

MARC-PHILIP FERZAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Richard J. Hughes Justice Complex
25 Market Street, PO Box 093
Trenton, New Jersey 08625-0093
Attorney for Plaintiffs

By: John F. Dickinson, Jr.
Deputy Attorney General
(609) 984-4863

JACKSON GILMOUR & DOBBS, PC
3900 Essex Lane, Suite 700
Houston, Texas 77027

By: William J. Jackson, Special Counsel
(713) 355-5000

GORDON & GORDON
505 Morris Avenue
Springfield, New Jersey 07081

By: Michael Gordon, Special Counsel
(973) 467-2400

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION,
THE COMMISSIONER OF THE
DEPARTMENT OF ENVIRONMENTAL
PROTECTION and THE
ADMINISTRATOR OF THE NEW
JERSEY SPILL COMPENSATION
FUND,

Plaintiffs,

v.

OCCIDENTAL CHEMICAL
CORPORATION, TIERRA
SOLUTIONS, INC., MAXUS ENERGY
CORPORATION, MAXUS
INTERNATIONAL ENERGY
COMPANY, REPSOL YPF, S.A.,
YPF, S.A., YPF HOLDINGS, INC., YPF
INTERNATIONAL S.A. (f/k/a/ YPF
INTERNATIONAL LTD.) and
CLH HOLDINGS,

Defendants.

MAXUS ENERGY CORPORATION
AND TIERRA SOLUTIONS, INC.,

Third-Party Plaintiffs,

v.

3M COMPANY, et al.,

Third-Party Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY
DOCKET NO. ESX-L9868-05 (PASR)

Civil Action

CERTIFICATION OF WILLIAM C. PETIT
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PARTIAL SUMMARY JUDGMENT
AGAINST MAXUS ENERGY
CORPORATION

I, William C. Petit, do hereby certify as follows:

A. I am an attorney of the law firm of Jackson Gilmour & Dobbs, PC, Special Counsel to Plaintiffs, the 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”), in the above-entitled action.

B. I have been admitted Pro Hac Vice to practice before the Court in the pending matter and I am familiar with the discovery and documents presented in this Certification.

C. This Certification is made in support of Plaintiffs’ Motion for Partial Summary Judgment against Defendant Maxus Energy Corporation (“Maxus”).

1. Exhibit 1 is a true and accurate copy of an excerpted document titled “Brief on Behalf of Plaintiff-Appellant Diamond Shamrock Chemicals Company” filed in Diamond Shamrock Chems. Co. v. Aetna Cas. & Sur. Co., Docket No. A-694-89TI, New Jersey Superior Court, Appellate Division, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS034076; MAXUS034097-99; and MAXUS094164).
2. Exhibit 2 is a true and accurate copy of excerpts from a document from the State of Delaware Office of Secretary of State, enclosing the Certificate of Agreement of Merger of The Shamrock Oil and Gas Corporation, merging with Diamond Alkali Company, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0181496-97).
3. Exhibit 3 is a true and accurate copy of the 1968 Annual Report of Diamond Shamrock Corporation, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0058498-532).
4. Exhibit 4 is a true and accurate copy of the 1969 Annual Report of Diamond Shamrock Corporation, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0058533-64).
5. Exhibit 5 is a true and accurate copy of the 1982 Annual Report of Diamond Shamrock Corporation, as produced to Plaintiffs by Occidental Chemical Corporation (“OCC”) in the instant litigation (OCCNJ0006595-659).

