

# **EXHIBIT 60**

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Diamond Shamrock Chemicals Company

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DIAMOND SHAMROCK CHEMICALS COMPANY,	:	SUPERIOR COURT
	:	OF
Plaintiff,	:	NEW JERSEY
	:	CHANCERY DIVISION:
-against-	:	MORRIS COUNTY
THE AETNA CASUALTY AND SURETY	:	DOCKET NO. C-3939-84
COMPANY, et al.,	:	
	:	
Defendants.	:	
	:	
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PLAINTIFF'S STATEMENT OF INDISPUTABLE  
MATERIAL FACTS WITH RESPECT TO SECOND  
TIER MOTIONS

Introductory Statement

Plaintiff Diamond Shamrock Chemicals Company ("Diamond") hereby respectfully submits to the Court the indisputable material facts that support Diamond's cross-motions for partial summary judgment on the "Second Tier Motions" and that require denial of defendants' motions on those same issues.

(34) On December 31, 1985 Diamond and Marisol, Inc. executed a settlement agreement and release which agreed to the transfer and sale of the 80 Lister Avenue site to Diamond. Exh. 47 hereto.

Dated: November 24, 1987

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