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Attorneys for Defendant Occidental Chemical Corporation

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE COMMISSIONER OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION and THE ADMINISTRATOR OF THE NEW JERSEY SPILL COMPENSATION FUND,	SUPERIOR COURT OF NEW JERSEY LAW DIVISION – ESSEX COUNTY
Plaintiffs,	DOCKET NO.: L-009868-05
vs.	Civil Action
OCCIDENTAL CHEMICAL CORPORATION, TIERRA SOLUTIONS, INC., MAXUS ENERGY CORPORATION, REPSOL YPF, S.A., YPF, S.A., YPF HOLDINGS, INC. AND CLH HOLDINGS,	<b>DEFENDANT OCCIDENTAL CHEMICAL CORPORATION'S INITIAL DISCLOSURES PURSUANT TO CASE MANAGEMENT ORDER III</b>
Defendants.	

Defendant, Occidental Chemical Corporation (“Occidental”), makes the following disclosures pursuant to ¶ 4(a) of Case Management Order III, dated November 14, 2008, as amended by ¶ 1(a) of Case Management Order IV, dated December 23, 2008.

**Prior Initial Disclosures**

OCC respectfully refers other parties to the attached copy of Defendants' Rule 26(a)(1) Initial Disclosures, which were provided to other parties on or about September 27, 2006, while this action was pending in the United States District Court for the District of New Jersey (the "Prior Initial Disclosures"). Those Prior Initial Disclosures were made on behalf of Defendants Maxus Energy Corporation ("Maxus"), Tierra Solutions, Inc. ("Tierra"), and OCC, prior to OCC's handling of its own defense. To the best of OCC's knowledge at this time, the disclosures made therein remain valid.

**Reservation of Rights**

1. OCC reserves the right to object to the production of any documents or other information on any ground, including relevance and undue burden, and to assert any applicable privilege, including the attorney/client privilege, the work product doctrine, and any other applicable privilege or protection. These disclosures are not intended to waive or prejudice any privileges or objections OCC may have with respect to any outstanding or subsequent requests for discovery.

2. This action is at an early stage of development with respect to the claims and cross-claims made by or against OCC, only limited jurisdictional discovery has occurred to date, and Case Management Order III currently limits discovery relating to the merits of OCC's Cross-Claims against Defendants Maxus Energy Corporation, Tierra Solutions, Inc., Repsol YPF, S.A., YPF, S.A., YPF Holdings, Inc., and CLH Holdings (collectively, the "Cross-Claim Defendants"). OCC's investigation in this matter will continue as the matter progresses and additional discovery is allowed. Accordingly, OCC reserves the right to supplement, clarify, and revise these disclosures in light of subsequent developments with respect to the claims and

theories of present or future parties, and as additional information may become known hereafter through discovery or otherwise.

3. The time period covered by the allegations made in the Plaintiffs' Second Amended Complaint and/or the cross-claims against OCC by Maxus and Tierra, spans at least six decades. Over the decades, there have been numerous changes in professional staff employed by OCC and its co-defendants herein; there have been several corporate transactions and agreements, including acquisitions and reorganizations, affecting the relationships between or among OCC and its co-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 other sources of contamination found in the Passaic River and Newark Bay. The temporal breadth of the Second Amended Complaint is rivaled by its geographic scope, as it covers the so-called "Newark Bay Complex," which allegedly encompasses 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." Second Amended Complaint, ¶ 1.

The temporal and geographical breadth of the Second Amended Complaint, ambiguities in the claims alleged and relief sought by Plaintiffs and/or Maxus and Tierra, the lack of discovery to date, and the fact that OCC relied upon Maxus to provide the defense of OCC in this action for an extended period, are all circumstances that hamper OCC's current ability to identify individuals having discoverable information, or documents and information, that OCC may use to support its defenses to Plaintiffs' claims or the Maxus/Tierra cross-claims and/or to support OCC's own Cross-Claims and any third-party claims OCC might assert at the appropriate time. Under the circumstances it is likely that additional individuals, documents and information will be identified

in the future. As stated above, OCC's investigation is continuing, and it reserves the right to supplement, clarify, and revise these disclosures.

**I. PERSONS LIKELY TO HAVE DISCOVERABLE INFORMATION**

Based on its inquiry to date, OCC hereby discloses its list of persons who, along with those previously disclosed, it currently believes are likely to have discoverable information OCC may use to support its defenses or its claims, the potential subjects of their knowledge, and their addresses and telephone numbers if known and as last known.

