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Attorney for Third-Party Defendant ACH Food Companies, Inc.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE COMMISSIONER OF THE NEW JERSEY ENVIRONMENTAL PROTECTION AGENCY, 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,

MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.,

Third-Party Plaintiffs,

vs.

3M COMPANY, *et al.*,

Third-Party Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

DOCKET NO. L-9868-05 (PASR)

CIVIL ACTION

CMO V THIRD-PARTY INITIAL DISCLOSURE

Comes now Third-Party Defendant ACH Food Companies, Inc., (“Respondent”) and for its Initial Disclosure in accordance with Case Management Order V provides the following specific information:

Reservations

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

2. Respondent's investigation in this matter is continuing. Accordingly, it reserves the right to supplement, clarify, and revise these disclosures to the extent additional information becomes available or is obtained through discovery. Further, Respondent reserves the right to amend these disclosures to the extent the claims brought by or alleged against Respondent in this litigation are amended.

3. The time period covered by the allegations in the Plaintiffs' Second Amended Complaint is quite long and encompasses at least six decades. The geographic scope of the Second Amended Complaint is also quite broad, covering the 'Newark Bay Complex,' which spans the 'lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill van Kull, and into adjacent waters and sediments.' Second Amended Complaint, ¶ 1. The scope of inquiry required by Plaintiffs and Third-Party Defendants is accordingly quite broad and potentially burdensome. Respondent is therefore engaged in a continuing investigation and reserves the right to supplement and modify these disclosures.

Initial Disclosures

a. The name, address and telephone number, as may be known of each individual likely to have discoverable information, along with the subjects of that information, that relates to any alleged discharge or release of pollutants, contaminants and/or hazardous substances (“Pollutants”) into the Newark Bay Complex (as these terms are defined in the Second Amended Complaint and the Third-Party Complaints) from the site(s) and/or properties with which the disclosing party is associated in the Third-Party Complaint (“Alleged Discharges”);

Response:

Respondent objects to this request to the extent that it assumes, suggests, and/or concludes that there was an alleged discharge or release of pollutants, contaminants and/or hazardous substances into the Newark Bay Complex from the site at One Sanford Avenue, Kearny, New Jersey (the “Karlshamns Site”) as defined in the Second Amended Complaint and Third Party Complaint “B.” Furthermore, since ACH is not the successor to Karlshamns USA, Inc. and did not own or operate at the Karlshamns Site, ACH is unable to identify any individual likely to have discoverable information responsive to the foregoing request.

b. The name, address and telephone number, as may be known, of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses (unless the use would be solely for impeachment);

Response:

Respondent’s investigation concerning the identification of individuals who may have discoverable information is ongoing. Respondent reserves the right to supplement this response as appropriate. Respondent notes that this request does not seek the identification of experts or consultants. However, Respondent reserves the right to retain and employ experts and consultants to support its claims or defenses in this litigation. To the extent that Respondent may have responsive, discoverable information, Respondent may use information in the possession of the following individuals in support of its defenses:

Name	Address	Phone Number
Carol Oakes, Corporate Paralegal	7171 Goodlett Farms Parkway, Cordova, TN 38016	(901) 381-3132
Carmen Sciackitano, General Counsel	7171 Goodlett Farms Parkway, Cordova, TN 38016	(901) 381-3235

Further, Respondent does not consent to or authorize direct communication with the above-listed individuals, any of Respondent's employees, former employees, or individuals with privileged information and does not consent to or authorize any communication prohibited by the applicable rules of professional conduct. As such, any contact with the above-listed individuals should be through Respondent's counsel.

c. The name, address and telephone number, as may be known, of any and all past or present owners, lessees or operators at the site(s) and/or properties with which it is associated in the Third-Party Complaint and the dates of such ownership, lease or operation, as may be known;

Response:

Subject to the foregoing Reservations, Respondent states that it never owned or operated at the Karlshamns Site and possesses limited information responsive to this request. As such, Respondent has limited information responsive to this request. Respondent responds as follows:

Name/Address/Phone	Site Address	Dates at Site: Ownership/Operator/Lease
Karlshamns USA, Inc.	One Sandford Avenue Kearney, New Jersey Blocks 13-17, 25 and 26, Lot 279	1988 - 1997

d. With respect to any individual identified pursuant to paragraph (a), (b) or (c) above, (or any other individual known to have material knowledge of an alleged discharge or release of a Pollutant at or from a site and/or property, or into the Newark Bay Complex), any known inability to testify due to age, infirmity, or incompetency within 12 months following the date of the Initial Disclosure;

Response:

See Response to a., above.

e. A description by category and location (or copy at the discretion of the Third-Party Defendant) of all documents or electronically stored information that the disclosing party has in its possession, custody, or control with respect to Alleged Discharges including disclosure of the extent to which such documents or electronically stored information may fall within the Excepted Information.

Response:


See Response to a., above.

Respondent's Initial Disclosures are made without prejudice to their right to change or supplement their responses, their right to assert privileges or objections with respect to any subsequent requests for discovery, and their right to introduce at trial additional evidence and documents as warranted by the development of the facts underlying this litigation.

Dated: April 14, 2010

Respectfully submitted,

PORZIO BROMBERG & NEWMAN, P.C.
Attorney for Third-Party Defendant ACH Food
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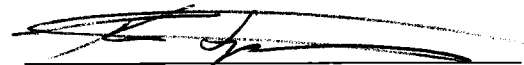
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CIVIL ACTION

**CERTIFICATE OF SERVICE OF ACH
FOOD COMPANIES, INC.'S INITIAL
DISCLOSURE**

The undersigned hereby certifies that a true and correct copy of Third-Party Defendant ACH Food Companies, Inc.'s Initial Disclosure was served electronically on all parties which have consented to service by posting on www.sfile.com/njdepvocc on April 14, 2010. The following counsel of record was served on April 14, 2010 via first class, regular mail:

Borough of Hasbrouck Heights	Richard J. Dewland Coffey & Associates 465 South Steet Morristown, NJ 07960 973.539.4500 rjd@coffeylaw.com
City of Orange	John P. McGovern Assistant City Attorney City of Orange Township 29 North Day St. Orange, NJ 07050
Passaic Pioneers Properties Company	John A. Daniels Daniels & Daniels LLC 6812 Park Ave. Guttenberg, NJ 07093
Township of Hillside	Christine M. Burgess Township Attorney Hillside Township Municipal Bldg. 1409 Liberty Ave. Hillside, NJ 07205
Township of Irvington	Gustavo Garcia Municipal Attorney Township of Irvington Irvington Municipal Building Civic Square Irvington, NJ 07111



Thomas Spiesman, Esq.

Dated: April 14, 2010