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Attorneys for Third-Party Defendant  
Associated Auto Body & Trucks, Inc.

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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION and THE ADMINISTRATOR OF THE NEW JERSEY SPILL COMPENSATION FUND,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: ESSEX COUNTY
Plaintiffs	:	
v.	:	DOCKET NO. L-9868-05 (PASR)
	:	
OCCIDENTAL CHEMICAL CORPORATION, TIERRA SOLUTIONS, INC., MAXUS ENERGY CORPORATION, REPSOL YPF, S.A., YPF, S.A., YPF HOLDINGS, INC. and CLH HOLDINGS, INC.,	:	CIVIL ACTION
Defendants.	:	<b>ASSOCIATED AUTO BODY &amp; TRUCKS INC.'S INITIAL DISCLOSURE PURSUANT TO CMO V</b>
	:	
MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.,	:	
Third-Party Plaintiffs,	:	
	:	
vs.	:	
	:	
3M COMPANY, <i>et al.</i> ,	:	
	:	
Third-Party Defendants.	:	

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Third-Party Defendant Associated Auto Body & Trucks, Inc. (“Associated Auto Body”) provides the following specific information for its Initial Disclosures pursuant to Case Management Order V in the above captioned litigation:

## Reservations

1. Associated Auto Body reserves the right to object to the production of any documents or other information on any grounds, 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 Associated Auto Body may have with respect to any outstanding or subsequent requests for discovery.

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

3. The allegations in the Plaintiffs' Second Amended Complaint and Third Party Plaintiffs' Third-Party Complaint "B" (collectively "Complaints") cover a broad time period, encompassing at least six decades. The geographic scope of the Complaints are also 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, Third Party Plaintiffs and Third-Party Defendants is accordingly broad and potentially burdensome. Associated Auto Body 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:**

Associated Auto Body objects to the form of the question to the extent that it assumes or concludes there was an “alleged discharge or release of pollutants, contaminants and/or hazardous substances” to the Newark Bay Complex from the site with which Associated Auto Body is associated in Third Party Complaint “B.” Subject to this objection and the Reservations stated above, the individual listed below is likely to have discoverable information pertaining to environmental conditions and operational history at the Associated Auto Body facility in Newark:

1. Jack Siegel, President  
Associated Auto Body & Trucks, Inc.  
405 Raymond Boulevard  
Newark, NJ 07105  
(973) 589-9162
  
2. Regina Belowsky, C.O.O.  
Associated Auto Body & Trucks, Inc.  
405 Raymond Boulevard  
Newark, NJ 07105  
(973) 589-9162

3. Joseph Sabolchic, Environmental Manager/Salesperson  
Associated Auto Body & Trucks, Inc.  
405 Raymond Boulevard  
Newark, NJ 07105  
(973) 589-9162
4. David B. Farer, Esq.  
Farer Fersko  
600 South Avenue  
Westfield, New Jersey 07091  
(908) 789-8550

Associated Auto Body further responds that other employees have worked at the Associated Auto Body facility over the decades. Based on the breadth and ambiguity of Third-Party Plaintiffs' claims, other individuals could have relevant knowledge of this matter. Associated Auto Body is unable to individually identify other persons with relevant knowledge of this matter without more specific information from Third-Party Plaintiffs on the nature and basis of their claims. As such, Associated Auto Body may identify additional individuals in the course of discovery and as its investigation continues.

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:**

1. Jack Siegel, President  
Associated Auto Body & Trucks, Inc.  
405 Raymond Boulevard  
Newark, NJ 07105

2. Regina Belowsky, C.O.O.  
Associated Auto Body & Trucks, Inc.  
405 Raymond Boulevard  
Newark, NJ 07105
3. Joseph Sabolchic, Environmental Manager/Salesperson  
Associated Auto Body & Trucks, Inc.  
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Associated Auto Body further responds that other employees have worked at the Associated Auto Body facility over the decades. Based on the breadth and ambiguity of Third-Party Plaintiffs' claims, other individuals could have relevant knowledge of this matter. Associated Auto Body is unable to individually identify other persons with relevant knowledge of this matter without more specific information from Third-Party Plaintiffs on the nature and basis of their claims. As such, Associated Auto Body may identify additional individuals in the course of discovery and as its investigation continues.

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:**

Associated Auto Body has owned the property at 405 Raymond Boulevard since 1970, and has operated at the property from 1970 to the present. Associated Auto Body purchased the property from Kraftco Corp.

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:**

Associated Auto Body responds that it is unaware of any individual identified in paragraphs (a), (b) and (c) that have a known inability to testify due to age, infirmity, or incompetence.

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:**

Associated Auto Body objects to the form of the question to the extent that it assumes or concludes there were “Alleged Discharges” to the Newark Bay Complex from

the site with which Associated Auto Body is associated in Third Party Complaint “B.” Subject to this objection and the Reservations stated above, Associated Auto Body responds as follows:

Associated Auto Body has possession, custody and control of documents relating to operational history and environmental conditions at the Associated Auto Body facility in Newark, which documents are currently located at:

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Westfield, NJ 07091

Certain of the documents fall within the Excepted Information because such documents constitute: (a) information contained in the nexus packages produced pursuant to paragraph 8(e) of CMO V; (b) information previously produced to Governmental Recipients; (c) information produced to an LSRP; (d) sampling information that has not yet undergone quality assurance/quality control or similar analysis; (e) information produced by a third-party defendant to a 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; or (g) information that falls within the attorney-client privilege and/or other attorney work product privilege.

Categories of documentation include but are not limited to:

- Documentation concerning an alleged investigation by the City of Newark of the storm sewer system around the Associated Auto Body property.
- Hazardous waste generation reports.
- Supply invoices.

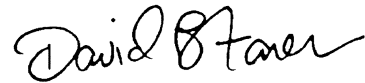
- Waste manifests.
- Transportation and disposal invoices.

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

Dated: February 17, 2010

Respectfully submitted,

Farer Fersko, a Professional Association  
Attorneys for Third-Party Defendant  
Associated Auto Body & Trucks, Inc.



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David B. Farer, Esq.