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 Attorney for Third-Party Defendant Berol Corporation

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	:	DOCKET NO. L-9868-05
v.	:	
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>CMO V THIRD-PARTY INITIAL DISCLOSURE BY BEROL CORPORATION</b>
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 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**

**Berol responds that it has denied liability arising out of any “Alleged Discharges.” Notwithstanding and without altering Berol’s Answer and Affirmative Defenses, Berol is listing 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.**

<b>Name/Address/Phone</b>	<b>Subject</b>
<b>Robert Sonnabend</b>	<b>General information about plant operations, including environmental issues</b>
<b>Mark G. Morris</b>	<b>ISRA investigation and general information about plant operations, including environmental issues</b>
<b>Martin Leison</b>	<b>ISRA investigation and remediation</b>
<b>James Bergman</b>	<b>General information about plant operations, including environmental issues</b>

<p><b>Kevin Herrighty and various other current or former employees of Killam Associates (now known as Hatch Mott MacDonald)</b>  <b>Hatch Mott McDonald</b>  <b>27 Bleeker Street</b>  <b>P.O. Box 1008</b>  <b>Milburn, NJ 07041</b>  <b>(973) 379-3400</b></p>	<p><b>ISRA investigation, remediation and related sampling; Underground storage tank removal and associated sampling</b></p>
<p><b>Various current or former employees of the Passaic Valley Sewage Commission</b>  <b>600 Wilson Avenue</b>  <b>Newark, NJ 07105-4885</b>  <b>(973) 344-1800</b></p>	<p><b>Certain allegations in Paragraphs 1272 through 1273, 1275 through 1277 of the Third-Party Complaint</b></p>
<p><b>Current or former employees or contractors of the New Jersey Department of Environmental Protection</b>  <b>401 E. State Street</b>  <b>Trenton, NJ 08625-0402</b></p>	<p><b>ISRA investigation, underground storage tank removal and historical regulatory permitting.</b></p>
<p><b>Current or former employees or contractors of the Environmental Protection Agency Region 2</b>  <b>Ariel Rios Building</b>  <b>1200 Pennsylvania Avenue, N.W.</b>  <b>Washington, DC 20460</b>  <b>(202) 272-0167</b></p>	<p><b>Chemicals used on property and environmental compliance issues</b></p>

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.

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**

**Initial disclosure (b) is premature. Berol Corporation’s investigation continues into individuals that may be responsive to initial disclosure (b).**

Notwithstanding the reservation above, individuals likely to have discoverable information that Berol may use to support its claims or defenses may include one or more of the individuals listed in (a). In addition, Berol responds that many employees worked at the Faber-Castell Site over the years. Based on the breadth and ambiguity of Third-Party Plaintiffs' claims, Berol is unable to identify every individual with relevant knowledge of this matter without more specific information from Third-Party Plaintiffs regarding the nature and basis of their claims.

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**

The Third-Party Complaint defines the "Faber-Castell Site" as Lots 1, 15, and 21 of Block 2843 on the tax records of Newark, Essex County New Jersey. Berol is providing the following description of past and present owners, lessees or operators of the Faber-Castell Site, upon information and belief, based on information Berol has obtained at this stage of its investigation.

#### **Lot 1, Block 2843:**

Bambergers may have operated a business on Lot 1 from about 1930 through about 1965. Lot 1 was formerly owned by Lux Estates Corporation, which transferred ownership to Faber-Castell Corporation (formerly known as A.W. Faber-Castell Pencil Company, Inc., and also formerly known as A.W. Faber, Inc.) by deed dated and recorded on November 30, 1965. Faber-Castell Corporation owned Lot 1, Block 2843 starting on November 30, 1965 through 1997. During some or all of the period of time Faber-Castell Corporation owned Lot 1, it also operated a business thereon. Faber-Castell Corporation sold Lot 1 to Eduardo Esposito and Nuncio Esposito, who had an address at 201-203 Sussex Street, Newark, NJ 07102, through a Purchase and Sale Agreement dated February 1997, and by deed recorded on March 17, 1997.