6. Exhibit 6 is a true and accurate copy of a document from the State of Oklahoma Office of Secretary of State, enclosing the Amended Articles of Domestication of Diamond Chemicals Company, formerly Diamond Shamrock Corporation, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0238640-46).
7. Exhibit 7 is a true and accurate copy of a letter dated June 16, 1983, from Barbara Metzger to James B. Worthington, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0458497-99).
8. Exhibit 8 is a true and accurate copy of a letter dated June 3, 1983, from Robert E. Hughey to Allan Tomlinson, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3073657-58).
9. Exhibit 9 is a true and accurate copy of a letter dated June 10, 1983, from James B. Worthington to Michael Catania, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0053824-43).
10. Exhibit 10 is a true and accurate copy of a letter dated June 13, 1983, from Richard E. Kummer to Diamond Shamrock Corporation, and a true and accurate copy of a document titled Complaint and Demand for Jury Trial, filed in Lamoreaux, et al. v. Diamond Shamrock Corporation, et al., Docket No. L-036231-83, Superior Court of New Jersey, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3074007; and MAXUS3074009-34).
11. Exhibit 11 is a true and accurate copy of an excerpted document including the sworn trial testimony of James F. Kelley, recorded in Occidental Chemical Corporation v. Maxus Energy Corporation, Cause No. 02-09156, in the District Court of Dallas, County, Texas, 14th Judicial District, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0026052-54; OCCNJ0026058-62; and OCCNJ0026164).
12. Exhibit 12 is a true and accurate copy of the Responses of Defendants Maxus Energy Corporation and Tierra Solutions, Inc. to Plaintiffs' Track III Trial Interrogatories, provided in discovery to Plaintiffs in the instant litigation.
13. Exhibit 13 is a true and accurate copy of a document titled "Form 8-B," dated September 2, 1983, filed by Diamond Shamrock Corporation with the Securities and Exchange Commission, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS019715-33).
14. Exhibit 14 is a true and accurate copy of a letter dated January 24, 1984, with enclosure, from James F. Kelley to K. Watanabe, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0229714-21).

15. Exhibit 15 is a true and accurate copy of a document titled “Diamond Shamrock Corporation Corporate Reorganization 1983-1984,” as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0055631-45).
16. Exhibit 16 is a true and accurate copy of a document titled “Plan and Agreement of Reorganization Between Diamond Shamrock Corporation and Natomas Company, dated May 30, 1983, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS018631-45).
17. Exhibit 17 is a true and accurate copy of a document titled “Certificate of Incorporation of New Diamond Corporation,” as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0055093-94).
18. Exhibit 18 is a true and accurate copy of a document from the State of Delaware Office of Secretary of State, enclosing the Certificate of Amendment of Certificate of Incorporation of New Diamond Corporation, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0423400-03).
19. Exhibit 19 is a true and accurate copy of a document titled “Diamond Shamrock Corporation Reorganization Proposal,” dated January 7, 1983, as provisionally produced to Plaintiffs by Maxus in the instant litigation (Privilege Log No. 153576). Maxus withdrew its claim of privilege with respect to this document after it was provisionally produced.
20. Exhibit 20 is a true and accurate copy of a document from the State of Delaware Office of Secretary of State, enclosing the Certificate of Amendment of Restated Certificate of Incorporation of Diamond Shamrock Corporation, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0055646-49).
21. Exhibit 21 is a true and accurate copy of a document from the State of Delaware Office of Secretary of State, enclosing the Restated Certificate of Incorporation of Diamond Chemicals Company, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0009307-12).
22. Exhibit 22 is a true and accurate copy of an excerpted document titled “Form S-14,” filed by New Diamond Corporation with the Securities and Exchange Commission on July 26, 1983, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0223819; MAXUS0223869-223871; and MAXUS0224253).
23. Exhibit 23 is a true and accurate copy of a letter dated August 2, 1983, from William H. Bricker to Diamond Shamrock’s Stockholders, and an excerpted page from the Notice of Special Meeting of Stockholders, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS020151-52; and MAXUS020185).

