

**DRINKER BIDDLE & REATH LLP**

105 College Road East, Suite 300  
Princeton, New Jersey 08542-0627  
Tel: (609) 716-6500  
Fax: (609) 799-7000

**Attorneys for Defendants,  
Tierra Solutions, Inc. and Maxus Energy 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,

Plaintiffs,

vs.

OCCIDENTAL CHEMICAL CORPORATION, TIERRA SOLUTIONS, INC., MAXUS ENERGY CORPORATION, REPSOL YPF, S.A., YPF, S.A., YPF HOLDINGS, INC., AND CLH HOLDINGS,

Defendants.

:  
: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION - ESSEX COUNTY  
:  
: DOCKET NO. ESX-L-9868-05 (PASR)

:  
: **RESPONSES AND OBJECTIONS OF**  
: **DEFENDANTS MAXUS ENERGY**  
: **CORPORATION AND TIERRA**  
: **SOLUTIONS, INC. TO PLAINTIFFS'**  
: **REQUESTS FOR ADMISSION,**  
: **INTERROGATORIES AND**  
: **REQUESTS FOR PRODUCTION**  
: **REGARDING KOLKER-ERA ISSUES**

TO: Marc-Phillip Ferzan  
Acting Attorney General of New Jersey  
John F. Dickinson, Jr.  
Deputy Attorney General  
Richard J. Hughes Justice Complex  
25 Market Street  
P.O. Box 093  
Trenton, NJ 08625-0093

William J. Jackson, Esq.  
Jackson Gilmour & Dobbs, PC  
3900 Essex Lane, Suite 700  
Houston, TX 77027

Michael Gordon, Esq.

Gordon & Gordon  
505 Morris Avenue  
Springfield, NJ 07081

Attorneys for Plaintiffs

PLEASE TAKE NOTICE that Defendants Maxus Energy Corporation (“Maxus”) and Tierra Solutions, Inc. (“Tierra”) (collectively, “Defendants”), by and through their undersigned counsel, hereby respond to Plaintiffs’ Requests for Admission, Interrogatories, and Request for Production of Documents regarding Kolker-Era Issues pursuant to the Rules of Court and the Consent Order on Track III Trial Plan.

**DRINKER BIDDLE & REATH LLP**

Attorneys for Defendants Tierra Solutions, Inc. and  
Maxus Energy Corporation

Dated: November 28, 2011

/s/ Vincent Gentile  
Vincent Gentile

## **SPECIFIC OBJECTIONS TO PLAINTIFFS' DEFINITIONS AND INSTRUCTIONS**

1. Maxus and Tierra object to Plaintiffs' definition of "Kolker" as outside the scope of the Track III Trial Plan. All responses herein by Maxus and Tierra to the term "Kolker" refer to its definition in the Track III Trial Plan as Kolker Chemical Works, Inc.

2. Maxus and Tierra object to the Plaintiffs' definitions of the "Lister Site" and "Lister Plant" to the extent the definition is outside the scope of the Track III Trial Plan.

3. Maxus and Tierra object to the Plaintiffs' definitions and instructions to the extent they purport to impose obligations beyond those required by the New Jersey Rules.

4. Maxus and Tierra object to the Plaintiffs' definitions, instructions, and requests to the extent they seek information or documents that are protected by the attorney-client privilege, the common interest privilege, the attorney work product privilege, or any other applicable privilege.

## **OBJECTIONS AND RESPONSES TO KOLKER ISSUES DISCOVERY**

### **Request for Admission No. 1:**

Admit that Leon Alvin Kolker and wife acquired the real property located at 80 Lister Avenue, Newark, New Jersey, on or about November 2, 1945. See Ex. A at OCCNJ0019983; Ex. B. at MAXUS0149902.

**Response:** Maxus and Tierra cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of the referenced document(s), which speak for themselves. The Indenture and Title Insurance Report cited reference a deed to a tract of land at or near "Lister Avenue" in Newark, New Jersey, to Leon Alvin Kolker, but "80 Lister" and Leon Alvin Kolker's wife are not mentioned. Maxus and Tierra have no knowledge regarding the authenticity of the referenced document(s)

but admit that Maxus and Tierra have no knowledge of a factual basis to deny or question authenticity.

**Interrogatory No. 1:**

If your answer to Request for Admission No. 1 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** The indenture listing a transfer from Triplex Oil Refining Co. Inc., dated November 2, 1945, recites a conveyance of the legally described property to Leon Alvin Kolker, but not to his wife. OCCNJ002467780.

**Request for Production No. 1:**

Produce all Documents identified in your answer to Interrogatory No. 1.

**Response:** See Maxus and Tierra's responses to the referenced request for admission and interrogatory.

**Request for Admission No. 2:**

Admit that Kolker Chemical Works, Inc. was incorporated in New Jersey on or about February 13, 1946, with a principal office located at 80 Lister Avenue, Newark, New Jersey. See Ex. C at OCCNJ0020501-08; Ex. D at OCCNJ0020509.

**Response:** Admitted.

**Interrogatory No. 2:**

If your answer to Request for Admission No. 2 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 2:**

Produce all Documents identified in your answer to Interrogatory No. 2.

**Response:**

**Request for Admission No. 3:**

Admit that Kolker Realty Company was incorporated in New Jersey on or about February 13, 1946, with a principal office located at 80 Lister Avenue, Newark, New Jersey. See Ex. D at OCCNJ0020509- 10.

**Response:** Admitted.

**Interrogatory No. 3:**

If your answer to Request for Admission No. 3 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 3:**

Produce all Documents identified in your answer to Interrogatory No. 3.

