

RESERVATIONS AND OBJECTIONS

1. These disclosures are not intended to prejudice or waive any privileges or objections Beazer may have with respect to any outstanding or subsequent requests for discovery. Beazer 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 or protection, including the attorney-client privilege, the work product doctrine, the common interest doctrine, and any other applicable privilege or protection.

2. Beazer's investigation of the identity of persons with relevant knowledge and the existence of relevant documents is ongoing. These initial disclosures are, accordingly, made in good faith based on information available to Beazer at this time. Beazer reserves the right to supplement, clarify, and revise these disclosures at any time in the event that additional information becomes available to Beazer or is obtained by Beazer through discovery. Beazer further reserves the right to amend these disclosures to the extent the claims brought by or alleged against Beazer in this litigation are amended. Beazer likewise reserves the right to introduce at trial additional evidence as warranted by the development of the facts underlying this litigation.

3. The scope of inquiry required by Plaintiffs and Third-Party Plaintiffs is overly broad and unduly burdensome. The time period covered by the allegations in the Plaintiffs' Second Amended Complaint spans at least six decades. The geographic scope of the Second Amended Complaint is also overly 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.

4. Beazer objects to the form of the Initial Disclosures requested in “a.”, “d.”, and “e.”, as set forth below, to the extent they assume there were Alleged Discharges of Pollutants into the Newark Bay Complex (as those terms are defined below) from either of the Sites with which Beazer is alleged to be associated pursuant to Third-Party Complaint “B”: the Seaboard Site on Fishhouse Road in Kearny, New Jersey (“Seaboard Site”) and/or the Port Newark Site located at Maritime and Tyler Streets in Port Newark, New Jersey (the “Port Newark Site”).

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

Seaboard Site

Beazer denies it is a discharger or person in any way responsible for any Alleged Discharges of Pollutants from the Seaboard Site to the Newark Bay Complex. Beazer (formerly known as Koppers Company, Inc.) further responds that numerous individuals worked at the Seaboard Site throughout Beazer’s ownership and operation thereof and, based on the breadth and ambiguity of Third-Party Plaintiffs’ claims, any of these individuals could have relevant knowledge of this matter. Further, most operations at the Seaboard Site ceased on or about 1979, making identification of individuals with knowledge of the operational history of the Site very difficult. However, without waiver

and subject to the Reservations and Objections set forth above, Beazer has identified the following individuals or entities in response to Initial Disclosure “a” who work(ed) for Beazer, worked as an environmental consultant or operated at the Seaboard Site, and who may have discoverable information concerning environmental conditions, operational history, and/or site investigation and remediation activities related to Beazer’s period of ownership and/or operations at the Seaboard Site. Beazer may identify additional individuals in the course of discovery.

Beazer requests that notice be given to undersigned counsel before any of the individuals identified below are contacted in this matter.

<p align="center">Name and Most Recent Contact Information (If Known)</p>	<p align="center">Role / Subject</p>
<p><i>Beazer East, Inc.</i> Jill M. Blundon, Esq. <i>Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, Pennsylvania 15219 (412) 208-8801</i></p> <p>Mitchell D. Brouman <i>Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, Pennsylvania 15219 (412) 208-8801</i></p> <p>Zigmunt Brzozowsky <i>3 Red Bull Lane Greenbrook, New Jersey 08812</i></p>	<p>Current Vice President, Secretary & General Counsel of Beazer. Environmental conditions, operational history, site investigation and/or remediation activities at the Seaboard Site.</p> <p>Current Environmental Manager for Beazer. Environmental conditions, site investigation and/or remediation activities at the Seaboard Site.</p> <p>Former Maintenance Supervisor for Seaboard Site for Beazer, early-1970s to mid-1980s. Environmental conditions, operational history at the Seaboard Site.</p>

