. Mancini & Associates 5439 Summerfield Street Camarillo, CA 93012</p>	<p>Interactions between Tierra and federal and state government agencies regarding natural resource damages.</p>
<p>R. Simons Vice President Simons & Associates 3538 John F. Kennedy Parkway, Suite 1 Fort Collins, CO 80525</p>	<p>Hydrodynamic modeling information shared with government agencies.</p>
<p>William H. Desvousges Former President Triangle Economic Research 7824 Harps Mill Road Raleigh, NC 27615 Bus: (919) 870-5611 Mobile: (919) 818-7260</p>	<p>Economic research and information related to natural resource damages.</p>
<p>J. Kinnell Former Senior Economist Triangle Economic Research Veritas Economic Consulting 1851 Evans Road Cary, NC 27513</p>	<p>Economic research and information related to natural resource damages.</p>
<p>Dennis Farley President The Intelligence Group 1545 Route 206 Bedminster, NJ 07921</p>	<p>Discharges to the Passaic River, Newark Bay, and related tributaries made by other entities, and associated environmental impacts.</p>
<p>Michael Harris Formerly of EA Engineering U.S. Army Corps of Engineers - New York District 26 Federal Plaza New York, NY 10278 (212) 264-4549</p>	<p>Response actions in the Passaic River and related areas. Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection. Environmental conditions in the Passaic River. Tierra's performance of certain administrative orders and decrees regarding the Passaic River.</p>

<p>Sandy Staigerwell</p> <p>Project Manager EA Engineering, Science, and Technology, Inc. 15 Loveton Circle Sparks, MD 21152 (410) 771-4950 x5231</p>	<p>Response actions in the Passaic River and related areas.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Environmental conditions in the Passaic River.</p> <p>Tierra's performance of certain administrative orders and decrees regarding the Passaic River.</p>
<p>Jim Zarzycki</p> <p>Former Vice President EA Engineering, Science, and Technology, Inc.</p> <p>Director Edgewood Chemical Biological Center AMSRD-ECB-AP-B/Michel E3330 5183 Black Hawk RD APG, MD 21010-5424 (410) 436-3610</p>	<p>Response actions in the Passaic River and related areas.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Environmental conditions in the Passaic River.</p> <p>Tierra's performance of certain administrative orders and decrees regarding the Passaic River.</p>
<p>Anthony L. Wolfskill</p> <p>Former Senior Consultant L.A. Wolfskill Engineering 24432 Pine Valley Waterwood, TX 77359</p>	<p>Environmental conditions at the Lister Site, in the Passaic River, in Newark Bay, and at various upland sites along or in proximity to Newark Bay or its tributaries.</p> <p>Response actions at the Lister Avenue site, the Passaic River, Newark Bay, and related areas.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Tierra's performance of judicial and administrative orders and decrees regarding the Lister Site, and its performance of administrative orders and decrees regarding the Passaic River and Newark Bay.</p> <p>Discharges to the Passaic River, Newark Bay, and related tributaries made by other entities, and associated environmental impacts.</p>
<p>Alan Steinberg Regional Administrator</p> <p>United States Environmental Protection Agency Region II 290 Broadway New York, NY 10007-1866</p>	<p>Environmental conditions at the Lister Site, in the Passaic River, in Newark Bay, and at various upland sites along or in proximity to Newark Bay or its tributaries.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p>