**Response:**

**Request for Admission No. 4:**

Admit that Leon Alvin Kolker and wife deeded the real property located at 80 Lister Avenue to Kolker Realty Company on or about January 2, 1947. See Ex. E at MAXUS1907815.

**Response:** Admitted.

**Interrogatory No. 4:**

If your answer to Request for Admission No. 4 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 4:**

Produce all Documents identified in your answer to Interrogatory No. 4.

**Response:**

**Request for Admission No. 5:**

Admit that, on or about March 10, 1950, Kolker Realty Company merged into and consolidated with Kolker Chemical Works, Inc. See Ex. D at OCCNJ0020509-516.

**Response:** Admitted.

**Interrogatory No. 5:**

If your answer to Request for Admission No. 5 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 5:**

Produce all Documents identified in your answer to Interrogatory No. 5.

**Response:**

**Request for Admission No. 6:**

Admit that Diamond Alkali Company acquired all of the outstanding stock of Kolker Chemical Works, Inc. on or about August 30, 1951. See Ex. F at MAXUS1225557-562; Ex. G at MAXUS1225572-74; Ex. H at OCCNJ0019954.

**Response:** Admitted. It is also admitted that Leon A. Kolker represented in such referenced documents that: "On May 31, 1951 there was no liability, contingent or otherwise, against Kolker Chemical not disclosed by said Balance Sheet."

**Interrogatory No. 6:**

If your answer to Request for Admission No. 6 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 6:**

Produce all Documents identified in your answer to Interrogatory No. 6.

**Response:**

**Request for Admission No. 7:**

Admit that the corporate name of Kolker Chemical Works, Inc. was changed to Diamond Alkali Organic Chemicals Division, Inc. effective March 1, 1953. See Ex. I at OCCNJ0019990-96.

**Response:** Admitted.

**Interrogatory No. 7:**

If your answer to Request for Admission No. 7 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 7:**

Produce all Documents identified in your answer to Interrogatory No. 7.

**Response:**

**Request for Admission No. 8:**

Admit that Diamond Alkali Company was the sole shareholder of Kolker, as defined herein, from approximately August 30, 1951 until December 31, 1954.

**Response:** Maxus and Tierra cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of any related document(s), which speak for themselves. Maxus and Tierra have no knowledge regarding the authenticity of any related document(s), but admit that Maxus and Tierra have no knowledge of a factual basis to deny or question authenticity. Maxus and Tierra also object to the extent this request is beyond the scope of Trial Plan III.

**Interrogatory No. 8:**

If your answer to Request for Admission No. 8 is denied, in whole or in part, (i) explain the factual bases of your denial and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** There are documents that show Diamond Alkali Company was the sole share holder of Kolker Chemical Works, Inc. during portions of the time period after August 30, 1951, but there is no document of which Maxus and Tierra have knowledge that shows Diamond Alkali Company was the sole share holder continuously.

**Request for Production No. 8:**

Produce all Documents identified in your answer to Interrogatory No. 8.

**Response:** See Maxus and Tierra's responses to the referenced request for admission and interrogatory. The documents that show Diamond Alkali Company's ownership have been produced or are being produced.

**Request for Admission No. 9:**

Admit that the Plan of Liquidation of Diamond Alkali Organic Chemicals Division, Inc. was adopted, approved and ratified by the Executive Committee of the Board of Directors of Diamond Alkali Company on or about December 16, 1954. See Ex. J at MAXUS0205547-48.

**Response:** Admitted.

**Interrogatory No. 9:**

If your answer to Request for Admission No. 9 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 9:**

Produce all Documents identified in your answer to Interrogatory No. 9.

**Response:**

**Request for Admission No. 10:**

Admit that the Plan of Liquidation, which was adopted, approved and ratified by the Executive Committee of the Board of Directors of Diamond Alkali Company on or about December 16, 1954, included the following provision:



“2. All the liabilities of Diamond Alkali Organic Chemicals Division, Inc., to the extent it may be advisable so to do, shall be paid prior to the date herein set for the completion of the liquidation of such Corporation, and, if not paid on or prior to that date, shall be assumed by Diamond Alkali Company prior to or simultaneously with the distribution of all of the assets of Diamond Alkali Organic Chemicals Division, Inc., to Diamond Alkali Company, the sole stockholder thereof.” [Ex. J at MAXUS0205548.]

**Response:** Maxus and Tierra admit that the document cited includes the quoted language, but deny that the cited document is the Plan of Liquidation.

**Interrogatory No. 10:**

If your answer to Request for Admission No. 10 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** Maxus and Tierra state that the Plan of Liquidation referenced in the cited document can be found at OCCNJ0020363.

**Request for Production No. 10:**

Produce all Documents identified in your answer to Interrogatory No. 10.

**Response:** Maxus and Tierra state that the purported Plan of Liquidation in the cited document and related documents can be found at OCCNJ0020361-0020369. Maxus and Tierra are without sufficient knowledge to confirm or deny whether additional documents may exist.

**Request for Admission No. 11:**

Admit that the Minutes of the Regular Meeting of the Executive Committee of the Board of Directors of Diamond Alkali Company, held on December 16, 1954, were approved as submitted by the Executive Committee of the Board of Directors of Diamond Alkali Company on or about January 20, 1955. See Ex. K at MAXUS0204952; Ex. L at OCCNJ0020417.

**Response:** Admitted.

**Interrogatory No. 11:**

If your answer to Request for Admission No. 11 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 11:**

Produce all Documents identified in your answer to Interrogatory No. 11.

