

DAY PITNEY LLP

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ATTORNEYS FOR THIRD-PARTY DEFENDANT,
GIVAUDAN FRAGRANCES CORPORATION

NEW JERSEY DEPARTMENT OF	:	SUPERIOR COURT OF NEW
ENVIRONMENTAL PROTECTION AND	:	JERSEY
THE ADMINISTRATOR OF THE NEW	:	LAW DIVISION: ESSEX COUNTY
JERSEY SPILL COMPENSATION FUND,	:	
	:	DOCKET NO. L-9868-05
	:	
PLAINTIFFS	:	
	:	
V.	:	CIVIL ACTION
	:	
OCCIDENTAL CHEMICAL	:	
CORPORATION, TIERRA SOLUTIONS,	:	CMO V THIRD-PARTY INITIAL
INC., MAXUS ENERGY CORPORATION,	:	DISCLOSURE BY GIVAUDAN
REPSOL YPF, S.A., YPF, S.A., YPF	:	FRAGRANCES CORPORATION
HOLDINGS, INC. AND CLH HOLDINGS,	:	
INC.,	:	
	:	
DEFENDANTS.	:	
	:	
	:	
MAXUS ENERGY CORPORATION AND TIERRA	:	
SOLUTIONS,	:	
INC.,	:	
	:	
THIRD-PARTY PLAINTIFFS,	:	
	:	
	:	
VS.	:	
	:	
	:	
3M COMPANY, ET AL.,	:	
	:	
	:	
THIRD-PARTY DEFENDANTS.	:	

Third-Party Defendant Givaudan Fragrances Corporation, ("Respondent" or "Givaudan") by 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 Plaintiffs 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

Defendants/Third-Party Plaintiffs allege that the discharge and/or release of Pollutants at Givaudan's former manufacturing facility located on Delawanna Avenue, Clifton, NJ (the "Clifton facility") migrated from the former Clifton facility and impacted the Newark Bay Complex. Givaudan denies that any Pollutants from the former Clifton facility migrated off-site and/or impacted the Newark Bay Complex. As such, Givaudan does not have first hand knowledge of any individual with discoverable information that relates to any alleged discharge or release of Pollutants into the Newark Bay Complex.

Givaudan is, however, in receipt of its alleged "nexus" documents from defendants/third-party plaintiffs that purport to contain evidence of a potential release to the Third River. To the extent the alleged "nexus" documents are viewed by defendants/third-party plaintiffs as potential evidence of an indirect release from the former Clifton facility to the Third River, Givaudan submits that any individuals identified in the alleged "nexus" documents may possess information that could be responsive to this disclosure.

Givaudan reserves its right to supplement and/or amend this disclosure should additional information become available.

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 Number
Dave B. Johnson	25 Waldron Avenue Summit, NJ 07901	
Len Levy	16 Woodbine Trail Parsippany, NJ 07054	
Andy Soos	6 Angus Lane Warren, NJ 07059	
Gene Thomas	3534 Skyline Drive Bethlehem, PA 18020	
John Vernieri	717 Ridgedale Avenue East Hanover, NJ	973-386-9800
Joe Virgilio	14 Evelyn Terrace Wayne, NJ 07470	
Richard Wroblewski	300 Waterloo Valley Road, Mt. Olive, NJ 07828	973-448-6339

Name	Address	Phone Number
<p>NJDEP representatives (current and former), including contractors, that were involved in the investigation and/or remediation of the former Clifton facility</p> <p>EPA representatives (current and former), including contractors, that were involved in the investigation of the former Clifton facility</p> <p>Employees of NUS Corporation (n/k/a) Tetrattech NUS, Inc.</p>		

Givaudan reserves its right to supplement and/or amend this disclosure should additional information become available.

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

Name/Address/Phone	Site Address	Dates at Site: Ownership/Operator/Lease
Antoine Chiris	125 Delawanna Avenue, Clifton, NJ (Block 73-3: Lots 2.01, 102 and 104)	1913-1924 (owner)

Name/Address/Phone	Site Address	Dates at Site: Ownership/Operator/Lease
Burton T. Bush, Inc. (changed its name to The Givaudan Corporation on February 28, 1924)	125 Delawanna Avenue, Clifton, NJ(Block 73-3: Lots 2.01, 102 and 104)	1924-1965 (owner)
Givaudan Corporation (f/k/a The Givaudan Corporation)	125 Delawanna Avenue, Clifton, NJ(Block 73-3: Lots 2.01, 102 and 104)	1965-1991 (owner)
Givaudan-Roure Corporation (surviving corporation from merger between Givaudan Corporation and Roure, Inc.)	125 Delawanna Avenue, Clifton, NJ(Block 73-3: Lots 2.01, 102 and 104)	1991-1997 (owner)
Givaudan Roure Corporation (f/k/a Givaudan-Roure Corporation)	125 Delawanna Avenue, Clifton, NJ(Block 73-3: Lots 2.01, 102 and 104)	1997-1998 (owner)
Givaudan Roure Fragrances Corporation	125 Delawanna Avenue, Clifton, NJ(Block 73-3: Lots 2.01, 102 and 104)	1998-2000 (owner)
Givaudan Fragrances Corporation	125 Delawanna Avenue, Clifton, NJ(Block 73-3: Lots 2.01, 102 and 104)	2000-2001 (owner)