	<p>Response actions at the Lister Avenue site, the Passaic River, Newark Bay, and related areas.</p> <p>Tierra's performance of judicial and administrative orders and decrees regarding the Lister Site, and its performance of administrative orders and decrees regarding the Passaic River and Newark Bay.</p>
<p>George Pavlou, Director</p> <p>Emergency & Remedial Response Division United States Environmental Protection Agency Region II 290 Broadway New York, NY 10007-1866</p>	<p>Environmental conditions at the Lister Site, in the Passaic River, in Newark Bay, and at various upland sites along or in proximity to Newark Bay or its tributaries.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Response actions at the Lister Avenue site, the Passaic River, Newark Bay, and related areas.</p> <p>Tierra's performance of judicial and administrative orders and decrees regarding the Lister Site, and its performance of administrative orders and decrees regarding the Passaic River and Newark Bay.</p>
<p>Ray Basso Project Manager PRRI-Passaic</p> <p>United States Environmental Protection Agency Region II 290 Broadway New York, NY 10007-1866</p>	<p>Environmental conditions at the Lister Site, in the Passaic River, in Newark Bay, and at various upland sites along or in proximity to Newark Bay or its tributaries.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Response actions at the Lister Avenue site, the Passaic River, Newark Bay, and related areas.</p> <p>Tierra's performance of judicial and administrative orders and decrees regarding the Lister Site, and its performance of administrative orders and decrees regarding the Passaic River and Newark Bay.</p>
<p>Susan Bodine, Former Assistant Administrator, OSWER</p> <p>United States Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, DC 20460</p>	<p>Environmental conditions at the Lister Site, in the Passaic River, in Newark Bay, and at various upland sites along or in proximity to Newark Bay or its tributaries.</p> <p>Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection.</p> <p>Response actions at the Lister Avenue site, the Passaic River, Newark Bay, and related areas.</p> <p>Tierra's performance of judicial and administrative orders and decrees regarding the Lister Site, and its</p>

	performance of administrative orders and decrees regarding the Passaic River and Newark Bay.
Col. Richard Polo (ret.) Former Commander United States Army Corps of Engineers New York District Jacob K. Javits Federal Building 26 Federal Plaza, Room 2109 New York, NY 10278-0090	Environmental conditions in the lower seventeen miles of the Passaic River and Newark Bay. Response actions in the Passaic River and related areas. EPA's and other efforts to address environmental conditions in the Passaic River and Newark Bay. Alternative sources of contamination in the Passaic River and Newark Bay.
Bradley M. Campbell Former Administrator New Jersey Department of Environmental Protection 401 East State Street Trenton, NJ 08625-0028	Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection. Environmental conditions in the lower seventeen miles of the Passaic River and Newark Bay. EPA's and other efforts to address environmental conditions in the Passaic River and Newark Bay. Alternative sources of contamination in the Passaic River and Newark Bay.
Lance Miller New Jersey Department of Environmental Protection 401 East State Street Trenton, NJ 08625-0028	Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection. Environmental conditions in the lower seventeen miles of the Passaic River and Newark Bay. EPA's and other efforts to address environmental conditions in the Passaic River and Newark Bay. Alternative sources of contamination in the Passaic River and Newark Bay.
Ron Corcory New Jersey Department of Environmental Protection 401 East State Street Trenton, NJ 08625-0028	Interactions between Tierra and the U.S. Environmental Protection Agency and/or the New Jersey Department of Environmental Protection. Environmental conditions in the lower seventeen miles of the Passaic River and Newark Bay. EPA's and other efforts to address environmental conditions in the Passaic River and Newark Bay. Alternative sources of contamination in the Passaic River and Newark Bay.
Lisa Baron New Jersey Department of Transportation	Environmental conditions in the lower seventeen miles of the Passaic River and Newark Bay.

1035 Parkway Avenue Trenton, NJ 08625	EPA's and other efforts to address environmental conditions in the Passaic River and Newark Bay. Alternative sources of contamination in the Passaic River and Newark Bay.
Rick Gimelo New Jersey Department of Transportation 1035 Parkway Avenue Trenton, NJ 08625	Environmental conditions in the lower seventeen miles of the Passaic River and Newark Bay. EPA's and other efforts to address environmental conditions in the Passaic River and Newark Bay. Alternative sources of contamination in the Passaic River and Newark Bay.

The Defendants also reserve the right to call any witnesses identified in responses to Plaintiffs' interrogatories or Plaintiffs' Rule 26(a) disclosures.

II. Description of documents and data compilations

Based on their review of the Complaint in this action, the Defendants have located certain documents in their possession, custody, or control regarding potential defenses to the claims asserted in this action. As noted above, there is a great deal of ambiguity surrounding Plaintiffs' claims and the Defendants have not yet answered the Complaint, so their potential defenses have not been fully identified. Thus, the Defendants reserve the right to supplement, correct, or amend these disclosures.