<p>Key B. Caldwell 9516 Shadow Lane Ft. Pierce, Florida 34951 (407) 465-3053</p>	<p>Former Production Manager for Beazer. Environmental conditions, operational history, site investigation and/or remediation activities at the Seaboard Site.</p>
<p>Patrick Dennison Rt 2, Box 102 Cornwell, Wisconsin</p>	<p>Former General Foreman at Seaboard Site for Beazer, late-1960s to mid-1980s. Environmental conditions, operational history at the Seaboard Site.</p>
<p>Jordan Dern 13200 W Newberry Rd., Unit Q92 Newberry, Florida 32669</p>	<p>Former Environmental Manager for Beazer. Environmental conditions, site investigation and/or remediation activities at the Seaboard Site.</p>
<p>Harold Hegeman no street address available Prescott, Arizona</p>	<p>Former Plant Manager at Seaboard Site for Beazer, late-1960s to mid-1970s. Environmental conditions, operational history at the Seaboard Site.</p>
<p>Michael Helbling 4837 Twin Oaks Dr. Murrysville, Pennsylvania 15668</p>	<p>Former Environmental Manager for Beazer, mid-1980s to early-2000s. Environmental conditions, site investigation and/or remediation activities at the Seaboard Site.</p>
<p>Antonius Knepper R.D. 1, Box 516 200 Graham St. East Brady, Pennsylvania 16028 (412) 526-5678</p>	<p>Former Engineer and Coke Plant Manager at Seaboard Site for Beazer, early-1960s to early-1970s. Environmental conditions, operational history at the Seaboard Site.</p>
<p>William Litzenberg 4656 West Lake Rd. Erie, Pennsylvania 16506</p>	<p>Former Chief Chemist, Distillation Supervisor, Foreman, and Production Manager at Seaboard Site for Beazer, late-1950s to early-1970s. Environmental conditions, operational history at the Seaboard Site.</p>
<p>Steve Radel ELM Investments, LLC 1257 Worcester Rd., #272 Framingham, MA 01701 (508) 254-0394</p>	<p>Former Staff Environmental Program Manager for Beazer, late-1980s to late-1990s. Environmental conditions, site investigation and/or remediation activities at the Seaboard Site.</p>
<p>Ron Rutledge no current contact information</p>	<p>Former Plant Manager at Seaboard Site for Beazer, early- to mid-1970s. Environmental conditions, operational history at the Seaboard Site.</p>

<p>Peter W. Sawchuck <i>Key Environmental, Inc.</i> 100 Exchange St., Ste. 200 Portland, Maine 04101 (207) 772-8100</p> <p>Frank Spinola 3552 Fair Oaks Lane Longboat Key, Florida 34228</p> <p>Don Sweet 236 Somerset Dr. Davenport, Florida 333897</p> <p>Mark Urbassik <i>KU Resources, Inc.</i> 22 South Linden Street Duquesne, Pennsylvania 15110 (412) 469-9331</p>	<p>Former Staff Environmental Program Manager for Keystone Environmental Resources Division of Beazer, mid- to late-1980s. Environmental conditions, site investigation and/or remediation activities at the Seaboard Site.</p> <p>Former Assistant Plant Manager and Plant Manager at Seaboard Site for Beazer, early- to mid-1970s. Environmental conditions, operational history at the Seaboard Site.</p> <p>Former Assistant Tar Plant Supervisor at Seaboard Site for Beazer, early- to mid-1970s. Environmental conditions, operational history at the Seaboard Site.</p> <p>Former Staff Environmental Program Manager for Keystone Environmental Resources Division of Beazer, mid- to late-1980s. Environmental conditions, site investigation and/or remediation activities at the Seaboard Site.</p>
<p><i>Geraghty & Miller, Inc.</i> <i>(appropriate address unknown as company subsequently merged with Arcadis)</i></p>	<p>Former Consultant at the Seaboard Site. Environmental conditions, site investigation and/or remediation activities at the Seaboard Site.</p>
<p><i>D'Appolonia Consulting Engineers, Inc.</i> 275 Center Road Monroeville, Pennsylvania 15146-1451</p>	<p>Former Consultant at the Seaboard Site. Environmental conditions, site investigation and/or remediation activities at the Seaboard Site.</p>
<p><i>Key Environmental, Inc.</i> 200 Third Ave. Carnegie, Pennsylvania 15106 Peter W. Sawchuck</p>	<p>Current Consultant to Beazer at the Seaboard Site. Environmental conditions, site investigation and/or remediation activities at the Seaboard Site.</p>
<p><i>Environmental Decision Group, Inc.</i> 5665 Flatiron Parkway Boulder, Colorado 80301</p>	<p>Former Consultant at the Seaboard Site. Environmental conditions, site investigation and/or remediation activities at the Seaboard Site.</p>

