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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,	:	DOCKET NO. L-9868-05 (PASR)
	:	
v.	:	CIVIL ACTION
	:	
OCCIDENTAL CHEMICAL CORPORATION, TIERRA SOLUTIONS, INC., MAXUS ENERGY CORPORATION, REPSOL YPF, S.A., YPF, S.A., YPF HOLDINGS, INC. and CLH HOLDINGS, INC.,	:	THIRD-PARTY DEFENDANT CIBA CORPORATION'S INITIAL DISCLOSURE
	:	
Defendants.	:	
	:	
MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.,	:	
	:	
Third-Party Plaintiffs,	:	
	:	
v.	:	
	:	
3M COMPANY, <i>et al.</i> ,	:	
	:	
Third-Party Defendants.	:	

In accordance with Case Management Order V, Third-Party Defendant Ciba Corporation ("Ciba") provides the following Initial Disclosures:

Reservations

1. Ciba 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 Ciba may have with respect to any outstanding or subsequent requests for discovery.

2. Ciba'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, Ciba reserves the right to amend these disclosures to the extent the claims brought by or alleged against Ciba 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. Ciba 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

39 Avenue C, Bayonne, New Jersey

Ciba object to this initial disclosure request to the extent it assumes or concludes that there have been Alleged Discharges of Pollutants into the Newark Bay Complex (as those terms are defined above) from 39 Avenue C, Bayonne, New Jersey (“39 Avenue C”) and/or that it has any liability, responsibility, and/or obligation with respect to any Alleged Discharges of Pollutants from 39 Avenue C.

Ciba has not identified any individuals likely to have discoverable information relating to any alleged discharge or release of pollutants, contaminants and/or hazardous substances into the Newark Bay Complex from 39 Avenue C. Ciba reserves the right to supplement, clarify, and revise these disclosures to the extent additional relevant, non-privileged information subject to disclosure becomes available or is obtained through discovery.

Central Steel Drum

Ciba object to this initial disclosure request to the extent it assumes or concludes that there have been Alleged Discharges of Pollutants into the Newark Bay Complex (as those terms are defined above) from the Central Steel Drum Site and/or that it has any liability, responsibility and/or obligation with respect to any Alleged Discharges of Pollutants from the Central Steel Drum site. However, without waiver and subject to the above reservations, Ciba responds that following person(s) are likely to have discoverable information regarding the identified subjects:

Name	Subject
Paul Pringle	Contents of drums sent from Ciba’s Newport, Delaware plant to Central Steel Drum.

The above individual may only be contacted through Bressler, Amery & Ross, P.C. Ciba reserves the right to supplement, clarify, and revise these disclosures to the extent additional relevant non-privileged information subject to disclosure becomes available or is obtained through discovery.

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

See Response to Initial Disclosure Request (a).

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

39 Avenue C, Bayonne, New Jersey

Predecessors of Ciba previously owned 39 Avenue C from approximately 1934 until the mid-1960's. Upon information and belief, the current owner of 39 Avenue C is Richie-Dale, LLP. Ciba has no information on other current or historical owners and/or operators of 39 Avenue C. Ciba reserves the right to supplement, clarify, and revise these disclosures to the extent additional relevant, non-privileged information subject to disclosure becomes available or is obtained through discovery.

Central Steel Drum

Ciba has no information on past or present owners, lessees or operators of the Central Steel Drum site. Ciba reserves the right to supplement, clarify, and revise these disclosures to the extent additional relevant non-privileged information subject to disclosure becomes available or is obtained through discovery.

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

Ciba has no information or knowledge regarding "any known inability to testify, due to age, infirmity, or incompetency within 12 months following the date of the Initial Disclosure" as to those individuals identified in its response to Initial Disclosure Request (a). Ciba reserves the right to supplement, clarify, and revise these disclosures to the extent additional relevant, non-privileged information subject to disclosure becomes available or is obtained through discovery.

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

39 Avenue C, Bayonne, New Jersey

Ciba has in its possession the following categories of documents:

Documents by Category	Location	Excepted Information¹
Documents containing information related to the ownership of property at 39 Avenue C, Bayonne, New Jersey by Ciba's predecessors.*	Bressler, Amery & Ross, P.C. 325 Columbia Turnpike, Florham Park, New Jersey, 07932	One or more of the Exception Codes listed in Footnote 1 below may apply to some or all of the documents marked with an asterisk.

¹ Applicable Exception Codes are as follows:

- a. 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 Case Management Order V , ("Information");;
- 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.

Ciba reserves the right to supplement, clarify, and revise these disclosures to the extent additional relevant, non-privileged information subject to disclosure becomes available or is obtained through discovery.

Central Steel Drum

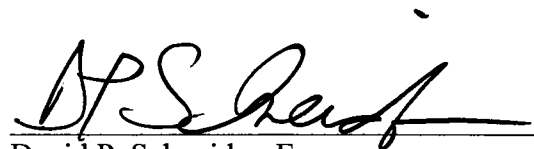
Ciba has no documents or electronically stored information in its possession, custody or control, with respect to Alleged Discharges from Central Steel Drum. Ciba has in its possession the following categories of documents:

Documents by Category	Location	Excepted Information
Documents containing information related to transactions between Ciba's Toms River, New Jersey facility and Central Steel Drum.*	Bressler, Amery & Ross, P.C. 325 Columbia Turnpike, Florham Park, New Jersey, 07932	One or more of the Exception Codes listed in Footnote 1 below may apply to some or all of the documents marked with an asterisk.
Documents containing information related to transactions between Ciba's Newport, Delaware facility and Central Steel Drum.*	Bressler, Amery & Ross, P.C. 325 Columbia Turnpike, Florham Park, New Jersey, 07932	One or more of the Exception Codes listed in Footnote 1 below may apply to some or all of the documents marked with an asterisk.

Ciba reserves the right to supplement, clarify, and revise these disclosures to the extent additional relevant, non-privileged information subject to disclosure becomes available or is obtained through discovery.

Ciba'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: January 22, 2010



 David P. Schneider, Esq.

CERTIFICATE OF SERVICE

I, David P. Schneider, hereby certify that Ciba Corporation's Initial Disclosure was served electronically on January 22, 2010 on all parties which have consented to service by posting on www.sfile.com/njdepvocc. The following counsel of record were served on January 22, 2010 via first class, regular mail:

I hereby 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 may be subject to punishment.

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

David P. Schneider

Dated: January 22, 2010