24. Exhibit 24 is a true and accurate copy of the 1983 Annual Report of Diamond Shamrock Corporation, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0059182-244).
25. Exhibit 25 is a true and accurate copy of “Executive Order No. 40,” which was obtained by counsel for Plaintiffs from the public records of the New Jersey Department of Environmental Protection, and which was produced by Plaintiffs in the instant litigation (NJDEP00051857-59).
26. Exhibit 26 is a true and accurate copy of the 1984 Annual Report of Diamond Shamrock Corporation, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0061648-713).
27. Exhibit 27 is a true and accurate copy of an excerpted document titled “Memorandum of Defendant Maxus Energy Corporation in Opposition to the Motion of Ivan F. Boesky for Judgment on the Pleadings,” filed in Kidder Peabody & Co. Incorporated v. Maxus Energy Corporation, et al., Docket No. 87 Civ. 8308 (MP), United States District Court, Southern District of New York, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0049773-74; MAXUS0049782-84; MAXUS0049790-94; MAXUS0049807-11; and MAXUS0049821).
28. Exhibit 28 is a true and accurate copy of the Responses of Defendants Maxus Energy Corporation and Tierra Solutions, Inc. to Plaintiffs’ Track III Trial Requests for Admissions, provided in discovery to Plaintiffs in the instant litigation.
29. Exhibit 29 is a true and accurate copy of Diamond Shamrock Corporation’s Form 10-K for the fiscal year ended December 31, 1982, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0023934-51).
30. Exhibit 30 is a true and accurate copy of Diamond Shamrock Corporation’s Form 10-K for the fiscal year ended December 31, 1983, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0056385-412).
31. Exhibit 31 is a true and accurate copy of a letter dated July 16, 1996, from David O. Smith to Dominic Mastracchio, and an excerpted document titled “Brief in Support of Revised Protest of Maxus Energy Corporation,” as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3819612-14; and MAXUS3819656-86).
32. Exhibit 32 is a true and accurate copy of a memorandum, dated August 2, 1983, from Craig Murrin to J.F. Kelley and T.J. Fretthold, as provisionally produced to Plaintiffs by Maxus in the instant litigation (Privilege Log No. 153581). Maxus withdrew its claim of privilege with respect to this document after it was provisionally produced.

33. Exhibit 33 is a true and accurate copy of the Minutes of the Regular Meeting of the Board of Directors of Diamond Shamrock Corporation, dated October 20, 1983, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3375581-605).
34. Exhibit 34 is a true and accurate copy of a document from the State of Delaware Office of Secretary of State, enclosing the Certificate of Incorporation of Diamond Shamrock Exploration Company, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0061085-89).
35. Exhibit 35 are true and accurate copies of (i) a document titled “Affidavit with Respect to the Organizational History of Diamond Shamrock, Inc.,” and (ii) the Affidavit of Timothy J. Fretthold, filed in Broyles, et al. v. ACandS, Inc., et al.; Cause No. A-157,259, in the District Court of Jefferson County, Texas, 58th Judicial District, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0021404-16).
36. Exhibit 36 is a true and accurate copy of the Certificate of Incorporation of Diamond Shamrock Coal Company, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS1885030-32).
37. Exhibit 37 is a true and accurate copy of a document from the State of Delaware Office of Secretary of State, enclosing the Certificate of Incorporation of Diamond Shamrock Corporate Company, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0055428-55432).
38. Exhibit 38 is a true and accurate copy of a memorandum, dated December 16, 1983, from C.M. Murrin to W.V. Alford, J.A. Cottle and W.E. Notestine, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3301753).
39. Exhibit 39 is a true and accurate copy of an Assignment and Assumption Agreement, dated November 1, 1983, between Diamond Chemicals Company and Diamond Shamrock Refining and Marketing Company, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS022051-55).
40. Exhibit 40 is a true and accurate copy of an Assignment and Assumption Agreement, dated November 1, 1983, between Diamond Chemicals Company and Diamond Shamrock Refining and Marketing Company, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0055412-21).
41. Exhibit 41 is a true and accurate copy of a Promissory Note, dated November 1, 1983, in the amount of \$361,983,771.00, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS022069-74).