**Maxus (or affiliates) officers, directors or employees.** Based upon information and belief, the following persons are current or former officers, directors or employees of Maxus or affiliates as indicated. These individuals have or may have knowledge of: OCC's 1986 acquisition of the stock of Diamond Shamrock Chemicals Company, pursuant to 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 (the "SPA"), including Maxus' indemnities of OCC thereunder; the negotiations of relevant portions of the SPA; the SPA parties' intentions with respect to indemnification matters at issue in this action; historical operations relating to the Lister Site; Maxus' assessment of its environmental liabilities, including on matters relating to the Lister Site; Maxus' performance of its SPA indemnity obligations on matters relating to the Lister Site; post-SPA insurance coverage matters relating to the Lister Site, including without limitation the litigation styled *Diamond Shamrock Chem. Co. v. Aetna Cas. & Sur. Co.*, No. C-3939-84, New Jersey Superior Court, Chancery Division ("*DSCC v. Aetna*"); corporate reorganizations and restructurings relating to Maxus and its corporate affiliates; the dispositions of Maxus' assets from time to time; and other accounting and financial information pertaining to Maxus and its

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corporate affiliates. For these individuals, OCC is providing below last known contact information as currently available to OCC, but respectfully refers all parties to OCC's co-defendants for confirmation or additional information.

William H. Bricker  
Former Chairman and CEO  
Diamond Shamrock Corp.

T. J. Fretthold  
Former Corporate Secretary  
Former Senior Vice President and General Counsel  
Ultramar Diamond Shamrock Corp.

Sara Galley  
Counsel  
Maxus Energy Corporation  
1330 Lake Robbins Dr., Suite 300  
The Woodlands, Texas 77380  
281 681-7255

Corrine M. Hawkins  
Former Senior Counsel Maxus Energy Corp.  
Town Center Two Building  
1330 Lake Robbins Dr., #330  
The Woodlands, Texas 77380  
281-681-7200

Paul W. Herring  
Former Senior Counsel  
Maxus Energy Corp.  
Town Center Two Building  
1330 Lake Robbins Dr., #330  
The Woodlands, Texas 77380  
281-681-7200

William C. Hutton  
Former Director, Health and Environmental Affairs  
Diamond Shamrock Corp.

James F. Kelley  
Former Vice President and General Counsel  
Diamond Shamrock Corp.

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Gabriel Leiva (deposed)  
Controller  
YPF, S.A.  
Avenida Pte. R. Saenz Pena 777  
C1035AAC Buenos Aires, Argentina

Ed Masek  
Former in-house counsel  
Diamond Shamrock Corp.

Marcos Mozetic (deposed)  
Upstream Exploration Director  
Repsol YPF, S.A.  
Paseo de la Castellana, 278-280  
28046 Madrid, Spain

W. E. (Ed) Notestine  
Former Deputy General Counsel  
Diamond Shamrock Corp.

Harvey R. Dick Smith (deposed)  
Vice President and Secretary  
Maxus Energy Corp.  
Town Center Two Building  
1330 Lake Robbins Dr., #330  
The Woodlands, Texas 77380  
281-681-7200

Charles Stewart  
Former President  
Diamond Shamrock Chemicals Co.

David A. Wadsworth  
Former Vice President and General Counsel  
Maxus Energy Corp.  
Town Center Two Building  
1330 Lake Robbins Dr., #330  
The Woodlands, Texas 77380  
281-681-7200

Donald W. Zentmeyer  
Former in-house counsel

**Jones Day Attorneys.** Based upon information and belief, the following persons are current or former attorneys of Jones Day, which acted as outside counsel to Maxus in

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connection with the negotiation and consummation of the SPA. These individuals have or may have knowledge of: Maxus' indemnities of OCC under the SPA; the negotiations of relevant portions of the SPA; the SPA parties' intentions with respect to indemnification matters at issue in this action.

