

William T. Smith
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Attorney for Alumax Mill Products, Inc.

NEW JERSEY 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,
REPSOL YPF, S.A., YPF, S.A., YPF
HOLDINGS, INC. and CLH HOLDINGS,
INC.,

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

CIVIL ACTION

**CMO V THIRD-PARTY INITIAL
DISCLOSURE**

Comes now Third-Party Defendant Alumax Mill Products, Inc. ("Alumax"), and for its Initial Disclosure in accordance with Case Management Order V provides the following specific information:

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

Name	Address	Phone Number
Stephen Kehayes	Case Manager New Jersey Department of Environmental Protection 401 East State Street (P.O. Box 028) Trenton NJ 08625-0028	(609) 777-0649
William Lee de maximis, inc.	c/o Alison T. Saling K&L Gates One Newark Center, 10th Floor Newark NJ 07102-5262	(973) 848-4051
Gary Hurta Golder Associates	c/o Alison T. Saling K&L Gates One Newark Center, 10th Floor Newark NJ 07102-5262	(973) 848-4051

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

Name	Address	Phone Number
Jan Morinchin	c/o Dan J. Jordanger Hunton & Williams LLP 951 E. Byrd Street Richmond VA 23219	(804) 788-8609

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

Name	Address	Phone Number
City of Newark (current owner)	920 Broad Street Newark NJ 07102	(973) 733-6400

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: Not applicable/Unknown

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

Category	Location	Applicable Exception ¹
Sampling data and reports for the Bayonne Barrel &	K&L Gates One Newark Center, 10th	

¹ Applicable Exception Codes are as follows:

a. Information, (“Information”), including, but not limited to, environmental, chemical and/or biological testing of groundwater, surface water, soil or sediment (hereinafter “Sampling Information”) contained in the nexus packages produced pursuant to paragraph 8 (e) of CMO V; and

b. Information previously produced to any branch, department, agency or instrumentality of the State of New Jersey including to the New Jersey Department of Environmental Protection (“NJDEP”) or Information produced to any other governmental agency or entity whose responsibility it is to oversee environmental compliance in the Newark Bay Complex Area, including, but not limited to, the United States Environmental Protection Agency and the United States Army Corps of Engineers (hereinafter “Governmental Recipients”);

c. Information produced to any Licensed Site Remediation Professional (hereinafter “LSRP”) who is duly licensed by the State of New Jersey at the time of receipt of such Information where such disclosure of Information is intended to be used in connection with any remedial investigation or remedial action having an assigned case number in the NJDEP’s NJEMS data system;

d. Sampling Information compiled with the expectation of being produced to a Governmental Recipient or an LSRP under Paragraphs 4(b) or 4(c) but which Sampling Information has not yet undergone quality assurance/ quality control or similar analysis;

e. Information produced by a third-party defendant to any third-party plaintiff pursuant to the New Jersey Open Public Records Act or other freedom of information law or regulation; f. Information previously produced to Defendants and g. Information that falls within the attorney-client privilege and/or the attorney work product privilege.

Drum Site	Floor Newark NJ 07102-5262 Attn: Alison T. Saling	
Sampling data and reports for the Bayonne Barrel & Drum Site	Hunton & Williams LLP 951 East Byrd Street Richmond VA 23219 Attn: Dan J. Jordanger	

Dated: January 29, 2010

Respectfully submitted,

William T. Smith
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Franklin Lakes, New Jersey 07417
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Fax: (201) 891-881

**ATTORNEY FOR THIRD-PARTY
DEFENDANT ALUMAX MILL
PRODUCTS, INC.**

Signed