42. Exhibit 42 is a true and accurate copy of an Assignment and Assumption Agreement, dated November 1, 1983, between Diamond Shamrock Exploration Company and Diamond Chemicals Company, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS022088-92).
43. Exhibit 43 is a true and accurate copy of a Promissory Note, dated November 1, 1983, in the amount of \$788,619,377.00, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS022079-82).
44. Exhibit 44 is a true and accurate copy of an Assignment and Assumption Agreement, dated November 1, 1983, between Diamond Chemicals Company and Diamond Shamrock Coal Company, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0055676-81).
45. Exhibit 45 is a true and accurate copy of an Assignment and Assumption Agreement, dated January 1, 1984, between Diamond Shamrock Corporate Company and Diamond Shamrock Chemicals Company, along with a true and accurate copy of a First Amendment to Assignment and Assumption Agreement, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0055944-56).
46. Exhibit 46 is a true and accurate copy of a Promissory Note, dated January 1, 1984, in the amount of \$81,636,750, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS022698-702).
47. Exhibit 47 is a true and accurate copy of the Minutes of the Regular Meeting of the Board of Directors of Diamond Shamrock Corporation, dated December 15, 1983, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3375606-24).
48. Exhibit 48 is a true and accurate copies of the Written Consent of Members of the Board of Directors of Diamond Shamrock Chemicals Company, dated December 15, 1983; the Written Consent of Members of the Board of Directors of Diamond Chemicals Company, dated September 15, 1983; the Written Consent of Members of the Board of Directors of Diamond Shamrock Corporation, dated May 30, 1983; the Unanimous Written Consent of a Committee of the Board of Directors of Diamond Shamrock Corporation, dated May 4, 1983; the Unanimous Written Consent of a Committee of the Board of Directors of Diamond Shamrock Corporation, dated April 27, 1983; and associated other documents, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0219183-329).
49. Exhibit 49 is a true and accurate copy of a document titled "Form 8-K Current Report," dated January 24, 1984, filed by Diamond Shamrock Chemicals Company with the Securities and Exchange Commission, as

produced to Plaintiffs by Maxus in the instant litigation (MAXUS0061218-24).

50. Exhibit 50 is a true and accurate copy of the excerpted document titled “Diamond Shamrock Corporation 1983 Amended Federal Income Tax Return,” as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3834218-20; and MAXUS3834652-54).
51. Exhibit 51 is a true and accurate copy of the July 15, 2011 and July 19, 2011 excerpted transcripts of recorded proceedings in the instant litigation, concerning Plaintiffs’ Motion for Partial Summary Judgment.
52. Exhibit 52 is a true and accurate copy of a document titled “Reply Brief of Maxus Energy Corporation in Support of Its Motion for Partial Summary Judgment and in Opposition to Plaintiff’s Cross Motion of Summary Judgment,” dated September 20, 1988, and filed in Kidder, Peabody & Co., Incorporated v. Maxus Energy Corporation; Civil Action No. 9424, in the Court of Chancery of the State of Delaware, in and for New Castle County, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0209091-122).
53. Exhibit 53 is a true and accurate copy of a Diamond Shamrock Corporation’s Form 10-K for the Fiscal Year Ended December 31, 1984, filed with the Securities and Exchange Commission, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0023867-86).
54. Exhibit 54 is a true and accurate copy of a document titled “Administrative Consent Order,” entered March 13, 1984, filed In the Matter of Diamond Shamrock Chemicals Company and Marisol, Inc., as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3081825-33).
55. Exhibit 55 is a true and accurate copy of a letter, dated December 24, 1984, from Gerard Burke to William C. Hutton, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0208496-502).
56. Exhibit 56 is a true and accurate copy of a letter, dated April 4, 1986, from James F. Kelley to Ray Irani, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0001213-16).
57. Exhibit 57 is a true and accurate copy of the excerpted Stock Purchase Agreement between Diamond Shamrock Corporation, Occidental Petroleum Corporation, Occidental Petroleum Corporation, Occidental Chemical Holding Corporation and Oxy-Diamond Alkali Corporation, dated September 4, 1986, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0000204-378; OCCNJ0000762-67; OCCNJ0001137-41; and OCCNJ0001201-03).