**Response:**

**Request for Admission No. 12:**

Admit that the Minutes of the Regular Meeting of the Executive Committee of Board of Directors of Diamond Alkali Company, held on December 16, 1954 and January 20, 1955, were approved as submitted by the Board of Directors of Diamond Alkali Company on or about April 12, 1955. See Ex. M at MAXUS0187053.

**Response:** Admitted.

**Interrogatory No. 12:**

If your answer to Request for Admission No. 12 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 12:**

Produce all Documents identified in your answer to Interrogatory No. 12.

**Response:**

**Request for Admission No. 13:**

Admit that the Plan of Liquidation of Diamond Alkali Organic Chemicals Division, Inc. was authorized, adopted, approved and ratified by the Board of Directors of Diamond Alkali Organic Chemicals Division, Inc. during a Special Meeting on or about December 22, 1954. See Ex. N at MAXUS0057927-28.

**Response:** Admitted.

**Interrogatory No. 13:**

If your answer to Request for Admission No. 13 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 13:**

Produce all Documents identified in your answer to Interrogatory No. 13.

**Response:**

**Request for Admission No. 14:**

Admit that the Plan of Liquidation, which was authorized, adopted, approved and ratified by the Board of Directors of Diamond Alkali Organic Chemicals Division, Inc. during a Special Meeting on or about December 22, 1954, included the following provision:

“2. All the liabilities of Diamond Alkali Organic Chemicals Division, Inc., to the extent it may be advisable so to do, shall be paid prior to the date herein set for the completion of the liquidation of such Corporation, and, if not paid on or prior to that date, shall be assumed by Diamond Alkali Company prior to or simultaneously with the distribution of all of the assets of Diamond Alkali Organic Chemicals Division, Inc., to Diamond Alkali Company, the sole stockholder thereof.” [Ex. N at MAXUS0057927.]

**Response:** Maxus and Tierra admit that the cited document includes the quoted language, but deny that the cited document is the Plan of Liquidation.

**Interrogatory No. 14:**

If your answer to Request for Admission No. 14 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** Maxus and Tierra state that the Plan of Liquidation referenced in the cited document can be found at OCCNJ0020363.

**Request for Production No. 14:**

Produce all Documents identified in your answer to Interrogatory No. 14.

**Response:** Maxus and Tierra state that the Plan of Liquidation referenced in the cited document and related documents can be found at OCCNJ0020361-0020369. Maxus and Tierra are without sufficient knowledge to confirm or deny whether additional documents may exist.

**Request for Admission No. 15:**

Admit that the Plan of Liquidation, which was authorized, adopted, approved and ratified by the Board of Directors of Diamond Alkali Organic Chemicals Division, Inc. during a Special Meeting on or about December 22, 1954, included the following provision:

“4. The dissolution and liquidation of Diamond Alkali Organic Chemicals Division, Inc. shall be completed on or before December 31, 1954.” [Ex. N at MAXUS0057928.]

**Response:** Maxus and Tierra admit that the document cited includes the quoted language, but deny that the cited document is the Plan of Liquidation.

**Interrogatory No. 15:**

If your answer to Request for Admission No. 15 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** Maxus and Tierra state that the Plan of Liquidation referenced in the cited document can be found at OCCNJ0020363.

**Request for Production No. 15:**

Produce all Documents identified in your answer to Interrogatory No. 15.

**Response:** Maxus and Tierra state that the purported Plan of Liquidation in the cited document and related documents can be found at OCCNJ0020361-0020369. Maxus and Tierra are without sufficient knowledge to confirm or deny whether additional documents may exist.

**Request for Admission No. 16:**

Admit that Diamond Alkali Organic Chemicals Division, Inc. was dissolved pursuant to the laws of the State of New Jersey, and a Certificate of Dissolution was issued by the Secretary of State of the State of New Jersey, on December 31, 1954. See Ex. O at OCCNJ0020384.

**Response:** Admitted.

**Interrogatory No. 16:**

If your answer to Request for Admission No. 16 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or

accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 16:**

Produce all Documents identified in your answer to Interrogatory No. 16.

**Response:**

**Request for Admission No. 17:**

Admit that Diamond Alkali Organic Chemicals Division, Inc. was dissolved pursuant to the terms of the Plan of Liquidation, attached hereto as a portion of Exhibit P. See Ex. P at OCCNJ0020363.

**Response:** Admitted.

**Interrogatory No. 17:**

If your answer to Request for Admission No. 17 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 17:**

Produce all Documents identified in your answer to Interrogatory No. 17.

**Response:**

**Request for Admission No. 18:**

Admit that, upon the dissolution of Diamond Alkali Organic Chemicals Division, Inc., all of the assets of Diamond Alkali Organic Chemicals Division, Inc. were transferred to Diamond Alkali Company.

**Response:** Maxus and Tierra deny the request as phrased. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of any document(s) related to this request, which speak for themselves. Maxus and Tierra have no knowledge

regarding the authenticity of any related document(s), but admit that Maxus and Tierra have no knowledge of a factual basis to deny or question authenticity.

**Interrogatory No. 18:**

If your answer to Request for Admission No. 18 is denied, in whole or in part, (i) explain the factual bases of your denial, (ii) identify all Documents you contend support the factual bases of your denial, and (iii) identify any and all assets of Diamond Alkali Organic Chemicals Division, Inc. that were transferred to any Person other than Diamond Alkali Company upon or immediately following the dissolution of Diamond Alkali Organic Chemicals Division, Inc.