Name/Address/Phone	Site Address	Dates at Site: Ownership/Operator/Lease
Morris Clifton Associates, LLC & Trenton Road Corporation	125 Delawanna Avenue, Clifton, NJ(Block 73.03: Lots 2.01)	2001-2002 (owner)
Morris Clifton Associates II, LLC	125 Delawanna Avenue, Clifton, NJ(Block 73.03: Lots 2.03)	2002-present (owner)
Morris Clifton Associates, LLC	261 River Road, Clifton, NJ (Block 73.03: Lots 2.01)	2002-2004 (owner)
Morris Clifton Associates III, LLC	261 River Road, Clifton, NJ (Block 73.03: Lots 2.01)	2004-present (owner)
Morris Clifton Associates, LLC	201 Delawanna Avenue, Clifton, NJ (Block 73.03: Lot 2.04)	? - present (owner)
Givaudan Fragrances Corporation	275 River Road, Clifton, NJ (Block 73-03: Lot 2.02)	Givaudan maintains ownership of this approximately one (1) acre parcel (1999-present)

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 incompetence within 12 months following the date of the Initial Disclosure;

Response

Givaudan is presently unaware of any individual identified in paragraphs (a), (b) or (c) above (or any other individual) who may have material information/knowledge responsive to this request that may be unable to testify due to age, infirmity, or incompetence. Givaudan reserves its right to supplement and/or amend this disclosure should additional information become available.

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

See response to (a) above, which sets forth Givaudan's position with respect to Alleged Discharges from the former Clifton facility. Givaudan additionally provides the following list of categories of documents that it may use in support of its claims and/or defenses in this matter.

Documents by Category	Location	Applicable Exception ¹
Operational Documents from Givaudan's former Clifton, NJ facility.	Day Pitney LLP 200 Campus Drive Florham Park, NJ Documents may also be found at the offices of Givaudan located at: 717 Ridgedale Avenue, East Hanover, NJ 07936 and/or	See 1b & g. below.

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.

Documents by Category	Location	Applicable Exception ¹
<p>Documentation pertaining to the environmental investigation and remediation at Givaudan's former Clifton, NJ facility.</p>	<p>International Trade Center 300 Waterloo Valley Road, Mt. Olive, NJ 07828</p> <p>Documents may also be found at off-site archives.</p> <p>Day Pitney LLP 200 Campus Drive Florham Park, NJ</p> <p>and/or</p> <p>Documents may also be found at the offices of Givaudan's various environmental consultants and contractors; and at Givaudan's New Jersey offices.</p>	<p>See 1b & g. below.</p>

Givaudan reserves its right to supplement and/or amend this disclosure should additional information become available.

Givaudan'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 5, 2010

RESPECTFULLY SUBMITTED,

DAY PITNEY LLP
Attorney for Third-Party Defendant
GIVAUDAN FRAGRANCES CORPORATION



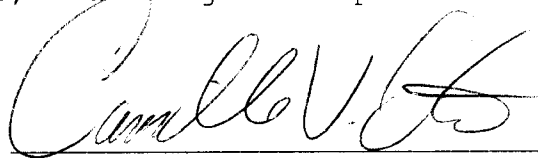
WILLIAM S. HATFIELD, ESQ.

CERTIFICATION OF SERVICE

I, CAMILLE V. OTERO, an attorney at law of the State of New Jersey, do hereby state upon my oath that I served the Initial Disclosures of Givaudan Fragrances Corporation electronically via posting on Sfile upon all parties which have consented to service by posting, and upon the attached list of counsel of record by depositing the same with the United States Postal Service.

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 willingly false, I am subject to punishment.

Dated: January 5, 2010



Camille V. Otero
Attorney for Third-Party Defendant
Givaudan Fragrances Corporation

Third-Party Defendants for Regular Service as of January 5, 2010

NAMED THIRD-PARTY DEFENDANT	THIRD-PARTY COMPLAINT	NOTICE OF APPEARANCE: COUNSEL OF RECORD
City of Clifton	A	Thomas M. Egan, Esq. Assistant Municipal Attorney City of Clifton Law Department 900 Clifton Avenue Clifton, NJ 07013 973.470.5817 973.470.5254 - fax tegan@cliftonnj.org
City of Orange	A	John P. McGovern Assistant City Attorney City of Orange Township 29 North Day St. Orange, NJ 07050 973.266.4197 973.674.2021 - fax jmcgovern@ci.orange.nj.us
Clean Earth of North Jersey, Inc.	B	Eric S. Aronson Greenberg Traurig, LLP 200 Park Avenue Florham Park, NJ 07932 973.360.7900 973.301.8410 - fax aronsone@gtlaw.com
Passaic Pioneers Properties Company	B	John A. Daniels Daniels & Daniels LLC 6812 Park Ave. Guttenberg, NJ 07093 202.868.1868 201.868.2122 - fax jad1903@gmail.com
Roman Asphalt Corporation	B	Michael V. Calabro Law Offices of Michael V. Calabro 466 Bloomfield Ave., Suite 200 Newark, NJ 07107 973.482.1085 973.482.7930 - fax michaelvcalabro@verizon.net
Township of Irvington	A	Gustavo Garcia Municipal Attorney Township of Irvington Irvington Municipal Building Civic Square Irvington, NJ 07111 973.399.6637 973.399.6723 - fax