58. Exhibit 58 is a true and accurate copy of a letter dated July 10, 1987 from Michael J. Rudick to W.E. Notestine, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0022991-92).
59. Exhibit 59 is a true and accurate copy of “Exhibit 8.13” to the Stock Purchase Agreement, dated September 4, 1986, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0018321).
60. Exhibit 60 is a true and accurate copy of the excerpted document titled “Plaintiff’s Statement of Indisputable Material Facts with Respect to Second Tier Motions,” filed in Diamond Shamrock Chemicals Company v. The Aetna Casualty and Surety Company, et al., Docket No. C-3939-84, in the Superior Court of New Jersey Chancery Division: Morris County, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0964678; and MAXUS0964734).
61. Exhibit 61 is a true and accurate copy of the excerpted Maxus Energy Corporation’s Form 10-K, for the Fiscal Year Ended December 31, 1987, filed with the Securities and Exchange Commission, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0003422; and OCCNJ0003463-65).
62. Exhibit 62 is a true and accurate copy of the excerpted Maxus Energy Corporation’s Form 10-K, for the Fiscal Year Ended December 31, 1988, filed with the Securities and Exchange Commission, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0003652; and OCCNJ0003692-96).
63. Exhibit 63 is a true and accurate copy of Maxus Energy Corporation’s Form 10-K, for the Fiscal Year Ended December 31, 1989, filed with the Securities and Exchange Commission, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0013487-544).
64. Exhibit 64 is a true and accurate copy of a letter, dated April 9, 1984, from William C. Hutton to Michael Catania, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS1323066).
65. Exhibit 65 is a true and accurate copy of a letter, dated June 20, 1984, from William C. Hutton to Michael Catania, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS1640975-76).
66. Exhibit 66 is a true and accurate copy of a letter, dated September 23, 1988, from Wm. C. Hutton to Michael Schuit, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0022723-24).
67. Exhibit 67 is a true and accurate copy of a letter, dated August 12, 1987, from Edward J. Masek to Michael Schuit, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3061401-02).

68. Exhibit 68 is a true and accurate copy of a letter, dated May 7, 1987, from Edward E. Noble to David Kindig, forwarding Phase I Analytical Audit Results Final Response, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0590768-96).
69. Exhibit 69 is a true and accurate copy of a letter, dated December 13, 1989, from M.M. Skaggs, Jr. to USEPA, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3061494-96).
70. Exhibit 70 is a true and accurate copy of a letter, dated April 14, 1994, from Richard P. McNutt to Jonathan Josephs, which was obtained by counsel for Plaintiffs from the public records of the New Jersey Department of Environmental Protection, and which was produced by Plaintiffs in the instant litigation (NJDEP00373163).
71. Exhibit 71 is a true and accurate copy of a letter, dated December 20, 2006, from Paul S. Brzozowski to Stephen Kehayes, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0047446-49).
72. Exhibit 72 is a true and accurate copy of a letter, dated October 30, 2009, from Paul J. Bluestein to Thomas Budroe, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS1379219-20).
73. Exhibit 73 is a true and accurate copy of a letter, dated March 18, 1994, from Richard McNutt to Tom Mario, along with associated internal memoranda, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0395919-46).
74. Exhibit 74 is a true and accurate copy of a letter, dated October 5, 1993, from Gerald H. Rubin to David A. Wadsworth, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0127549-52).
75. Exhibit 75 is a true and accurate copy of a letter, dated July 31, 2003, from David Wadsworth to Karen Palladino Ciccone, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0127247).
76. Exhibit 76 is a true and accurate copy of a document titled "Plaintiff's Original Petition and Request for Declaratory Judgment," filed in Occidental Chemical Corporation v. Maxus Energy Corporation and Tierra Solutions, Inc.; Cause No. 0209156, In the District Court of Dallas County, Texas, 14th Judicial Court, as produced to Plaintiffs by Repsol-YPF, S.A. in the instant litigation (REPSOL0003550-3560).
77. Exhibit 77 is a true and accurate copy of the Court of Appeals of Texas reported Opinion, dated February 1, 2008, in Maxus Energy Corporation v. Occidental Chemical Corporation, Case No. 05-06-01299-CV, as published by WestLaw.