Moreover, based on the inquiry performed to date by the Defendants, the vast bulk of documents that the Defendants may use to support potential defenses are maintained in the files of Tierra, as described below. While the other Defendants may have copies of some of these documents, based on current inquiries those documents are largely duplicative of those in the possession of Tierra. The same is true for Tierra's consultants, as the contractual relationships between Tierra and its consultants require that Tierra receive copies of documents. The Defendants are performing additional inquiry to confirm that this understanding is correct – given the number of consultants

and the large volume of the documents involved, this will be a significant effort – and reserve the right to supplement this disclosure in the event that non-duplicative documents are located in the possession or control of Maxus and Occidental, or any consultants engaged by the Defendants.

Documents by category:	Location:
<p>Documents containing information relating to the environmental conditions in the Passaic River, the Lower Passaic River Study Area, the Newark Bay Study Area, the so-called “Newark Bay Complex” (as identified in the Complaint), the Diamond Alkali Superfund Site, the property at 80 and 120 Lister Avenue, or related areas.</p> <p>This category of documents may include, but is not limited to, analytical data, reports, correspondence, notes, articles, data sheets, corporate documents, court papers and filings, administrative agency documents or materials, news articles, academic literature, memoranda, invoices, financial data, and other types of materials.</p>	<p>Tierra Solutions, Inc. (and offsite archives) 2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p> <p><i>Duplicate copies of certain documents in this category are present at the following locations:</i></p> <p>Maxus Energy Corp. (and offsite archives in Houston and Dallas) 1330 Lake Robbins Drive, Suite 300 The Woodlands, TX 77380</p> <p>Also, duplicate copies of certain documents are likely to be in the possession of one or more of the consulting firms whose employees are identified in Item I.</p>
<p>Documents containing information relating to the past operations of the former manufacturing facility located at 80 Lister Avenue.</p> <p>This category of documents may include, but is not limited to analytical data, reports, correspondence, notes, articles, data sheets, corporate documents, court papers and filings, administrative agency documents or materials, news articles, academic literature, memoranda, invoices, financial data, and other types of materials.</p>	<p>Tierra Solutions, Inc. (and offsite archives) 2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p> <p><i>Duplicate copies of certain documents in this category are present at the following locations:</i></p> <p>Maxus Energy Corp. (and offsite archives in Houston and Dallas) 1330 Lake Robbins Drive, Suite 300 The Woodlands, TX 77380</p> <p>Also, duplicate copies of certain documents are likely to be in the possession of one or more of the consulting firms whose employees are identified in Item I.</p>
<p>Documents containing information relating to response actions taken at the former manufacturing site at 80 and 120 Lister Avenue, or related areas.</p> <p>This category of documents may include, but is not limited to analytical data, reports, correspondence, notes, articles, data sheets, corporate documents, court papers and filings, administrative agency documents or materials, news articles, academic</p>	<p>Tierra Solutions, Inc. (and offsite archives) 2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p> <p><i>Duplicate copies of certain documents in this category are present at the following locations:</i></p> <p>Maxus Energy Corp. (and offsite archives in Houston and Dallas)</p>