**Response:** Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of any document(s) related to this request, which speak for themselves. Maxus and Tierra state that the Plan of Liquidation states only that as stated therein, inter alia, “3. The assets, including name, patents, trademarks, good will, business and real estate of Diamond Alkali Organic Chemicals Division, Inc. (the real estate being located at Belle, West Virginia and Newark, New Jersey), remaining after the payment of its liabilities, shall be distributed to Diamond Alkali Company, its sole stockholder, in exchange for all of its outstanding capital stock, which thereupon shall be surrendered and cancelled.” OCCNJ0020363. Maxus and Tierra have no knowledge regarding the authenticity of any such document(s), but admit that Maxus and Tierra have no knowledge of or factual basis to deny or question authenticity.

**Request for Production No. 18:**

Produce all Documents identified in your answer to Interrogatory No. 18 and all Documents evidencing, relating to, or referring to the transfer of any assets of Diamond Alkali Organic Chemicals Division, Inc. to any Person other than Diamond Alkali Company upon or immediately following the dissolution of Diamond Alkali Organic Chemicals Division, Inc.

**Response:** Maxus and Tierra do not have sufficient knowledge to confirm or deny the existence of additional documents relating to this Request.

**Request for Admission No. 19:**

Admit that, upon the dissolution of Diamond Alkali Organic Chemicals Division, Inc., the real property and assets of Diamond Alkali Organic Chemicals Division, Inc. located at 80 Lister

Avenue, Newark, New Jersey were transferred to Diamond Alkali Company. Ex. Q at OCCNJ0020376-80.

**Response:** Maxus and Tierra cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of the referenced document(s), which speak for themselves. The cited document is an indenture between Diamond Alkali Organic Chemicals Division, Inc. and Diamond Alkali Company that references the transfer of title to a specific tract of land near Lister Avenue, but Maxus and Tierra deny that the document contains an express reference to the term “80 Lister Avenue.” Maxus and Tierra have no knowledge regarding the authenticity of the referenced document(s), but admit that Maxus and Tierra have no knowledge of a factual basis to deny or question authenticity.

**Interrogatory No. 19:**

If your answer to Request for Admission No. 19 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra’s response the referenced request for admission.

**Request for Production No. 19:**

Produce all Documents identified in your answer to Interrogatory No. 19.

**Response:** See Maxus and Tierra’s response to the referenced request for admission.

**Request for Admission No. 20:**

Admit that, upon the dissolution of Diamond Alkali Organic Chemicals Division, Inc., the operations of Diamond Alkali Organic Chemicals Division, Inc. were merged with the operations of, or were continued by, Diamond Alkali Company. See Ex. R at MAXUS0058334.

**Response:** Maxus and Tierra cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus

and Tierra have no knowledge or information of the matter beyond what appears on the face of the referenced document(s), which speak for themselves. The Plan of Liquidation shows that Diamond Alkali Organic Chemicals Division Inc., was dissolved. OCCNJ0020363. Maxus and Tierra have no knowledge regarding the authenticity of the referenced document(s), but admit that Maxus and Tierra have no knowledge of a factual basis to deny or question authenticity.

**Interrogatory No. 20:**

If your answer to Request for Admission No. 20 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

Maxus and Tierra are unaware of any document evidencing a corporate merger of Diamond Alkali Organic Chemicals Division, Inc. into Diamond Alkali Company.

**Request for Production No. 20:**

Produce all Documents identified in your answer to Interrogatory No. 20.

**Response:** See Maxus and Tierra's responses to the referenced request for admission and interrogatory.

**Request for Admission No. 21:**

Admit that, upon the dissolution of Diamond Alkali Organic Chemicals Division, Inc., all liabilities of Diamond Alkali Organic Chemicals Division, Inc. were either paid or assumed by Diamond Alkali Company. See Ex. S at MAXUS0187131; Ex. P at OCCNJ0020362; Ex. T at OCCNJ0020365.

**Response:** Maxus and Tierra cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of the referenced document(s), which speak for themselves. An affidavit dated March 3, 1955, of Harold U. Daniels, acting Assistant Secretary of Diamond Alkali Company and previously



Assistant Secretary of Diamond Alkali Organic Chemicals Division, Inc, states, “As of December, 31, 1954, all current bills of Diamond Alkali Organic Chemicals Division, Inc. were paid and continuing obligations of said Corporation were assumed by Diamond Alkali Company. “OCCNJ0020361-2. Maxus and Tierra have no knowledge regarding the authenticity of the referenced document(s), but admit that Maxus and Tierra have no knowledge of a factual basis to deny or question authenticity.

**Interrogatory No. 21:**

If your answer to Request for Admission No. 21 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, (ii) identify all Documents you contend support the factual bases of your denial, and (iii) identify any and all liabilities of Diamond Alkali Organic Chemicals Division, Inc. that were satisfied by any Person other than Diamond Alkali Company upon or immediately following the dissolution of Diamond Alkali Organic Chemicals Division, Inc.

**Response:** See Maxus and Tierra’s response to the referenced request for admission.

**Request for Production No. 21:**

Produce all Documents identified in your answer to Interrogatory No. 21 and all Documents evidencing, relating to, or referring to the payment of any liabilities of Diamond Alkali Organic Chemicals Division, Inc. by any Person other than Diamond Alkali Company upon the dissolution of Diamond Alkali Organic Chemicals Division, Inc.

**Response:** See Maxus and Tierra’s response to the referenced request for admission.

**Request for Admission No. 22:**

Admit that, as of March 7, 1956, the Plan of Liquidation of Diamond Alkali Organic Chemicals Division, Inc. had been carried out. See Ex. U at OCCNJ0020357.