<p><i>Safety Kleen, Inc.</i> Corporate Headquarters - 5360 Legacy Drive Building 2, Suite 100 Plano, Texas 75024</p>	<p>Former Lessee and remedial operator/developer at the Seaboard Site. Environmental conditions, site investigation and/or remediation activities at the Seaboard Site.</p>
<p><i>Andax Environmental Corp.</i> Corporate Headquarters – 613 W Palmer Saint Marys, Kansas 66536 Frank McAtarian</p>	<p>Former Consultant at Seaboard Site. Environmental conditions, site investigation and/or remediation activities at the Seaboard Site.</p>
<p><i>Conestoga-Rovers & Associates</i> 651 Colby Drive Waterloo, Ontario N2B 1B4 Frank A. Rovers Anthony J. Crutcher</p>	<p>Former Consultant at Seaboard Site. Environmental conditions, site investigation and/or remediation activities at the Seaboard Site.</p>

Port Newark Site

Beazer denies that there was an Alleged Discharge of Pollutants into the Newark Bay Complex from the Port Newark Site and/or that Beazer has any liability, responsibility and/or obligation with respect to any Alleged Discharges of Pollutants from the Port Newark Site. Beazer further responds that numerous individuals worked at the Port Newark Site throughout Beazer’s operation thereof and, based on the breadth and ambiguity of Third-Party Plaintiffs’ claims, any of these individuals could have relevant knowledge of this matter. Further, Beazer’s operations at the Port Newark Site ceased on or about December 29, 1988, making identification of individuals with knowledge of the operational history of the Site very difficult. However, without waiver and subject to the Reservations and Objections set forth above, Beazer has identified the following individuals in response to Initial Disclosure “a.” who work(ed) for Beazer or worked as an environmental consultant and who may have discoverable information concerning environmental conditions, operational history, and/or site investigation and remediation

activities related to Beazer’s period of operations at the Port Newark Site. Beazer may identify additional individuals in the course of discovery and as its investigation continues.

Beazer requests that notice be given to undersigned counsel before any of the individuals identified below are contacted in this matter.

<p align="center">Name and Most Recent Contact Information (If Known)</p>	<p align="center">Role / Subject</p>
<p><i>Beazer East, Inc.</i> Jill M. Blundon, Esq. <i>Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, Pennsylvania 15219 (412) 208-8801</i></p> <p>Mitchell D. Brouman <i>Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, Pennsylvania 15219 (412) 208-8801</i></p> <p>Robert Markwell <i>Three Rivers Management, Inc. One Oxford Centre, Suite 3000 Pittsburgh, Pennsylvania 15219 (412) 208-8801</i></p> <p>Robert J. Anderson <i>Arcadis U.S., Inc. 600 Waterfront Drive Pittsburgh, Pennsylvania 15222-4741 (412) 231-6624</i></p> <p>James R. Batchelder <i>2650 Meadowmont Santa Rosa, California 95404 (707) 527-5431</i></p>	<p>Current Vice President, Secretary & General Counsel of Beazer. Environmental conditions, operational history, site investigation and/or remediation activities at the Port Newark Site.</p> <p>Current Environmental Manager for Beazer. Environmental conditions, site investigation and/or remediation activities at the Port Newark Site.</p> <p>Current Vice President of Beazer; Former Environmental Manager for Beazer, Environmental conditions, site investigation and/or remediation activities at the Port Newark Site.</p> <p>Former Staff Environmental Program Manager for Keystone Environmental Resources Division of Beazer, mid- to late-1980s. Environmental conditions, site investigation and/or remediation activities at the Port Newark Site.</p> <p>Former Vice President and Manager, Technical & Environmental Services of Beazer, mid-1980s. Environmental conditions, operational history, site investigation and/or remediation activities at the Port Newark Site.</p>