78. Exhibit 78 is a true and accurate copy of the WestLaw Direct History for Maxus Energy Corporation v. Occidental Chemical Corporation, Case No. 05-06-01299-CV, demonstrating Petition for Review denied July 11, 2008.
79. Exhibit 79 is a true and accurate copy of a letter, dated February 1, 1988, from Paul W. Herring to George Cook, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3061108-09).
80. Exhibit 80 is a true and accurate copy of a letter, dated April 8, 2003, from Jennifer Brigliadoro to Angelo A. Cuonzo, enclosing various documents, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0137577-93).
81. Exhibit 81 is a true and accurate copy of a letter, dated July 10, 1995, from William L. Warren to Richard Gimello, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS2539028-36).
82. Exhibit 82 is a true and accurate copy of a document titled "Position Letter and Request for Documents," filed in Hearing Nos. 41,860-41,864, Re: Midgard Energy Company, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3202512-19).
83. Exhibit 83 is a true and accurate copy of a document from the State of Delaware Office of Secretary of State, enclosing the Certificate of Amendment of Certificate of Incorporation regarding Diamond Shamrock Exploration Company, as produced to Plaintiffs by Repsol-YPF, S.A. in the instant litigation (REPSOL0007532-34).
84. Exhibit 84 is a true and accurate copy of a document from the State of Delaware Office of Secretary of State, certifying the name change of Maxus Exploration Company to Midgard Energy Company, as produced to Plaintiffs by Repsol-YPF, S.A. in the instant litigation (REPSOL0006865).
85. Exhibit 85 is a true and accurate copy of a letter, dated April 8, 1999, from Alex Pittignano to the New Jersey Department of Environmental Protection, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0047560-64).
86. Exhibit 86 is a true and accurate copy of the August 28, 1986 Deed from Diamond Shamrock Chemicals Company to Diamond Shamrock Chemical Land Holdings, Inc., conveying Block 2438, Lots 58 and 59 in Newark, New Jersey, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0014001-06).
87. Exhibit 87 is a true and accurate copy of the August 28, 1986 Deed from Diamond Shamrock Chemicals Company to Diamond Shamrock

Chemical Land Holdings, Inc., conveying Block 2438, Lot 57 in Newark, New Jersey, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0011274-77).

88. Exhibit 88 is a true and accurate copy of a document titled “Maxus Energy Corporations (‘Maxus’) Stipulation of Facts Regarding Track III Alter Ego Claim in Lieu of Corporate Representative Deposition,” as signed by counsel for Plaintiffs and Maxus.
89. Exhibit 89 is a true and accurate copy of a letter dated March 21, 1986, from Vicki A. Brookens to Grace Alcalá enclosing a certified copy of the Certificate of Incorporation of Diamond Shamrock Process Chemicals, Inc., as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0443900-03).
90. Exhibit 90 is a true and accurate copy of the Responses of Defendant Tierra Solutions, Inc. to Plaintiffs’ First Set of Interrogatories on Successor, Contract and Indemnification Issues, provided in discovery to Plaintiffs in the instant litigation.
91. Exhibit 91 is a true and accurate copy of a document from the State of Delaware Office of Secretary of State, enclosing the Certificate of Amendment of Certificate of Incorporation of Diamond Shamrock Process Chemicals, Inc., as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0443862-64).
92. Exhibit 92 is a true and accurate copy of a document from the State of Delaware Office of Secretary of State, enclosing the Certificate of Amendment of Certificate of Incorporation of Diamond Shamrock Chemical Land Holdings Inc., as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0443848-55).
93. Exhibit 93 is a true and accurate copy of a document from the State of Delaware Office of Secretary of State, enclosing the Certificate of Amendment of Certificate of Incorporation of Chemical Land Holdings, Inc., as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0443833-35).
94. Exhibit 94 is a true and accurate copy of a document titled “Diamond Shamrock Chemicals Company Officer’s Certificate,” dated September 4, 1986, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0018389-403).
95. Exhibit 95 is a true and accurate copy of the recorded deposition testimony of David Rabbe, taken in the instant litigation.

