

SEDITA, CAMPISANO & CAMPISANO, LLC

Edgewater Commons Two

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Attorneys for Third-Party Defendant Fiske Brothers Refining Co.

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	:	INITIAL DISCLOSURE OF FISKE
CORPORATION, TIERRA SOLUTIONS,	:	BROTHERS REFINING CO.
INC., MAXUS ENERGY CORPORATION,	:	PURSUANT TO CMO VIII
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.	:	

Third-Party Defendant Fiske Brothers Refining Co. ("Fiske"), in accordance with the applicable provisions of Case Management Order V ("CMO V") and CMO VIII hereby makes initial disclosures subject to the following Reservations:

Reservations

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

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

Name/Address/Phone	Subject
Robert Reh, Executive Vice President c/o Sedita Campisano & Campisano LLC 81 Two Bridges Road, Suite 211 Fairfield, NJ 07004 973-787-0299	Current site conditions and activities
Robert Sibilia, Former Chief Chemist, Plant Manager & Vice President c/o Sedita Campisano & Campisano LLC 81 Two Bridges Road, Suite 211 Fairfield, NJ 07004	Historic site conditions and activities

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:

Name	Address	Phone #
Robert Reh, Executive Vice President	c/o Sedita Campisano & Campisano LLC 81 Two Bridges Road, Suite 211 Fairfield, NJ 07004	973-787-0299
Robert Sibilia, Former Chief Chemist, Plant Manager & Vice President	c/o Sedita Campisano & Campisano LLC 81 Two Bridges Road, Suite 211 Fairfield, NJ 07004	973-787-0299
Julian Antebi	Phoenix Environmental Management, Inc. 3525 Quakerbridge Road Suite 907 Hamilton, NJ 08619	609-584-9001

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: N/A. Fiske has owned property for over 100 years.

Name/Address/Phone	Site Address	Dates at Site: Ownership/Opertor/Lease

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:

Name/Address/Phone	Nature of Inability
Robert Sibilia, Former Chief Chemist, Plant Manager & Vice President c/o Sedita Campisano & Campisano LLC 81 Two Bridges Road, Suite 211 Fairfield, NJ 07004 973-787-0299	83 years old; On Dialysis for the past 1 ½ years

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:

- 1) We know of no discharges.
- 2) We know of no electronically stored information held by Fiske Brothers Refining Company relevant to any discharge.
- 3) As to the general documents maintained:

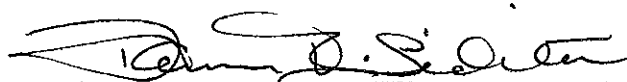
Documents by Category	Location
Nexus Package	Sedita, Campisano & Campisano LLC 81 Two Bridges Road. Suite 211 Fairfield, NJ 07004
Environmental Reports pertaining to the Site	Phoenix Environmental 3525 Quakerbridge Road Suite 907 Hamilton, NJ 08619
Counsel's Legal Files	Sedita Campisano & Campisano LLC 81 Two Bridges Road Suite 211 Fairfield, NJ 07004
Business Operation	Fiske Brothers Refining Co. 129 Lockwood Street Newark, NJ 07105

Fiske's Initial Disclosures are made without prejudice to their right to change or supplement their responses, their right to assert privileges or objections with 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: March 2nd, 2010

Respectfully submitted,

SEEDITA, CAMPISANO & CAMPISANO, LLC
Attorneys for Third-Party Defendant
Fiske Brothers Refining Co.



By: Damon R. Sedita, Esq.