Joanne L. Bober  
Senior Vice President and General Counsel  
The Chubb Corporation and Subsidiaries  
15 Mountain View Road, P.O. Box 1615  
Warren, New Jersey 07059

Robert A. Profusek  
Jones Day  
222 East 41st Street  
New York, New York 10017-6702  
212-326-3939

**OCC (or affiliates) officers or employees.** The following persons are current or former employees or officers or affiliated companies as indicated, who may be contacted through undersigned counsel. These individuals have or may have knowledge of: the negotiations of relevant portions of the SPA; the SPA parties' intentions with respect to indemnification matters at issue in this action; historical operations relating to the Lister Site; Maxus' assessment of its environmental liabilities, including on matters relating to the Lister Site; Maxus' performance of its SPA indemnity obligations on matters relating to the Lister Site; *DSCC v. Aetna*.

John W. Alden  
Former Associate General Counsel  
Occidental Petroleum Corp.  
10889 Wilshire Boulevard  
Los Angeles, California 90024  
310-443-6183

**Defendant Occidental Chemical Corporation's  
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Catharine de Lacy  
Former Vice President, Health Environment & Safety  
Occidental Petroleum Corp.  
*Last known contact information:*  
Riar Consulting  
53 The Fairways  
Ipswich, Massachusetts 01938  
978-356-1293

Frank Friedman  
Former Director of Environmental Affairs  
Occidental Petroleum Corp.  
*Last known contact information:*  
Elf Atochem, NA Inc.  
2000 Market St.  
Philadelphia, Pennsylvania 19103-3222

Charles E. Foster  
Former Associate General Counsel  
Occidental Petroleum Corp.  
*Last known contact information:*  
236 Surfview Dr.  
Pacific Palisades, California 90272  
310-454-1948

Raymond Gill  
Former Associate General Counsel  
Occidental Petroleum Corp.  
*Last known contact information:*  
1102 Villa View Drive  
Pacific Palisades, California 90272  
310- 459-1604

J. R. Hirl  
Former President and Chief Executive Officer  
Occidental Chemical Corp.  
5005 LBJ Freeway  
Dallas, Texas 75244

W.H. Hunt, Jr.  
Former Vice President and General Manager  
Eastern Division, Occidental Chemical Co.  
P.O. Box 25597  
Tampa, Florida 33622  
*Last known contact information:*



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Dr. Ray Irani  
Chairman of Board and Chief Executive Officer  
Occidental Petroleum Corp.  
10889 Wilshire Boulevard  
Los Angeles, California 90024  
310-208-8800

Tom Jennings  
Former Vice President of Environmental Affairs  
Occidental Chemical Corp.  
5005 LBJ Freeway  
Dallas, Texas 75244-6119  
972-964-4060  
*Last known contact information:*

Dr. Dale R. Laurance  
Former President  
Occidental Petroleum Corp.  
10889 Wilshire Boulevard  
Los Angeles, California 90024  
310-208-8800

Robert D. Luss  
Former Associate General Counsel  
Occidental Chemical Corp.  
*Last known contact information:*

J. Alan Mack  
Former Associate General Counsel  
Occidental Chemical Corp.  
*Last known contact information:*  
1662 Hartford Glen  
Atlanta, Georgia 30319  
770-457-0961

Mark Romness  
Former Associate General Counsel  
Occidental Chemical Corp.  
*Last known contact information:*

**Defendant Occidental Chemical Corporation's  
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February 17, 2009**

Gerald H. Rubin  
Former Assistant General Counsel  
Occidental Chemical Corp.  
*Last known contact information:*  
Novation  
2200 E. Los Colinas Blvd.  
Irving, Texas 75039-5500  
972-581-5055

Curtis S. Shaw  
Former Counsel  
Occidental Chemical Corp.  
*Last known contact information:*  
Celanese Corporation  
1601 West LBJ Freeway  
Dallas, Texas 75234-6034  
972-443-4000

Gerald M. Stern  
Former Executive Vice-President and General Counsel  
Occidental Petroleum Corp.  
*Last known contact information:*  
3322 Newark St., N.W.  
Washington, D.C. 20008-3330  
202-362-2078

John R. Wheeler  
Former Associate General Counsel  
Occidental Chemical Corp.  
*Last known contact information:*  
4905 Smith Road  
Plano, Texas 75094-3026  
972-921-0300

Jerome (Jerry) Wilkenfeld  
Former Counsel  
Occidental Petroleum Corp.  
*Last known contact information:*

Jeffrey Zimmerman  
Former Counsel  
Occidental Petroleum Corp.  
*Last known contact information:*

**Skadden Arps attorneys.** Based upon information and belief, the following persons are current or former attorneys of Skadden, Arps Slate, Meagher & Flom, LLP & Affiliates, which acted as outside counsel to OCC in connection with the negotiation and consummation of the SPA. These individuals have or may have knowledge of: Maxus' indemnities of OCC under the SPA; the negotiations of relevant portions of the SPA; the SPA parties' intentions with respect to indemnification matters at issue in this action.