**Response:** Admitted.

**Interrogatory No. 22:**

If your answer to Request for Admission No. 22 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 22:**

Produce all Documents identified in your answer to Interrogatory No. 22.

**Response:**

**Request for Admission No. 23:**

Admit that Diamond Alkali Company assumed Kolker's liabilities concerning Kolker's operations on any portion of the Lister Site.

**Response:** Maxus and Tierra deny the request on the basis the referenced documents state that only the liabilities then outstanding of Diamond Alkali Organic Chemicals Division, Inc. were either paid or assumed by Diamond Alkali Company. Maxus and Tierra cannot otherwise admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of any related document(s), which speak for themselves. An affidavit dated March 3, 1955, of Harold U. Daniels, acting Assistant Secretary of Diamond Alkali Company and previously Assistant Secretary of Diamond Alkali Organic Chemicals Division, Inc. states "As of December 31, 1954, all **current** bills of Diamond Alkali Organic Chemical Division, Inc. were paid and **continuing** obligations of said Corporation were assumed by Diamond Alkali Company." OCCNJ002361-2. (emphasis added) Maxus and Tierra further state that the Plan of Liquidation shows that only assets after all liabilities are paid are transferred. Also, such documentation shows that liabilities which are believed to be assumed at the time of the purchase from Kolker Chemical Works, Inc. are only those on the Balance Sheet, which on information and belief does not list as liabilities "Kolker's operations on any portion of the Lister site." OCCNJ00199 and OCCNJ001996, Maxus and Tierra have no knowledge regarding the authenticity of these or any related document(s), but

admit that Maxus and Tierra have no knowledge of a factual basis to deny or question authenticity. See also the Response to Request to Admit 21.

**Interrogatory No. 23:**

If your answer to Request for Admission No. 23 is denied, in whole or in part, (i) explain the factual bases of your denial and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 23:**

Produce all Documents identified in your answer to Interrogatory No. 23.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Admission No. 24:**

Admit that the Lister Plant was established in approximately 1945 for the manufacture of DDT. See Ex. V at MAXUS1225543.

**Response:** Admitted.

**Interrogatory No. 24:**

If your answer to Request for Admission No. 24 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 24:**

Produce all Documents identified in your answer to Interrogatory No. 24.

**Response:**

**Request for Admission No. 25:**

Admit that John Burton began working for Kolker at the Lister Plant in September 1949. See Ex. W at MAXUS046039 (19:10-24); Ex. X at MAXUS028536 (67:19-68:9).

**Response:** Maxus and Tierra cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus

and Tierra have no knowledge or information of the matter beyond what appears on the face of the referenced document(s), which speak for themselves. Maxus and Tierra have no knowledge regarding the veracity of the referenced testimony.

**Interrogatory No. 25:**

If your answer to Request for Admission No. 25 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** Maxus and Tierra had not been able to locate an employment record for John Burton showing he began work for Kolker in September 1949. Maxus and Tierra also believe that John Burton is deceased.

**Request for Production No. 25:**

Produce all Documents identified in your answer to Interrogatory No. 25.

**Response:** See Maxus and Tierra's response to the referenced request for admission and answer to interrogatory.

**Request for Admission No. 26:**

Admit that Nicholas Centanni began working for Kolker at the Lister Plant in 1948. See Ex. Y at MAXUS041158-59 (8:12-9:2); Ex. Z at MAXUS028410 (4:21-5:5).

**Response:** Maxus and Tierra cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of the referenced document(s), which speak for themselves. In an application for employment by Nicholas Centanni of Jun 21, 1960, Nicholas Centanni listed his employment from 1949 to 1951 with B.R. Waldron Sons, Califon, New Jersey. Maxus and Tierra have no knowledge regarding the authenticity of the referenced document(s), but admit that Maxus and Tierra have no knowledge of a factual basis to deny or question authenticity. Maxus and Tierra

also believe that Nichols Centanni is deceased. Maxus and Tierra have no knowledge regarding the veracity of the referenced testimony.

**Interrogatory No. 26:**

If your answer to Request for Admission No. 26 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 26:**

Produce all Documents identified in your answer to Interrogatory No. 26.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Admission No. 27:**

Admit that Walter Klosowski was employed at the Lister Plant from July 7, 1947 until July 7, 1951, and again for a period of three or four months beginning in 1953. See Ex. AA at MAXUS1023102-03 (7:22-8:22).

**Response:** Maxus and Tierra cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of the referenced document(s), which speak for themselves. Maxus and Tierra have no knowledge regarding the veracity of the referenced testimony.

**Interrogatory No. 27:**

If your answer to Request for Admission No. 27 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** Maxus and Tierra have not been able to locate the relevant employment records for Walter Klosowski. Maxus and Tierra also believe that Walter Klosowki is deceased.

**Request for Production No. 27:**

Produce all Documents identified in your answer to Interrogatory No. 27.

**Response:** See Maxus and Tierra's responses to the referenced request for admission and interrogatory answer.

**Request for Admission No. 28:**

Admit that, by September 1949, Kolker was manufacturing DDT, 2,4-D, and various esters and formulations of 2,4-D at the Lister Plant. See Ex. W at MAXUS046039-40 (19:25-20:25); Ex. X at MAXUS028537 (68:10-69:11).

**Response:** Maxus and Tierra cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of the referenced document(s), which speak for themselves. Maxus and Tierra have no knowledge regarding the veracity of the referenced testimony.