<p>literature, memoranda, invoices, financial data, and other types of materials.</p>	<p>1330 Lake Robbins Drive, Suite 300 The Woodlands, TX 77380</p> <p>Also, duplicate copies of certain documents are likely to be in the possession of one or more of the consulting firms whose employees are identified in Item I.</p>
<p>Documents containing information relating related to other entities that have discharged substances into the Passaic River, the Lower Passaic River Study Area, the Newark Bay Study Area, or the so-called "Newark Bay Complex" (as identified in the Complaint).</p> <p>This category of documents may include, but is not limited to analytical data, reports, correspondence, notes, articles, data sheets, corporate documents, court papers and filings, administrative agency documents or materials, news articles, academic literature, memoranda, invoices, financial data, and other types of materials.</p>	<p>Tierra Solutions, Inc. (and offsite archives) 2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p> <p><i>Duplicate copies of certain documents in this category are present at the following locations:</i></p> <p>Maxus Energy Corp. (and offsite archives in Houston and Dallas) 1330 Lake Robbins Drive, Suite 300 The Woodlands, TX 77380</p> <p>Also, duplicate copies of certain documents are likely to be in the possession of one or more of the consulting firms whose employees are identified in Item I.</p>
<p>Documents containing information relating related to the insurance litigation referenced in Plaintiffs' Complaint, which includes documents related to the topics described above.</p> <p>This category of documents may include, but is not limited to analytical data, reports, correspondence, notes, articles, data sheets, corporate documents, court papers and filings, administrative agency documents or materials, news articles, academic literature, memoranda, invoices, financial data, and other types of materials.</p>	<p>Cahill, Gordon & Reindell 80 Pine Street New York, NY 10005</p>
<p>Documents containing scientific or technical data regarding the chemical characteristics, toxicology, ecological impact, fate and transport, or other properties of 2,3,7,8-tetrachlorodibenzo-p-dioxin.</p> <p>This category of documents may include, but is not limited to analytical data, reports, correspondence, notes, articles, data sheets, administrative agency documents or materials, academic literature, memoranda, and other types of materials.</p>	<p>Tierra Solutions, Inc. (and offsite archives) 2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p> <p><i>Duplicate copies of certain documents in this category are present at the following locations:</i></p> <p>Maxus Energy Corp. (and offsite archives in Houston and Dallas) 1330 Lake Robbins Drive, Suite 300 The Woodlands, TX 77380</p> <p>Also, duplicate copies of certain documents are likely to be in the possession of one or more of the consulting firms whose employees are identified in Item I.</p>

<p>Documents containing information related to correspondence or interactions between Tierra and EPA or the New Jersey Department of Environmental Protection.</p> <p>This category of documents may include, but is not limited to analytical data, reports, correspondence, notes, articles, data sheets, corporate documents, court papers and filings, administrative agency documents or materials, news articles, academic literature, memoranda, invoices, financial data, and other types of materials.</p>	<p>Tierra Solutions, Inc. (and offsite archives) 2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p> <p><i>Duplicate copies of certain documents in this category are present at the following locations:</i></p> <p>Maxus Energy Corp. (and offsite archives in Houston and Dallas) 1330 Lake Robbins Drive, Suite 300 The Woodlands, TX 77380</p> <p>Also, duplicate copies of certain documents are likely to be in the possession of one or more of the consulting firms whose employees are identified in Item I.</p>
<p>Documents containing information regarding natural resources in the vicinity of the Passaic River or damages thereto.</p> <p>This category of documents may include, but is not limited to analytical data, reports, correspondence, notes, articles, data sheets, corporate documents, court papers and filings, administrative agency documents or materials, news articles, academic literature, memoranda, invoices, financial data, and other types of materials.</p>	<p>Tierra Solutions, Inc. (and offsite archives) 2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p> <p><i>Duplicate copies of certain documents in this category are present at the following locations:</i></p> <p>Maxus Energy Corp. (and offsite archives in Houston and Dallas) 1330 Lake Robbins Drive, Suite 300 The Woodlands, TX 77380</p> <p>Also, duplicate copies of certain documents are likely to be in the possession of one or more of the consulting firms whose employees are identified in Item I.</p>
<p>Documents containing information relating to the impact of potential future actions in the Passaic River and Newark Bay.</p> <p>This category of documents may include, but is not limited to analytical data, reports, correspondence, notes, articles, data sheets, corporate documents, court papers and filings, administrative agency documents or materials, news articles, academic literature, memoranda, invoices, financial data, and other types of materials.</p>	<p>Tierra Solutions, Inc. (and offsite archives) 2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p> <p><i>Duplicate copies of certain documents in this category are present at the following locations:</i></p> <p>Maxus Energy Corp. (and offsite archives in Houston and Dallas) 1330 Lake Robbins Drive, Suite 300 The Woodlands, TX 77380</p> <p>Also, duplicate copies of certain documents are likely to be in the possession of one or more of the consulting firms whose employees are identified in Item I.</p>