Name and Most Recent Contact Information (If Known)	Role / Subject
<p>William Chomyak <i>no current contact information</i></p>	<p>Former Plant Manager of Port Newark Site for Beazer, early- to late-1970s. Environmental conditions, operational history at the Port Newark Site.</p>
<p>John Lind <i>No. 11 Maple Ave. Hampton Bay, New York (516) 723-0397</i></p>	<p>Former Plant Manager of Port Newark Site for Beazer, mid-1980s. Environmental conditions, operational history, site investigation and/or remediation activities at the Port Newark Site.</p>
<p>Babette MaGee, Esq. <i>Law Offices of Babette MaGee 916 Carlisle St. Natrona Heights, Pennsylvania 15065 (724) 224-7138</i></p>	<p>Former in-house counsel for Beazer, late-1980s to early-1990s. Environmental conditions, operational history, site investigation and/or remediation activities at the Port Newark Site.</p>
<p>Cyrus P. Markle III <i>Froehling & Robertson, Inc. 1734 Seibel Dr., NE Roanoke, Virginia 24012 (540) 344-7939</i></p>	<p>Former Manager, Environmental Regulatory Programs for Beazer, mid- to late-1980s. Environmental conditions, operational history, site investigation and/or remediation activities at the Port Newark Site.</p>
<p>H.E. McGough, Jr. <i>4985 Old Allensville Rd. Allensville, Kentucky 42204</i></p>	<p>Former Plant Manager of Port Newark Site for Beazer, early- to mid-1980s. Environmental conditions, operational history, site investigation and/or remediation activities at the Port Newark Site.</p>
<p>Ronald P. Murphy <i>no current contact information</i></p>	<p>Former Plant Manager of Port Newark Site for Beazer, mid-1980s. Environmental conditions, operational history at the Port Newark Site.</p>

Donald Pardue
2619 Loopridge Dr.
Orange Park, FL 32065

Former Plant Manager of Port Newark Site for Beazer, early-1980s. Environmental conditions, operational history at the Port Newark Site.

Richard Parent
no current contact information

Former Plant Manager of Port Newark Site for Beazer, late-1980s. Environmental conditions, operational history, site investigation and/or remediation activities at the Port Newark Site.

Matthew C. Plautz
AMEC Earth & Environmental, Inc.
2200 Georgetowne Dr., Ste. 602
Sewickley, Pennsylvania 15143
(724) 940-4200

Former Staff Environmental Program Manager for Keystone Environmental Resources Division of Beazer, mid- to late-1980s. Environmental conditions, site investigation and/or remediation activities at the Port Newark Site.

Rick Tritt
no current contact information

Former Assistant Plant Manager of Port Newark Site for Beazer, late-1980s. Environmental conditions, operational history at the Port Newark Site.

Mark Urbassik
KU Resources, Inc.
22 South Linden Street
Duquesne, Pennsylvania 15110
(412) 469-9331

Former Staff Environmental Program Manager for Keystone Environmental Resources Division of Beazer, mid- to late-1980s. Environmental conditions, site investigation and/or remediation activities at the Port Newark Site.

Robert K. Wagner
2000 Hycroft Dr.
Pittsburgh, Pennsylvania 15241

Former Vice President and General Manager of Treated Wood Products Division for Beazer, early- to late-1980s. Environmental conditions, operational history, site investigation and/or remediation activities at the Port Newark Site.