**Interrogatory No. 28:**

If your answer to Request for Admission No. 28 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 28:**

Produce all Documents identified in your answer to Interrogatory No. 28.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Admission No. 29:**

Admit that, by the time Diamond Alkali Company acquired the stock of Kolker Chemical Works, Inc. on or about August 30, 1951, Kolker was manufacturing DDT, benzene hexachloride and/or hexachlorobenzene, 2,4-D, and 2,4,5-T at the Lister Plant. See Ex. V at MAXUS1225543; Ex. W at MAXUS046041-43 (21:11-23:24) and MAXUS046054 (34:19-23).

**Response:** Admitted as to Kolker Chemical Works, Inc.

**Interrogatory No. 29:**

If your answer to Request for Admission No. 29 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:**

**Request for Production No. 29:**

Produce all Documents identified in your answer to Interrogatory No. 29.

**Response:**

**Request for Admission No. 30:**

Admit that, prior to 1956, all effluents and/or process wastes from the Lister Plant were discharged untreated into the Passaic River, including 2,6 dichlorophenol, muriatic acid, trichlorophenol, and 2,4,5-T acid wastes. See Ex. W at MAXUS046171-74 (151:3-154:6) and MAXUS046217-18 (197:25-198:18); Ex. AB at MAXUS036882-885.

**Response:** Maxus and Tierra stipulate that there were discharges of hazardous substances at and/or from the Lister Plant into the Passaic River during the time of Kolker Chemical Works, Inc.'s operations. Pursuant to Section II.C.2. of the Consent Order on Track III Trial Plan, no response to this Request to Admit is necessary.

**Interrogatory No. 30:**

If your answer to Request for Admission No. 30 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 30:**

Produce all Documents identified in your answer to Interrogatory No. 30.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Admission No. 31:**

Admit that all effluents and/or process wastes from the DDT manufacturing process(es) at the Lister Plant were discharged into the Passaic River. See Ex. Y at MAXUS041164-68 (14:17-18:24); Ex. Z at MAXUS028414-15 (8:22-10:14) and MAXUS028417 (11:5-12:1); Ex. AA at MAXUS1023115-118 (20:6-23:3).

**Response:** Maxus and Tierra stipulate that there were discharges of hazardous substances at and/or from the Lister Plant into the Passaic River during the time of Kolker Chemical Works, Inc.'s operations. Pursuant to Section II.C.2. of the Consent Order on Track III Trial Plan, no response to this Request to Admit is necessary.

**Interrogatory No. 31:**

If your answer to Request for Admission No. 31 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 31:**

Produce all Documents identified in your answer to Interrogatory No. 31.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Admission No. 32:**

Admit that no modifications were made to the DDT production process(es) at the Lister Plant at the time of, or in connection with, Diamond Alkali Company's acquisition of the stock of Kolker Chemical Works, Inc. on or about August 30, 1951. Ex. Y at MAXUS041312 (162:8-14).

**Response:** Maxus and Tierra cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of the referenced document(s), which speak for themselves. Maxus and Tierra have no knowledge regarding the veracity of the referenced testimony.



**Interrogatory No. 32:**

If your answer to Request for Admission No. 32 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 32:**

Produce all Documents identified in your answer to Interrogatory No. 32.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Admission No. 33:**

Admit that discharges from the Lister Plant into the Passaic River accumulated to create a mound of chemical materials in the Passaic River immediately adjacent to the Lister Site. See Ex. X at MAXUS028820-22 (119:24:121:8); Ex. Y at MAXUS041213-16 (63:11-66:23); Ex. Z at MAXUS028437 (31:15-33:4) and MAXUS028447 (41:19-42:18); Ex. AA at MAXUS1023119-122 (24:19-27:5) and MAXUS1023122-23 (27:19-28:22).

**Response:** Maxus and Tierra stipulate that there were discharges of hazardous substances at and/or from the Lister Plant into the Passaic River during the time of Kolker Chemical Works, Inc.'s operations. Pursuant to Section II.C.2. of the Consent Order on Track III Trial Plan, no response to this Request to Admit is necessary.

**Interrogatory No. 33:**

If your answer to Request for Admission No. 33 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 33:**

Produce all Documents identified in your answer to Interrogatory No. 33.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Admission No. 34:**

Admit that John Burton referred to the mound of chemical materials in the Passaic River as “Kolker Island.” See Ex. X at MAXUS028820-22 (119:24-121:8).

**Response:** Maxus and Tierra stipulate that there were discharges of hazardous substances at and/or from the Lister Plant into the Passaic River during the time of Kolker Chemical Works, Inc.’s operations. Pursuant to Section II.C.2. of the Consent Order on Track III Trial Plan, no response to this Request to Admit is necessary.

**Interrogatory No. 34:**

If your answer to Request for Admission No. 34 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra’s response to the referenced request for admission.

**Request for Production No. 34:**

Produce all Documents identified in your answer to Interrogatory No. 34.

**Response:** See Maxus and Tierra’s response to the referenced request for admission.

**Request for Admission No. 35:**

Admit that Kolker directed Walter Klosowski to “chop” down Kolker Island from a row boat in approximately 1951. See Ex. AA at MAXUS1023119-122 (24:19-27:5) and MAXUS1023122-23 (27:19-28:22).

**Response:** Maxus and Tierra stipulate that there were discharges of hazardous substances at and/or from the Lister Plant into the Passaic River during the time of Kolker Chemical Works, Inc.’s operations. Pursuant to Section II.C.2. of the Consent Order on Track III Trial Plan, no response to this Request to Admit is necessary.

