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 Attorney for Third-Party Defendant Berol Corporation

NEW JERSEY DEPARTMENT OF	:	SUPERIOR COURT OF NEW JERSEY
ENVIRONMENTAL PROTECTION and	:	LAW DIVISION: ESSEX COUNTY
THE ADMINISTRATOR OF THE NEW	:	
JERSEY SPILL COMPENSATION FUND,	:	DOCKET NO. L-9868-05
	:	
Plaintiffs	:	
v.	:	CIVIL ACTION
	:	
OCCIDENTAL CHEMICAL	:	CMO V SUPPLEMENT TO THIRD-
CORPORATION, TIERRA SOLUTIONS,	:	PARTY INITIAL DISCLOSURE BY
INC., MAXUS ENERGY CORPORATION,	:	BEROL 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, <i>et al.</i> ,	:	
	:	
Third-Party Defendants.	:	

Comes now Third-Party Defendant Berol Corporation (“Respondent” or “Berol”) and for this supplement to its Initial Disclosure, in accordance with Case Management Orders V and XII, provides the following specific information:

Reservations

Berol reasserts the reservations stated in its Initial Disclosure, filed with this Court on January 28, 2010.

Supplement to Initial Disclosure

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:

As Berol responded in its January 20, 2010, Initial Disclosure, Berol has denied liability arising out of any “Alleged Discharges.” Notwithstanding and without altering Berol’s Answer and Affirmative Defenses, Berol is supplementing its response to section (a) of its Initial Disclosure by providing additional information regarding Berol’s list of individuals who, upon information and belief, may have knowledge about the ownership, operations or environmental conditions of the “Faber-Castell Site,” as defined by Third-Party Plaintiffs in Paragraph 1264 of the Third-Party Complaint. To the extent Berol has been able to locate a last known address and telephone number for the individuals listed below, they have been provided. All employees of Berol Corporation, or its parent company Newell Rubbermaid Inc., who are listed below, should be contacted only through Berol Corporation’s attorneys of record for this matter (Docket No. L-9868-05). Berol cautions that it has gleaned these names from documents regarding the Faber-Castell Site and does not know whether each of these individuals is still alive. Moreover, Berol is surmising the subjects about which each individual may have discoverable information based on preliminary information currently available to Berol.

Berol supplements its Initial Disclosure as follows:

Name/Address/Phone	Subject
Robert Sonnabend 21733 Woodfield Trl Strongsville, OH 44149	General information about plant operations, including environmental issues
Mark G. Morris 42 Colman Dr Port Townsend, WA 98368	ISRA investigation and general information about plant operations, including environmental issues

Martin Leison 218 Aldene Rd Roselle, NJ 07203	ISRA investigation and remediation
James Bergman	General information about plant operations, including environmental issues
Kevin Herrighty and various other current or former employees of Killam Associates (now known as Hatch Mott MacDonald) Hatch Mott McDonald 27 Bleeker Street P.O. Box 1008 Milburn, NJ 07041 (973) 379-3400	ISRA investigation, remediation and related sampling; Underground storage tank removal and associated sampling
Various current or former employees of the Passaic Valley Sewage Commission 600 Wilson Avenue Newark, NJ 07105-4885 (973) 344-1800	Certain allegations in Paragraphs 1272 through 1273, 1275 through 1277 of the Third-Party Complaint
Current or former employees or contractors of the New Jersey Department of Environmental Protection 401 E. State Street Trenton, NJ 08625-0402	ISRA investigation, underground storage tank removal and historical regulatory permitting.
Current or former employees or contractors of the Environmental Protection Agency Region 2 290 Broadway New York, NY 10007-1866 Phone: (212) 637-3000 Fax: (212) 637-3526	Chemicals used on property and environmental compliance issues

In addition to the names provided above, Berol is in receipt of alleged “nexus” documents from Third-Party Plaintiffs. To the extent these documents are viewed by Third-Party Plaintiffs as potential evidence of an “Alleged Discharge” at the Faber-Castell Site into the Newark Bay Complex, Berol responds that any of the individuals named within the “nexus” documents may have discoverable information. Berol may identify additional individuals in the course of discovery and as its investigation continues.


Berol’s supplement to its Initial Disclosure is 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, or its right to introduce at trial additional evidence and documents as warranted by the development of the facts underlying this litigation.

Dated: July 27, 2010

Respectfully submitted,

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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

CERTIFICATION OF SERVICE

I, GERALD R. SALERNO, hereby certify as follows:

1. I am a member of the law firm of Aronsohn Weiner & Salerno, PC, attorneys for Third Party Defendant, Berol Corporation ("Berol"), in connection with the above-captioned matter.

2. On July 29, 2010, I caused Berol's CMO V Supplement to Third Party Initial Disclosure to be served electronically on all parties that have consented to service by posting on www.sfile.com/njdepvocc. The following counsel of record were served on that same date via regular mail.

Richard J. Dewland
Coffey & Associates
465 South Street
Morristown, NJ 07960

John P. McGovern
Assistant City Attorney
City of Orange Township
29 North Day St.
Orange, NJ 07050

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 29, 2010

Respectfully submitted,



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