<p>Margaret A. Zak <i>Environmental Logic, Inc.</i> 610 Woodside Road Pittsburgh, Pennsylvania 15221 (412) 727-6440</p>	<p>Former Staff Environmental Program Manager for Keystone Environmental Resources Division of Beazer, mid- to late-1980s. Environmental conditions, site investigation and/or remediation activities at the Port Newark Site.</p>
<p>Key Environmental, Inc. 200 Third Ave. Carnegie, Pennsylvania 15106 James Zubrow</p>	<p>Current Consultant to Beazer. Environmental conditions, site investigation and/or remediation activities at the Port Newark Site.</p>
<p>Dames & Moore Corporate Headquarters – 911 Wilshire Boulevard Los Angeles, California 90017</p>	<p>Former Consultant to Beazer. Environmental conditions, site investigation and/or remediation activities at the Port Newark Site.</p>
<p>NUS Corporation <i>(current address unknown)</i> Joann Wagner Gerald Hannay Jim Frost Paul Bauer</p>	<p>Consultant to USEPA. Environmental conditions, site investigation and/or remediation activities at the Port Newark Site.</p>
<p>Keystone Environmental Resources, Inc. <i>(company no longer in business)</i> Hank Owoc J.M. Flaherty Jim Lampe Dave King 5650 Mamont Rd. Murrysville, PA 15668</p>	<p>Former Consultant to Beazer; formerly a division of Beazer (mid- to late-1980s). Environmental conditions, site investigation and/or remediation activities at the Port Newark Site.</p>

In addition to the individuals identified above, others who may have relevant information regarding the Seaboard and Port Newark Sites include the United States Environmental Protection Agency (Region 2), the New Jersey Department of Environmental Protection, the United States Coast Guard, the Passaic Valley Sewerage Commission, and the entities identified in response “c.”

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

Third-party discovery had been stayed in this action until June 1, 2010 and no discovery regarding the Seaboard and Port Newark Sites has yet occurred. As information is developed through discovery, Beazer may identify additional individuals or may more specifically identify individuals likely to have discoverable information that Beazer may use to support its claims or defenses with respect to either the Seaboard or Port Newark Sites and reserves the right to update this list. Without further investigation, any of the individuals identified in response to “a.”, above, may possess information that Beazer may use to support its claims or defenses.

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

Seaboard Site

Upon information and belief, the only known past or present owners, operators, or lessees at the Seaboard Site are as follows:

Name/Address/Phone	Last Known Address	Known Dates at Site: Ownership/Operator/Lease
Beazer East, Inc. (f/k/a Koppers Co., Inc.) and/or predecessors	c/o Three Rivers Mgmt, Inc., One Oxford Centre, Suite 3000 Pittsburgh, PA 15219 (412) 208-8801	unknown to 3/1/1988 Owner
Hudson County Improvement Authority (“HCIA”)	574 Summit Ave. Jersey City, NJ 07306 (201) 795-4555	3/1/1988 to Present Owner
S.K. Services (East), L.C. (successor in interest to ECDC Environmental, L.C.)	(filed for bankruptcy; no longer in business)	2/1997 to approx. 1/2000 Lessee from HCIA
Endesco Clean Harbors, LLC	1700 Mount Prospect Rd. Des Plaines, IL 60018	3/1/2001 to 2/28/2002 Lessee from HCIA
Great Lakes Dredge and Dock Co.	2122 York Rd. Oak Brook, IL 60523	6/2004 to present Lessee from HCIA of approximately 20 acres of Site
Owens Corning	1 Owens Corning Pkwy Toledo, OH 43659	Unknown to Present Owner of Easement for pipeline across and dock upon Seaboard Site used for barge unloading and transmission of asphalt flux used at adjacent Owens Corning roofing and asphalt products plant at 1249 Newark Trpk, Kearny, NJ

Port Newark

Upon information and belief, the only known past or present owners, operators, or lessees at the Port Newark Site are as follows:

Name/Address/Phone	Last Known Address	Known Dates at Site: Ownership/Opertor/Lease
City of Newark	920 Broad St Newark, New Jersey	At least 1926 to present Owner
Weyerhaeuser Timber Co.	Tacoma, Washington	6/1/1926 to 1946 Lessee from City of Newark 1947 to 6/30/1976 Sublessee from Port Authority
Port Authority of New York and New Jersey		1947 to present Lessee from City of Newark
American Lumber & Treating Co.	Unknown	4/1/1940 to 6/1954 Sublessee from Weyerhaeuser
Beazer East, Inc. (t/k/a Koppers Co., Inc.)	c/o Three Rivers Mgmt, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219 (412) 208-8801	6/1954 to 5/1/1956 Assignee of Am. Lumber & Treating Co. Sublease 5/1/1956 to 12/29/1988 Sublessee from Port Authority
Central Railroad Co. of New Jersey	Jersey City Terminal Jersey City, New Jersey	8/25/1954 to 12/31/1956 Sublessee from Beazer
Pennsylvania Railroad Co.	Pennsylvania Station, New York, New York	12/15/1958 to 12/15/1960 Sublessee from Beazer
Koppers Inc. (f/k/a Koppers Industries, Inc.)	436 Seventh Ave. Pittsburgh, PA 15219	12/29/1988 to approx. 1991 Sublessee from Port Authority