<p>Documents containing information related to the negotiation or implementation of the various administrative and judicial orders with DEP or EPA.</p> <p>This category of documents may include, but is not limited to analytical data, reports, correspondence, notes, articles, data sheets, corporate documents, court papers and filings, administrative agency documents or materials, news articles, academic literature, memoranda, invoices, financial data, and other types of materials.</p>	<p>Tierra Solutions, Inc. (and offsite archives) 2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p> <p><i>Duplicate copies of certain documents in this category are present at the following locations:</i></p> <p>Maxus Energy Corp. (and offsite archives in Houston and Dallas) 1330 Lake Robbins Drive, Suite 300 The Woodlands, TX 77380</p> <p>Also, duplicate copies of certain documents are likely to be in the possession of one or more of the consulting firms whose employees are identified in Item I.</p>
<p>Documents regarding corporate history, organization, and transactions involving Occidental.</p> <p>This category of documents may include, but is not limited to, reports, correspondence, notes, corporate documents, memoranda, financial data, and other types of materials.</p>	<p>Occidental Chemical Corporation (and offsite archives) 5005 LBJ Freeway Dallas, Texas 75244</p>
<p>Documents regarding corporate history, organization, and transactions involving Maxus.</p> <p>This category of documents may include, but is not limited to, reports, correspondence, notes, corporate documents, memoranda, financial data, and other types of materials.</p>	<p>Maxus Energy Corp. (and offsite archives in Houston and Dallas) 1330 Lake Robbins Drive, Suite 300 The Woodlands, TX 77380</p>
<p>Documents regarding corporate history, organization, and transactions involving Tierra.</p> <p>This category of documents may include, but is not limited to, reports, correspondence, notes, corporate documents, memoranda, financial data, and other types of materials.</p>	<p>Tierra Solutions, Inc. (and offsite archives) 2 Tower Center Blvd., 10th Floor East Brunswick, New Jersey 08816</p> <p><i>Duplicate copies of certain documents in this category are present at the following locations:</i></p> <p>Maxus Energy Corp. (and offsite archives in Houston and Dallas) 1330 Lake Robbins Drive, Suite 300 The Woodlands, TX 77380</p>
<p>Electronic data and files related to the above-listed categories.</p>	<p>Defendants are in the process of identifying, locating and producing responsive electronically stored information (ESI). Defendants are discussing a formal ESI Plan with the Plaintiffs that will more specifically address the production format and method of responsive ESI. Inasmuch as this process is ongoing, defendants will supplement these disclosures as more evidence is unearthed, and will</p>

	work together with plaintiffs in producing said information.
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III. Computation of damages

This disclosure requirement is not applicable to the Defendants at this time, however, the Defendants reserve the right to amend this disclosure once it is determined by each Defendant which counterclaims, cross-claims, and/or third-party claims to assert in this action.

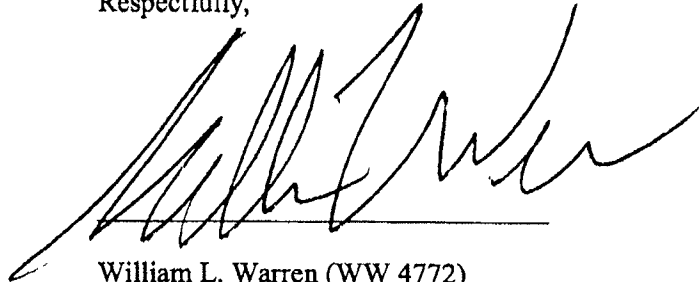
IV. Insurance agreements

Defendants do not believe that there is any insurance coverage available to satisfy any environmental claims against the Defendants regarding the matters referenced in the Complaint. In the event such coverage is discovered to exist at a later point in time, the Defendants will supplement this disclosure.

V. Supplementation

The undersigned Defendants' initial disclosures are made without prejudice to their right to change or supplement their responses, their right to assert privileges or objections with respect to any subsequent requests for discovery, and their right to introduce at trial additional evidence and documents as warranted by the development of the facts underlying this lawsuit.

Respectfully,

A handwritten signature in black ink, appearing to read "William L. Warren", written over a horizontal line.

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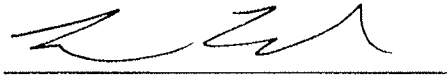
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September 27, 2006

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing Defendants' Rule 26(a) Initial Disclosures was served via electronic mail to all counsel of record in this matter on this day of September 27, 2006 by agreement of all counsel.

A handwritten signature in black ink, appearing to read "B. S. Lippard", is written above a solid horizontal line.

Benjamin S. Lippard