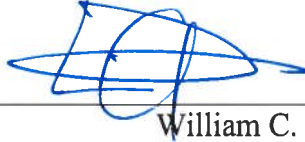
96. Exhibit 96 is a true and accurate copy of the Responses of Defendants Maxus Energy Corporation and Tierra Solutions, Inc. to Plaintiffs' Second Set of Interrogatories, as provided in discovery in this litigation.
97. Exhibit 97 is a true and accurate copy of a memorandum dated May 22, 1996, from Andrews & Kurth, L.L.P. to the Board of Directors of YPF Sociedad Anonima, as produced to Plaintiffs by YPF, S.A. in the instant litigation (YPF0210158-77).
98. Exhibit 98 contains true and accurate copies of various Offices of Secretaries of State documents enclosing various qualifications to do business for Chemical Land Holdings, Inc., as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0443906-49).
99. Exhibit 99 is a true and accurate copy of an excerpt of the 1988 U.S. Corporation Income Tax Return (Form 1120) for Maxus Energy Corporation & Subsidiaries, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3414515-30).
100. Exhibit 100 is a true and accurate copy of an excerpt of the 1989 U.S. Corporation Income Tax Return (Form 1120) for Maxus Energy Corp. & Subs, as produced to Plaintiffs by Maxus in the instant litigation, and which was Exhibit 21 to the Deposition of David Rabbe.
101. Exhibit 101 is a true and accurate copy of a document dated August 26, 1994, titled "Chemical Land Holdings," as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3188533-34).
102. Exhibit 102 is a true and accurate copy of a document titled "Chemical Land Holdings," as produced to Plaintiffs by YPF, S.A., from the files of Andrews & Kurth, in the instant litigation (YPF-AK-0041527-28).
103. Exhibit 103 is a true and accurate copy of a memorandum dated November 7, 1983, from B. A. Shockey to Ed Noble, and accompanying document, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0399753-64).
104. Exhibit 104 is a true and accurate copy of a document dated September 4, 1984 and titled "Estimate of Costs(1) for 80 Lister Avenue and Newark" with handwritten notes, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS2286859-61).
105. Exhibit 105 is a true and accurate copy of a letter dated August 11, 1986, from Michael A. Guariglia to Essex County Board of Taxation, with accompanying filing, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0478710-14).

106. Exhibit 106 is a true and accurate copy of a letter dated September 11, 1986, from Frank E. Ferruggia to Essex County Tax Board, enclosing a document titled "Memorandum of Law in Support of Petitioner's Tax Appeal," as provisionally produced to Plaintiffs by Maxus in the instant litigation (Privilege Log No. 23126). Maxus withdrew its claim of privilege with respect to this document after it was provisionally produced.
107. Exhibit 107 is a true and accurate copy of a memorandum dated December 27, 1991, from Hadley Bedbury to Danny Cutrell, with accompanying attachments, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS2318102-06).
108. Exhibit 108 is a true and accurate copy of a letter dated April 6, 1999, from James C. Hannoeh and Eugene J. Reilly, Jr. to Cary Begun enclosing an appraisal of Block 2438, Lots 57 and 59, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3141634-98).
109. Exhibit 109 is a true and accurate copy of a facsimile dated March 29, 2000, from Gregory R. Castelan to Steve Petty enclosing a document titled "Project Summaries by Year," as produced to Plaintiffs by Arthur Andersen in the instant litigation (AA-YPF-0039067-68).
110. Exhibit 110 is a true and accurate copy of a letter dated July 29, 1897, from Paul W. Herring to Fred B. Tietze, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0072310).
111. Exhibit 111 is a true and accurate copy of a letter dated December 17, 1987, from Paul W. Herring to Philip L. Comella without enclosure, as provisionally produced to Plaintiffs by Maxus in the instant litigation (Privilege Log No. 108438). Maxus withdrew its claim of privilege with respect to this document after it was provisionally produced.
112. Exhibit 112 is a true and accurate copy of a letter dated August 12, 1987, from Edward J. Masek to Michael Schuit without enclosure, as produced by Plaintiffs in the instant litigation (NJDEP00370030-31).
113. Exhibit 113 is a true and accurate copy of a memorandum dated April 10, 1085, from William C. Hutton to J. F. Kelley enclosing a document titled "Evaluation of 80 Lister Avenue Property," as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0330031-32).
114. Exhibit 114 is a true and accurate copy of the September 5, 2008 Opinion of the Honorable Donald Goldman, entered in the instant litigation.
115. Exhibit 115 is a true and accurate copy of a file containing a letter dated January 18, 1985 from William C. Hutton to Michael F. Catania enclosing documents titled "Irrevocable Standby Letter of Credit No. 54906" and