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

As most of Beazer's operations at the Seaboard Site ceased in or about 1979 and its operations at the Port Newark Site ceased by December 29, 1988, many of the employees of Beazer identified in these Initial Disclosures are no longer employed by

Beazer. Beazer is, accordingly, without knowledge of any inability to testify due to age, infirmity, or incompetency with regard to individuals who are not currently employed by the company. With respect to any remaining individuals identified in these Initial Disclosures, Beazer is not currently aware of any information regarding any known inability to testify.

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

Beazer incorporates herein all reservations and objections set forth above.

Without waiver and subject to those reservations and objections, Beazer has identified the following categories of documents concerning environmental conditions, operational history, site investigation and remediation activities during Beazer's period of ownership and/or operations at the Seaboard and Port Newark Sites, which are in its possession, custody, or control:

Seaboard Site

Documents by Category	Applicable Exception(s)¹
Documents containing information relating to past operations at the Seaboard Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).
Administrative agency orders pertaining to environmental conditions at and/or the remediation of the Seaboard Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).
Documents containing information relating to real estate transactions involving the Seaboard Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).
Environmental reports, sampling data, and related documents pertaining to environmental conditions at and/or the remediation of the Seaboard Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).

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.

Environmental permits and related documents pertaining to the Seaboard Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).
Correspondence with governmental agencies, including Governmental Recipients (as defined) pertaining to environmental conditions at and/or the remediation of the Seaboard Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).
Correspondence with environmental consultants pertaining to environmental conditions at and/or the remediation of the Seaboard Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).
Other documents containing information pertaining to environmental conditions at and/or the remediation of the Seaboard Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).

Port Newark Site

Documents by Category	Applicable Exception(s)
Documents containing information relating to past operations at the Port Newark Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).
Administrative agency orders pertaining to environmental conditions at and/or the remediation of the Port Newark Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).
Documents containing information relating to real estate transactions involving the Port Newark Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).
Environmental reports, sampling data, and related documents pertaining to environmental conditions at and/or the remediation of the Port Newark Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).
Environmental permits and related documents pertaining to the Port Newark Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).
Correspondence with governmental agencies, including Governmental Recipients (as defined) pertaining to environmental conditions at and/or the remediation of the Port Newark Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).

Correspondence with environmental consultants pertaining to environmental conditions at and/or the remediation of the Port Newark Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).
Other documents containing information pertaining to environmental conditions at and/or the remediation of the Port Newark Site.	Some or all documents may consist of information that falls within Exception Codes (a), (b), and/or (g).

The above referenced documents, to the extent available in paper form, for the Seaboard and Port Newark Sites may be located at:

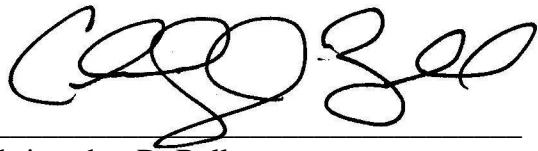
- (1) Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219;
- (2) Beazer off-site document repositories managed by Iron Mountain;
- (3) The offices of Manko Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004; or
- (4) Other outside counsel for Beazer East, Inc. who may have temporary custody of certain documents involved in discovery requests pending in other litigation.

To the extent that the above referenced documents are available in electronic form, for the Seaboard and Port Newark Sites, Beazer incorporates by reference herein its response to the Electronically Stored Information Questionnaire for a description of the location of such electronically stored documents and information.

Beazer's Initial Disclosures are made without prejudice to Beazer's 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: June 7, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. D. Ball", written over a horizontal line.

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Attorney for Third-Party Defendant,
Beazer East, Inc.