#### **Lot 15, Block 2843:**

Pics Manufacturing may have operated a business on Lot 15 from about 1926 through about 1968. Lot 15 was formerly owned by Philips Electronic and Pharmaceutical Industries Corp., which transferred ownership to Faber-Castell Corporation (formerly known as A.W. Faber-Castell Pencil Company, Inc., and also formerly known as A.W. Faber, Inc.) by deed dated November 1, 1968 and recorded on November 4, 1968. Faber Castell Corporation owned Lot 15 from November 1968 through 1997. During some of the period of time Faber-Castell Corporation owned Lot 15, it also operated a business thereon. Faber-Castell Corporation sold

**Lot 15 to Eduardo Esposito and Nuncio Esposito, who had an address at 201-203 Sussex Street, Newark, NJ 07102, through a Purchase and Sale Agreement dated February 1997, and by deed recorded on March 17, 1997.**

**Lot 21, Block 2843:**

**The following reflects Berol's current understanding of the chain of title for Lot 21 from May 20, 1850 through August 11, 2008.**

- **William Wright by deed from Francis P. Sanford, Recorded May 20, 1850**
- **William Wright by deed from Aaron Ward, Recorded July 24, 1850**
- **Edward H. Wright, et. Al, by deed from Edward H. Wright and Joseph P. Bradley, Extrs under the last will and testament of William Wright, Deceased, Recorded December 13, 1890**
- **Catharine Maria Gevers by deed from Edward H. Wright, Et Ux, Recorded December 13, 1890**
- **Catharine Maria Gevers by deed from Edward H. Wright, Ed Ux, Recorded March 16, 1900**
- **Ottolie Von Faber by deed from Catharine M. Gevers and Frederick Frelinghuysen, as trustee of Catharine Maria Gevers, Recorded March 16, 1900**
- **Edward H. Wright by deed from Catharine M. Gevers and Frederick Frelinghuysen, as trustee of Catharine Maria Gevers, Recorded March 19, 1900**
- **Ottolie Countess Von Faber-Castell by deed from Sophie Freyin Von Faber and Hedwig Frejin Von Faber, Heir of Ottolie Baroness Von Faber, Deceased, Recorded July 9, 1903**
- **Ottolie Von Faber-Castell by Deed from Frederick Frelinghuysen Trustee, Recorded April 1, 1904**
- **Robert J. Metzler by deed from Francis P. Gravan, Alien Property Custodian, Recorded July 9, 1919**
- **A.W. Faber, Inc., by deed from Robert Metzler and Gertrude R. Metzler, his wife, Recorded July 21, 1919. During some or all of the period of time Faber-Castell Corporation owned Lot 21, it also operated a business thereon.**

- **Dickerson Development, L.L.C., A New Jersey Limited Liability Company, located at 201-203 Sussex Street, Newark, NJ 07102, by deed from Faber-Castell corporation, formerly known as A.W. Faber-Castell Pencil Company, Inc., and also formerly known as A.W. Faber, Inc., recorded March 17, 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**

**Berol responds that it is currently unaware of any individuals 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**

**Berol responds that, upon information and belief, it has no documents within its possession, custody or control that relate to "Alleged Discharges" from Respondent's site to the Newark Bay Complex. Berol has within its possession, custody, or control the following categories of documents, which relate to the ownership, operational history or environmental conditions at the Faber-Castell site. Berol reserves its rights to supplement this list, including to supplement its identification of applicable exceptions.**

<b>Documents by Category</b>	<b>Location</b>	<b>Applicable Exception<sup>1</sup></b>
<b>Documents pertaining to environmental assessment, sampling, investigation and remediation.</b>	<b>2707 Butterfield Rd. - Suite 100 Oak Brook, IL 60523</b>	<b>a, b, g</b>
<b>Diagrams and Maps</b>	<b>2707 Butterfield Rd. - Suite 100 Oak Brook, IL 60523</b>	<b>a, b</b>
<b>Documents pertaining to the conveyance of property</b>	<b>2707 Butterfield Rd. - Suite 100 Oak Brook, IL 60523</b>	
<b>Permit Applications and Approvals</b>	<b>2707 Butterfield Rd. - Suite 100 Oak Brook, IL 60523</b>	<b>a, b</b>

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

<sup>1</sup> 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.

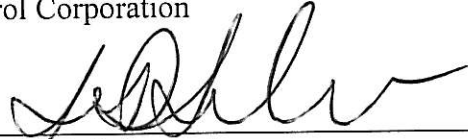


respect to any subsequent requests for discovery, and their right to introduce at trial additional evidence and documents as warranted by the development of the facts underlying this litigation.

Dated: January 28, 2010

Respectfully submitted,

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Berol Corporation



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**Attorneys for Third-Party Defendant Berol Corporation**

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,  
A.C.C., INC.,  
ACH FOOD COMPANIES, INC.,  
ACTIVE OIL SERVICE,  
ADCO CHEMICAL COMPANY,  
AGC CHEMICALS AMERICAS, INC.,  
ALDEN-LEEDS, INC.,  
ALLIANCE CHEMICAL, INC.,  
ALUMAX MILL PRODUCTS, INC.,  
AMCOL REALTY CO.,  
AMERICAN INKS AND COATINGS CORPORATION,

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY

DOCKET NO. L-9868-05 (PASR)