Jerome L. Coben  
*Last known contact information:*  
Zeughauser Group  
5482 Wilshire Blvd. #1579  
Los Angeles, California 90036  
323.937.8195

Tom Drago  
*Last known contact information:*

James Roger  
*Last known contact information:*

Carol Clayton  
*Last known contact information:*

Joseph J. Guinta  
*Last known contact information:*

Michael A. Woronoff  
*Last known contact information:*

## **II. DESCRIPTION OF DOCUMENTS AND DATA**

OCC hereby describes, by category, documents, electronically stored information, and tangible things in its possession, custody or control that OCC may use to support its claims or defenses, as follows.

1. **Information related to Plaintiffs' environmental claims against OCC.**

Based upon information and belief, the vast majority of documents and/or electronic data that OCC may use to support defenses to the claims alleged in Plaintiffs' Second Amended Complaint is not within its possession, custody or control but is believed to be within the possession, custody or control of one or more of OCC's co-defendants, or their consultants, as described in the Prior Initial Disclosures made by co-defendants on OCC's behalf. To the extent OCC may have such information within its possession, it believes the information will be largely duplicative of information possessed by the co-defendants or their consultants. However, OCC is conducting additional inquiry to confirm that belief and identify any such information in its possession. Insofar as OCC has or may have any such discoverable information, it may be located at Occidental Chemical Corporation, 5005 LBJ Freeway, Dallas, Texas 75244 (and offsite archives), or at Occidental Petroleum Corporation, 10889 Wilshire Boulevard, Los Angeles, California 90024 (and offsite archives).

2. **Information related to the SPA and rights and obligations of the parties thereto with respect to the Lister Avenue site and related environmental matters.**

Such information may be located at Occidental Chemical Corporation, 5005 LBJ Freeway, Dallas, Texas 75244 (and offsite archives), Occidental Petroleum Corporation, 10889 Wilshire Boulevard, Los Angeles, California 90024 (and offsite archives), and/or Skadden, Arps Slate, Meagher & Flom, LLP & Affiliates, 300 South Grand Avenue, Suite 3400, Los Angeles, California 90071.

3. **Information related to management of environmental matters related to the Lister Avenue site subsequent to the SPA.**

To the extent OCC has such information within its possession, it believes the information will be largely duplicative of information possessed by the co-defendants or their consultants.

However, OCC is conducting additional inquiry to confirm that belief and identify any such information in its possession. Insofar as OCC has or may have any such discoverable information, it may be located at Occidental Chemical Corporation, 5005 LBJ Freeway, Dallas, Texas 75244 (and offsite archives), or at Occidental Petroleum Corporation, 10889 Wilshire Boulevard, Los Angeles, California 90024 (and offsite archives).

**4. Information related to OCC's Cross-Claims against the Cross-Claim Defendants.**

Based upon information and belief, the vast majority of documents and/or electronic data that OCC may ultimately use to support its Cross-Claims against the Cross-Claim Defendants is not currently within its possession, custody or control, primarily because of the limited discovery of the Cross-Claim Defendants occurring heretofore and the current limitations upon discovery as to the merits of OCC's Cross-Claims against the Cross-Claim Defendants. To the extent OCC currently has such discoverable information within its possession, the information has already been provided to other parties in the form of (i) documents cited and submitted by Plaintiffs in their opposition to the Repsol Defendants' motions to dismiss the action for lack of personal jurisdiction, (ii) documents cited and submitted by OCC in its opposition to the Repsol Defendants' motion to bar OCC's proposed cross-claims, and/or (iii) documents referenced in OCC's as-filed Cross-Claims against the Cross-Claim Defendants, copies of which were provided to all parties on or about January 28, 2009.