**Interrogatory No. 35:**

If your answer to Request for Admission No. 35 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 35:**

Produce all Documents identified in your answer to Interrogatory No. 35.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Admission No. 36:**

Admit that, by September 1949 and continuing until approximately 1953, liquid chlorophenols were discharged from the Lister Plant into the Passaic River. See Ex. X at MAXUS028547-48 (78:2-79:2).

**Response:** Maxus and Tierra stipulate that there were discharges of hazardous substances at and/or from the Lister Plant into the Passaic River during the time of Kolker Chemical Works, Inc.'s operations. Pursuant to Section II.C.2. of the Consent Order on Track III Trial Plan, no response to this Request to Admit is necessary.

**Interrogatory No. 36:**

If your answer to Request for Admission No. 36 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 36:**

Produce all Documents identified in your answer to Interrogatory No. 36.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Admission No. 37:**

Admit that, in approximately 1953, the process of discharging liquid chlorophenols into the Passaic River from the Lister Plant was modified to discharging a water soluble solution of the sodium salt of phenols. See Ex. X at MAXUS028547 (78:2-79:2).

**Response:** Maxus and Tierra stipulate that there were discharges of hazardous substances at and/or from the Lister Plant into the Passaic River during the time of Kolker

Chemical Works, Inc.'s operations. Pursuant to Section II.C.2. of the Consent Order on Track III Trial Plan, no response to this Request to Admit is necessary.

**Interrogatory No. 37:**

If your answer to Request for Admission No. 37 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 37:**

Produce all Documents identified in your answer to Interrogatory No. 37.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Admission No. 38:**

Admit that the modification of the process of discharging chlorophenols into the Passaic River resulted in the material being disbursed throughout Newark Bay area. See Ex. X at MAXUS028547 (78:2-79:2).

**Response:** Maxus and Tierra stipulate that there were discharges of hazardous substances at and/or from the Lister Plant into the Passaic River during the time of Kolker Chemical Works, Inc.'s operations. Pursuant to Section II.C.2. of the Consent Order on Track III Trial Plan, no response to this Request to Admit is necessary.

**Interrogatory No. 38:**

If your answer to Request for Admission No. 38 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 38:**

Produce all Documents identified in your answer to Interrogatory No. 38.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Admission No. 39:**

Admit that Lister Plant personnel referred to the practice of disposing of effluents and process wastes into the Passaic River as “riverize.” See Ex. Z at MAXUS028414-15 (8:22-10:14).

**Response:** Maxus and Tierra stipulate that there were discharges of hazardous substances at and/or from the Lister Plant into the Passaic River during the time of Kolker Chemical Works, Inc.’s operations. Pursuant to Section II.C.2. of the Consent Order on Track III Trial Plan, no response to this Request to Admit is necessary.

**Interrogatory No. 39:**

If your answer to Request for Admission No. 39 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra’s response to the referenced request for admission.

**Request for Production No. 39:**

Produce all Documents identified in your answer to Interrogatory No. 39.

**Response:** See Maxus and Tierra’s response to the referenced request for admission.

**Request for Admission No. 40:**

Admit that, before Diamond Alkali Company acquired the stock of Kolker Chemical Works, Inc. on or about August 30, 1951, regulatory inspectors informed Kolker that its discharges to the Passaic River were illegal. See Ex. W at MAXUS46174-77 (154:17-157:10).

**Response:** Maxus and Tierra object that this Request to Admit is not permitted under the Consent Order on Track III Trial Plan. Maxus and Tierra cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of the referenced document(s), which speak for themselves. Maxus and Tierra have no knowledge regarding the veracity of the referenced testimony.

**Interrogatory No. 40:**

If your answer to Request for Admission No. 40 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 40:**

Produce all Documents identified in your answer to Interrogatory No. 40.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Admission No. 41:**

Admit that the effluent and/or process wastes discharged from the Lister Plant into the Passaic River included Hazardous Substances.

**Response:** Maxus and Tierra stipulate that there were discharges of hazardous substances at and/or from the Lister Plant into the Passaic River during the time of Kolker Chemical Works, Inc.'s operations. Pursuant to Section II.C.2. of the Consent Order on Track III Trial Plan, no response to this Request to Admit is necessary.

**Interrogatory No. 41:**

If your answer to Request for Admission No. 41 is denied, in whole or in part, (i) explain the factual bases of your denial and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 41:**

Produce all Documents identified in your answer to Interrogatory No. 41.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Admission No. 42:**

Admit that Diamond Alkali Company made no material changes to management or personnel at the Lister Plant as a result of the dissolution of Diamond Alkali Organic Chemicals Division, Inc.

**Response:** Maxus and Tierra object to the term “material changes” and “changes to management or personnel” as vague and ambiguous and therefore deny the Request as phrased. Maxus and Tierra further state that they cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of any related document(s), which speak for themselves. Maxus and Tierra have no knowledge regarding the authenticity of any related document(s), but admit that Maxus and Tierra have no knowledge of a factual basis to deny or question authenticity.

**Interrogatory No. 42:**

If your answer to Request for Admission No. 42 is denied, in whole or in part, (i) explain the factual bases of your denial, (ii) identify all Documents you contend support the factual bases of your denial, and (iii) identify any and all management and personnel who worked at the Lister Plant in 1955 who were not employed by Diamond Alkali Organic Chemicals Division, Inc. at the time of dissolution.

**Response:** Maxus and Tierra are aware that some personnel records have been produced but are not aware of them providing any systematic identification of employment positions.