CIVIL ACTION

**CERTIFICATION OF SERVICE**

APEXICAL, INC.,  
APOLAN INTERNATIONAL, INC.,  
ARKEMA, INC.,  
ASHLAND INC.,  
ASHLAND INTERNATIONAL HOLDINGS, INC.,  
ASSOCIATED AUTO BODY & TRUCKS, INC.,  
ATLAS REFINERY, INC.,  
AUTOMATIC ELECTRO-PLATING CORP.,  
AKZO NOBEL COATINGS, INC.,  
BASF CATALYSTS LLC,  
BASF CONSTRUCTION CHEMICALS INC.,  
BASF CORPORATION,  
BAYER CORPORATION,  
BEAZER EAST, INC.,  
BELLEVILLE INDUSTRIAL CENTER,  
BENJAMIN MOORE & COMPANY,  
BEROL CORPORATION,  
B-LINE TRUCKING, INC.,  
BORDEN & REMINGTON CORP.,  
C.S. OSBORNE & CO.,  
CAMPBELL FOUNDRY COMPANY,  
CASCHEM, INC.,  
CBS CORPORATION,  
CELANESE LTD.,  
CHEMICAL COMPOUNDS INC.,  
CHEMTURA CORPORATION,  
CLEAN EARTH OF NORTH JERSEY, INC.,  
COSMOPOLITAN GRAPHICS CORPORATION,  
CIBA CORPORATION,  
COLTEC INDUSTRIES INC.,  
COLUMBIA TERMINALS, INC.,  
COMO TEXTILE PRINTS, INC.,  
CONAGRA PANAMA, INC.;  
CONOPCO, INC.,  
CONSOLIDATED RAIL CORPORATION,  
COOK & DUNN PAINT CORPORATION,  
COSAN CHEMICAL CORPORATION,  
COVANTA ESSEX COMPANY,  
CRODA, INC.,  
CRUCIBLE MATERIALS CORPORATION,  
CURTISS-WRIGHT CORPORATION,  
CWC INDUSTRIES, INC.,  
DARLING INTERNATIONAL, INC.,  
DAVANNE REALTY CO.,

DELEET MERCHANDISING CORPORATION,  
DELVAL INK AND COLOR,  
INCORPORATED,DILORENZO PROPERTIES  
COMPANY, L.P.,  
E.I. DU PONT DE NEMOURS AND COMPANY,  
EASTMAN KODAK COMPANY,  
EDEN WOOD CORPORATION,  
ELAN CHEMICAL COMPANY, INC.,  
EM SERGEANT PULP & CHEMICAL CO.,  
EMERALD HILTON DAVIS, LLC,  
ESSEX CHEMICAL CORPORATION,  
EXXON MOBIL  
F.E.R. PLATING, INC.,  
FINE ORGANICS CORPORATION,  
FISKE BROTHERS REFINING COMPANY,  
FLEXON INDUSTRIES CORPORATION,  
FLINT GROUP INCORPORATED,  
FORT JAMES CORPORATION,  
FOUNDRY STREET CORPORATION,  
FRANKLIN-BURLINGTON PLASTICS, INC.,  
GARFIELD MOLDING COMPANY, INC.,  
GENERAL CABLE INDUSTRIES, INC.;  
GENERAL DYNAMICS CORPORATION,  
GENERAL ELECTRIC COMPANY,  
GENTEK HOLDING LLC,  
GIVAUDAN FRAGRANCES CORPORATION,  
G. J. CHEMICAL CO.,  
GOODY PRODUCTS, INC.,  
GORDON TERMINAL SERVICE CO. OF N.J., INC.,  
HARRISON SUPPLY COMPANY,  
HARTZ MOUNTAIN CORPORATION,  
HAVENICK ASSOCIATES L.P.,  
HEXCEL CORPORATION,  
HEXION SPECIALTY CHEMICALS, INC.,  
HOFFMANN-LA ROCHE INC.,  
HONEYWELL INTERNATIONAL INC.,  
HOUGHTON INTERNATIONAL INC.,  
HUDSON TOOL & DIE COMPANY, INC,  
HY-GRADE ELECTROPLATING CO.,  
ICI AMERICAS INC.,  
INNOSPEC ACTIVE CHEMICALS LLC,  
INX INTERNATIONAL INK CO.,  
ISP CHEMICALS INC.,  
ITT CORPORATION,