**III. COMPUTATION OF DAMAGES**

As alleged in its Cross-Claims against the Cross-Claim Defendants, dated October 6, 2008, OCC is entitled to recover from the Cross-Claim Defendants any and all damages (including, but not limited to, punitive damages), costs, expenses, and attorneys' fees that OCC incurs in this action. No liability of OCC has been established in the action, and thus no such

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damages can be computed at this time. OCC's costs, expenses and attorneys' fees are ongoing and are expected to be substantial but likewise cannot be computed at this time. If required, OCC will supplement this disclosure in an appropriate manner at a later date if and when any liability of OCC to Plaintiffs may be determined or when OCC's ultimate costs, expenses and attorneys' fees are known.

**IV. INSURANCE AGREEMENTS**

OCC does not believe there is any insurance coverage available to OCC to satisfy any claims or cross-claims against OCC regarding the matters referenced in Plaintiffs' operative Second Amended Complaint or in the Maxus/Tierra cross-claims against OCC. In the event such coverage is discovered to exist at a later date, OCC will supplement this disclosure. Under the terms of the SPA, OCC is entitled to be fully indemnified with respect to any liability as alleged in Plaintiffs' Second Amended Complaint.

**V. SUPPLEMENTATION**

These initial disclosures are made without prejudice to OCC's right to supplement or otherwise amend the same, its right to assert privileges and objections with respect to any requests for discovery, and its right to introduce at trial additional documents and evidence that may become known or warranted by development of the facts pertinent to this action.

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DATED: February 17, 2009

ARCHER & GREINER, P.C.  
Attorneys for Defendant,  
Occidental Chemical Corporation

BY:   
\_\_\_\_\_  
ROBERT F. LEHMAN, ESQUIRE

GABLE & GOTWALS  
Attorneys for Defendant,  
Occidental Chemical Corporation

OLIVER S. HOWARD, ESQUIRE

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

-----X  
NEW JERSEY DEPARTMENT OF :  
ENVIRONMENTAL PROTECTION and THE :  
ADMINISTRATOR OF THE NEW JERSEY :  
SPILL COMPENSATION FUND, :  
:

Plaintiffs

v.

: Civil Action No.  
: 06-0401-JCL-MF

OCCIDENTAL CHEMICAL CORPORATION, :  
TIERRA SOLUTIONS, INC., MAXUS ENERGY :  
CORPORATION, RESPOL YPF, S.A., YPF, S.A., :  
YPF HOLDINGS, INC. and CLH HOLDINGS, :  
:

Defendants

-----X  
**DEFENDANTS' RULE 26(a)(1) INITIAL DISCLOSURES**

Defendants Tierra Solutions, Inc. ("Tierra"), Maxus Energy Corporation ("Maxus"), and Occidental Chemical Corporation ("Occidental") (collectively "the Defendants") hereby make the following disclosures pursuant to Fed. R. Civ. P. 26(a)(1).

**Reservation of Rights**

1. The Defendants reserve the right to object to the production of any documents or other information on any ground, including relevance and undue burden, and to assert any applicable privilege, including the attorney/client privilege, the work product doctrine, and any other applicable privilege or protection. These disclosures are not intended to prejudice or waive any privileges or objections the Defendants may have with respect to any outstanding or subsequent requests for discovery.



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 &amp; 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 &amp; 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 &amp; 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 &amp; 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 &amp; Lee, Inc.  Current address:  Haley &amp; 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 &amp; 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 &amp; 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.</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>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 &amp; 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>

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

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 &amp; 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.

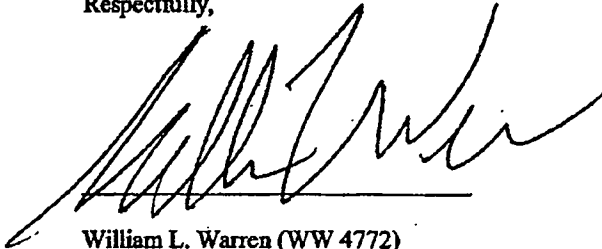
### **IV. Insurance agreements**

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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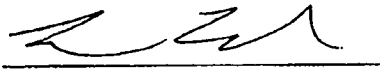
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Corporation and Tierra Solutions, Inc.

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.



Benjamin S. Lippard

**CERTIFICATE OF SERVICE**

This is to certify that on this 17th day of February 2009, a true and correct copy of defendant Occidental Chemical Corporation's Updated Initial Disclosures was filed via hand-delivery with the Superior Court of Essex County located at Essex County Courthouse, 50 West Market Street, Newark, New Jersey, and served via electronic mail, to the following:

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BY:   
PHIL CHA, ESQUIRE

Dated: February 17, 2009