**Request for Production No. 42:**

Produce all Documents identified in your answer to Interrogatory No. 42 and all Documents evidencing, relating to, or referring to any and all management and personnel who worked at the Lister Plant in 1955 who were not employed by Diamond Alkali Organic Chemicals Division, Inc. at the time of dissolution.

**Response:** See Maxus and Tierra’s responses to the referenced request for admission and interrogatory.

**Request for Admission No. 43:**

Admit that Diamond Alkali Company made no material changes to manufacturing operations at the Lister Plant as a result of the dissolution of Diamond Alkali Organic Chemicals Division, Inc. See Ex. AC at MAXUS0477421.

**Response:** Maxus and Tierra object to the term “material changes” as vague and ambiguous and therefore deny the Request to Admit as phrased. To the extent the Request to Admit is intended to address hazardous substances, Maxus and Tierra stipulate that there were discharges of hazardous substances at and/or from the Lister Plant into the Passaic River during the time of Kolker Chemical Works, Inc.’s operations. Pursuant to Section II.C.2. of the Consent Order on Track III Trial Plan, no response to this Request to Admit is necessary.

**Interrogatory No. 43:**

If your answer to Request for Admission No. 43 is denied, in whole or in part, (i) explain the factual bases of your denial, including the factual bases of any contest to the authenticity or accuracy of the document(s) cited above, (ii) identify all Documents you contend support the factual bases of your denial, and (iii) identify any and all material changes to production operations at the Lister Plant which occurred as a result of the dissolution of Diamond Alkali Organic Chemicals Division, Inc.

**Response:** See Maxus and Tierra’s response to the referenced request for admission.

**Request for Production No. 43:**

Produce all Documents identified in your answer to Interrogatory No. 43 and all Documents evidencing, relating to, or referring to any and all material changes to production operations at the Lister Plant which occurred as a result of the dissolution of Diamond Alkali Organic Chemicals Division, Inc.

**Response:** See Maxus and Tierra’s response to the referenced request for admission.

**Request for Admission No. 44:**

Admit that Kolker discharged Hazardous Substances at and/or from any portion of the Lister Site prior to 1952.

**Response:** Maxus and Tierra stipulate that there were discharges of hazardous substances at and/or from the Lister Plant into the Passaic River during the time of Kolker Chemical Works, Inc.’s operations. Pursuant to Section II.C.2. of the Consent Order on Track III Trial Plan, no response to this Request to Admit is necessary.



**Interrogatory No. 44:**

If your answer to Request for Admission No. 44 is denied, in whole or in part, (i) explain the factual bases of your denial and (ii) identify all Documents you contend support the factual bases of your denial.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Request for Production No. 44:**

Produce all Documents identified in your answer to Interrogatory No. 44.

**Response:** See Maxus and Tierra's response to the referenced request for admission.

**Interrogatory No. 45:**

Identify every Document or Communication, including public filings, wherein DSCC admitted that it assumed the liabilities of Kolker.

**Response:** Maxus and Tierra object to the Interrogatory as vague and ambiguous with respect to "assumed the liabilities" and further object to the request as calling for a legal conclusion to which no response is required. Maxus and Tierra further object that all relevant documents are being produced and Maxus and Tierra are not required under the New Jersey Rules to identify documents in the fashion and circumstance requested. Additionally, Maxus and Tierra cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of any related document(s), which speak for themselves. Maxus and Tierra have no knowledge regarding the authenticity of any related document(s), but admit that Maxus and Tierra have no knowledge of a factual basis to deny or question authenticity.

**Request for Production No. 45:**

Produce all Documents and Communications identified in your answer to Interrogatory No. 45.

**Response:** See Objection to Interrogatory 45.

**Interrogatory No. 46:**

Identify every Document or Communication wherein DSCC refused to pay or assume a liability or debt of Kolker.

**Response:** Maxus and Tierra object to the Interrogatory as vague and ambiguous with respect to “assume a liability” and object to the Interrogatory as calling for a legal conclusion to which no response is required. Maxus and Tierra further object that all relevant documents are being produced and Maxus and Tierra are not required under the New Jersey Rules to identify documents in the fashion and circumstance requested. Additionally, Maxus and Tierra cannot admit or deny because, after reasonable inquiry, the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of any related document(s), which speak for themselves. Maxus and Tierra have no knowledge regarding the authenticity of any related document(s), but admit that Maxus and Tierra have no knowledge of a factual basis to deny or question authenticity.

**Request for Production No. 46:**

Produce all Documents and Communications identified in your answer to Interrogatory No. 46.

**Response:** See Objection to Interrogatory No. 46.

**Interrogatory No. 47:**

If you contend that DSCC did not assume the liabilities of Kolker, explain the factual bases of that contention and identify every Person whose opinion or testimony upon whom you rely in denying that DSCC assumed the liabilities of Kolker.

**Response:** Maxus and Tierra object to the Interrogatory as vague and ambiguous with respect to the phrase “assume the liabilities of Kolker.” Maxus and Tierra further object to the Interrogatory as calling for a legal conclusion to which no response is required. To the extent a response is required, Maxus and Tierra cannot admit or deny because, after reasonable inquiry,

the information known or readily obtainable is insufficient to enable an admission or denial. Maxus and Tierra have no knowledge or information of the matter beyond what appears on the face of any related document(s), which speak for themselves. Maxus and Tierra have no knowledge regarding the authenticity of any related document(s), but admit that Maxus and Tierra have no knowledge of a factual basis to deny or question authenticity.

**Request for Production No. 47:**

Produce all Documents that support the factual bases of your contention that DSCC did not assume the liabilities of Kolker.

**Response:** See Objection to Interrogatory No. 47.