KEARNY SMELTING & REFINING CORP.,  
KAO BRANDS COMPANY,  
KOEHLER-BRIGITT STAR, INC.,  
LINDE, INC.,  
LUCENT TECHNOLOGIES, INC.,  
MACE ADHESIVES & COATINGS COMPANY, INC.,  
MALLINCKRODT INC.,  
MERCK & CO., INC.,  
METAL MANAGEMENT NORTHEAST, INC.,  
MI HOLDINGS, INC.,  
MILLER ENVIRONMENTAL GROUP, INC.,  
MORTON INTERNATIONAL, INC.,  
N L INDUSTRIES, INC.,  
NAPPWOOD LAND CORPORATION,  
NATIONAL FUEL OIL, INC.,  
NATIONAL-STANDARD, LLC,  
NELL-JOY INDUSTRIES, INC.,  
NESTLE U.S.A., INC.,  
NEW JERSEY TRANSIT CORPORATION,  
NEWS AMERICA, INC.,  
NEWS PUBLISHING AUSTRALIA LIMITED,  
NORPAK CORPORATION,  
NOVELIS CORPORATION,  
ORANGE AND ROCKLAND UTILITIES, INC.,  
OTIS ELEVATOR COMPANY,  
PRC-DESOTO INTERNATIONAL, INC.,  
PASSAIC PIONEERS PROPERTIES COMPANY,  
PFIZER INC.,  
PHARMACIA CORPORATION,  
PHELPS DODGE INDUSTRIES, INC.,  
PHILBRO, INC.,  
PITT-CONSOL CHEMICAL COMPANY,  
PIVOTAL UTILITY HOLDINGS, INC.,  
PPG INDUSTRIES, INC.,  
PRC-DESOTO INTERNATIONAL, INC.,  
PRAXAIR, INC.,  
PRECISION MANUFACTURING GROUP, LLC,  
PRENTISS INCORPORATED,  
PROCTER & GAMBLE MANUFACTURING COMPANY,  
PRYSMIAN COMMUNICATIONS CABLES AND  
SYSTEMS USA LLC,  
PSEG FOSSIL LLC,  
PUBLIC SERVICE ELECTRIC AND GAS COMPANY,  
PURDUE PHARMA TECHNOLOGIES, INC.,

QUALA SYSTEMS, INC.,  
QUALITY CARRIERS, INC.,  
RECKITT BENCKISER, INC.,  
REICHHOLD, INC.,  
REVERE SMELTING & REFINING CORPORATION,  
REXAM BEVERAGE CAN COMPANY,  
ROMAN ASPHALT CORPORATION,  
ROYCE ASSOCIATES, A LIMITED PARTNERSHIP,  
R.T. VANDERBILT COMPANY, INC.,  
RUTHERFORD CHEMICALS LLC,  
S&A REALTY ASSOCIATES, INC.,  
SCHERING CORPORATION,  
SEQUA CORPORATION,  
SETON COMPANY,  
SIEMENS WATER TECHNOLOGIES CORP.  
SINGER SEWING COMPANY  
SPECTRASERV, INC.,  
STWB, INC.,  
SUN CHEMICAL CORPORATION,  
SVP WORLDWIDE, LLC,  
TATE & LYLE INGREDIENTS AMERICAS, INC.,  
TEVA PHARMACEUTICALS USA, INC.,  
TEVAL CORP.,  
TEXTRON INC.,  
THE DIAL CORPORATION,  
THE DUNDEE WATER POWER AND LAND COMPANY,  
THE NEWARK GROUP, INC.,  
THE OKONITE COMPANY, INC.,  
THE SHERWIN-WILLIAMS COMPANY,  
THE STANLEY WORKS,  
THE VALSPAR CORPRATION,  
THIRTY-THREE QUEEN REALTY INC.,  
THREE COUNTY VOLKSWAGEN CORPORATION,  
TIDEWATER BALING CORP.,  
TIFFANY & CO.,  
TIMCO, INC.,  
TRIMAX BUILDING PRODUCTS, INC.,  
TROY CHEMICAL CORPORATION, INC.,  
UNIVERSAL OIL PRODUCTS COMPANY,  
V. OTTILIO & SONS, INC.,  
VELSICOL CHEMICAL CORPORATION,  
VEOLIA ES TECHNICAL SOLUTIONS, L.L.C.,  
VERTELLUS SPECIALTIES INC.,  
VITUSA CORP.,

VULCAN MATERIALS COMPANY,  
W.A.S. TERMINALS CORPORATION,  
W.A.S. TERMINALS, INC.,  
W.C. INDUSTRIES,  
WHITTAKER CORPORATION,  
WIGGINS PLASTICS, INC.,  
ZENECA INC.,

Third-Party Defendants.

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

1. I am a partner in 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 January 28, 2010, I caused one copy of Berol's CMO V Third-Party Initial Disclosures and Certificate of Service in the above-captioned matter to be served via electronic service and upon the following as stated:

ALL PARTIES ON ATTACHED SERVICE LIST – Via Regular Service

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.



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