- “Trust Agreement,” and a letter dated December 19, 1984, from Michael F. Catania to William Hutton enclosing the Administrative Consent Order and attachments thereto, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3358667-741).
116. Exhibit 116 is a true and accurate copy of a document titled “Trust Agreement,” with attachments, as well as various letters of credit, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0039641-74).
 117. Exhibit 117 is a true and accurate copy of a document titled “Amendment No. 1 to Irrevocable Letter of Credit No. 52090,” dated April 12, 1985, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS2722861).
 118. Exhibit 118 is a true and accurate copy of a document titled “Trust Agreement,” as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0376848-55).
 119. Exhibit 119 is a true and accurate copy of a letter dated April 10, 1989, from Paul W. Herring to John R. Wheeler, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0105827-28).
 120. Exhibit 120 is a true and accurate copy of a draft of a letter dated April 11, 1989, from NCNB Texas National Bank to Maxus Energy Corporation, Maxus Exploration Company, Maxus Corporate Company and Chemical Land Holdings, Inc., as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3061239-43).
 121. Exhibit 121 is a true and accurate copy of a letter dated July 31, 1990, from NCNB Texas National Bank to Commissioner, New Jersey Department of Environmental Protection, as produced by Plaintiffs in the instant litigation (NJDEP00104376-104377).
 122. Exhibit 122 is a true and accurate copy of a document titled “Amendment to Irrevocable Standby Letter of Credit No. 103399,” dated November 28, 1990, as produced by Plaintiffs in the instant litigation (NJDEP00074434).
 123. Exhibit 123 is a true and accurate copy of a letter dated October 23, 1989, from Paul W. Herring to Michael J. Schuit, as produced by Plaintiffs in the instant litigation (NJDEP00399962-72).
 124. Exhibit 124 is a true and accurate copy of a facsimile enclosing a letter dated January 29, 2001, from David A. Wadsworth to Stephan R. Petty enclosing another letter dated January 24, 2001, from William L. Warren to David A. Wadsworth, as produced to Plaintiffs by Arthur Andersen in the instant litigation (AA-YPF-0038918-24).

125. Exhibit 125 is a true and accurate copy of a document titled “Form 10-K” for the Fiscal Year Ended December 31, 1982, filed by Diamond Shamrock with the Securities and Exchange Commission, as produced to Plaintiffs by OCC in the instant litigation (OCCNJ0013840-905).
126. Exhibit 126 is a true and accurate copy of a document providing a list of Agent Orange lawsuits, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0084753-841).
127. Exhibit 127 is a true and accurate copy of a document titled “Consent Order of Track III Kolker-Era Issues,” entered January 18, 2012, entered into and filed in the instant litigation.
128. Exhibit 128 is a true and accurate copy of Defendant Occidental Chemical Corporation’s Objections and Responses to Plaintiffs’ Track III Trial Requests for Admission, provided in discovery to Plaintiffs in the instant litigation.
129. Exhibit 129 is a true and accurate copy of a letter dated April 14, 1988, from Paul W. Herring to Chris Altomari and Michael Schuit enclosing Section 9.04 – Defense of Claims of the SPA, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS0694274-75).
130. Exhibit 130 is a true and accurate copy of a document titled “Irrevocable Letter of Credit No. 52060,” dated April 3, 1984, provided by InterFirst Bank Dallas, N.A. to the attention of Michael F. Catania, Director, Office of Regulatory Services for the account of Diamond Shamrock Chemicals Company, as produced to Plaintiffs by Maxus in the instant litigation (MAXUS3081835).

D. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in blue ink, consisting of several overlapping loops and lines, positioned above a horizontal line.

William C. Petit

Dated: February 3, 2011