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Attorneys for Third-Party Defendant INX International Ink Co.

NEW JERSEY DEPARTMENT OF	)	SUPERIOR COURT OF NEW JERSEY
ENVIRONMENTAL PROTECTION, THE	)	LAW DIVISION: ESSEX COUNTY
COMMISSIONER OF THE NEW JERSEY	)	
DEPARMTENT OF ENVIRONMENTAL	)	DOCKET NO. 1-9868-05
PROTECTION AND THE ADMINISTRATOR OF)	)	
THE NEW JERSEY SPILL COMPENSATION	)	CIVIL ACTION
FUND,	)	
	)	
Plaintiffs,	)	
v.	)	
	)	
OCCIDENTAL CHEMICAL CORPORATION,	)	INITIAL DISCLOSURES OF
TIERRA SOLUTIONS, INC., MAXUS ENERGY	)	INX INTERNATIONAL
CORPORATION, REPSOL YPF, S.A., YPF	)	INK CO.
HOLDINGS, INC. and CLH HOLDINGS, INC.,	)	
	)	
Defendants.	)	
	)	
MAXUS ENERGY CORPORATION and	)	
TIERRA SOLUTIONS, INC.,	)	
	)	
Third-Party Plaintiffs,	)	
	)	
3M COMPANY, <i>et al.</i> ,	)	
	)	
Third-Party Defendants.	)	

Comes now Third-Party Defendant, INX INTERNATIONAL INK CO. (“Respondent”), 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 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 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:** The following individuals may have responsive information concerning allegations that Respondent's former 461-481 River Road facility sent empty drums to the Central Steel Drums Site for refurbishing or reclaiming:

Name/Address/Phone	Subject
Last known addresses	
Robert Lohn 4 Yeoman Drive Saddle River, NJ 07458 Tel: 201-327-3583	See above
Joe Jacoy (No address or phone on record)	See above
Ray Czorniewy 65 Bradley Avenue Bergenfield, NJ 07621 (No phone on record)	See above
Franklin Kieck 3278 Kennedy Boulevard, 2 <sup>nd</sup> Floor Jersey City, NJ 07306 Tel: 201-653-7409	See above
Aurelio Sebolao 376 Milltown Road Springfield, NJ 07081 Tel: 201-379-9457	See above

b. The name, address and telephone number, as may be known, for each individual likely to have discoverable information that the disclosing party may use to support its claim or defenses unless the use would be solely for impeachment);

**Response:** See Response to 1(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:** Respondent has no knowledge of the ownership, leasing or operation of the Central Steel Drum Site other than as discussed in Respondent's January 19, 1998 CERCLA Section 104(e) Response.

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:** None known. Reserve the right to supplement.

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.

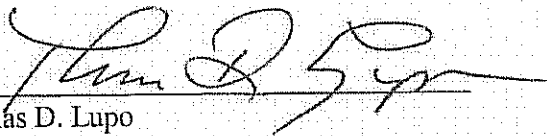
**Response:** See Nexus Packet per sfile. See also, New Jersey ISRA Case #E99253. (NJDEP files).

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

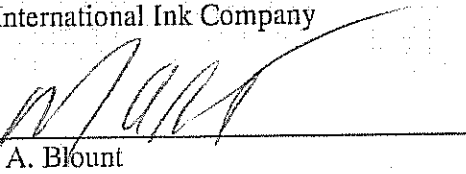
Dated: April 28, 2010.

Respectfully submitted,

WILLIAMS MONTGOMERY & JOHN LTD.  
Attorney for Third-Party Defendant  
INX International Ink Company

  
Thomas D. Lupo

Tesser & Cohen  
Attorney for Third-Party Defendant  
INX International Ink Company

  
Mark A. Blount

28301/Doc. #848080

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of Third-Party Defendant INX International Ink Co.'s Initial Disclosures were served electronically pending reinstatement of [www.sfile.com/njdepvoccupon](http://www.sfile.com/njdepvoccupon) upon all parties who have consented to electronic service and via first class, regular mail:

Borough of Hasbrouck Heights	Richard J. Dewland Coffey & Associates 465 South Steet Morristown, NJ 07960 973.539.4500 rjd@coffeylaw.com
City of Orange	John P. McGovern Assistant City Attorney City of Orange Township 29 North Day St. Orange, NJ 07050
Passaic Pioneers Properties Company	John A. Daniels Daniels & Daniels LLC 6812 Park Ave. Guttenberg, NJ 07093
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Township of Irvington	Gustavo Garcia Municipal Attorney Township of Irvington Irvington Municipal Building Civic Square Irvington, NJ 07111

Dated: April 28, 2010

By: \_\_\_\_\_

Mark A. Blount