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Attorney for Third-Party Defendant  
ITT Corporation

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NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION and  
THE ADMINISTRATOR OF THE NEW  
JERSEY SPILL COMPENSATION FUND,

Plaintiffs

v.

OCCIDENTAL CHEMICAL  
CORPORATION, TIERRA SOLUTIONS,  
INC., MAXUS ENERGY  
CORPORATION,  
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,

v.

3M COMPANY, *et al.*,

Third-Party Defendants.

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY

DOCKET NO. L-9868-05 (PASR)

CIVIL ACTION

**CMO V THIRD-PARTY INITIAL  
DISCLOSURE ON BEHALF OF  
ITT CORPORATION**

Comes now Third-Party Defendant ITT Corporation (“ITT”), and for its Initial  
Disclosure in accordance with Case Management Order V provides the following specific  
information:

## Reservations

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

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

Defendant-Third Party Plaintiffs Tierra Solutions, Inc. and Maxus Energy Corporation (collectively, “TPPs”) allege that discharges of hazardous substances to and from the ITT Site were transported into the Third River and thence into the Passaic River, which TPPs allege is part of the Newark Bay Complex. ITT denies that any Pollutants that may have been discharged or released at the ITT Site were transported to or impacted the Newark Bay Complex. Accordingly, ITT does not have knowledge of any individual likely to have discoverable information relating to alleged discharge of Pollutants into or affecting the Newark Bay Complex.

However, in a good faith effort to comply with CMO V, ITT is disclosing the following individuals who may have discoverable information relating to the ITT Site and remedial activities at the ITT Site. This identification is not an admission that such persons have information relating to any Alleged Discharges, and no applicable privileges, doctrines, defenses, or protections should be deemed waived concerning these individuals or the entities with which they are associated. ITT reserves the right to amend this list as more specific information regarding the nature and basis of Third Party Plaintiffs’ claims becomes available.

ITT requests that notice be provided in writing to undersigned counsel before any of its current or former employees or consultants are contacted. ITT will provide last known address and phone numbers, where available, on request

NAME/TITLE/COMPANY	LAST KNOWN ADDRESS/PHONE	SUBJECT
Don Polzo, ITT Avionics Division		Environmental matters at ITT Site
Jim Pettis, ITT		Environmental matters at ITT Site
Steve Buzzard, ITT		Environmental matters at ITT Site
Anthony J. Marino, Manager, Materials & Evaluation Lab/ Environmental Coordinator, ITT		Environmental matters at ITT Site
Alan Leibowitz, ITT	1133 Westchester Avenue White Plains, NY 10604	Environmental matters at ITT Site

<b>NAME/TITLE/COMPANY</b>	<b>LAST KNOWN ADDRESS/PHONE</b>	<b>SUBJECT</b>
W. Caldwell, ITT	77 River Road Clifton, NJ 07014	Environmental matters at ITT Site
Andrew DiCicco, Esq., ITT	1133 Westchester Avenue White Plains, NY 10604	Environmental matters at ITT Site
Jack Russo, ITT Avionics Division		Environmental matters at ITT Site
Ron Trinder, ITT		Environmental matters at ITT Site
Dean DeGhetto, ITT		Environmental matters at ITT Site
Brenda Neiswinter, ITT		Environmental matters at ITT Site
Bill Reilley, ITT		Environmental matters at ITT Site
D. Gaydos, ITT		Environmental matters at ITT Site
William Kramer, NJDEP	(Now with the Dept. of Community Affairs) 609-324-3530	Remedial activities on Site
Bruce Doyle, NJDEP	7 Ridgedale Ave. Cedar Knolls, NJ 07927 973-631-6388	Remedial activities on Site
Gary Lipsius, NJDEP	401 East State Street P.O. Box 402 Trenton, NJ 08625-0402 609-984-0958	Remedial activities on Site
James Bono, NJDEP	401 East State Street P.O. Box 402 Trenton, NJ 08625-0402 609-633-1434	Remedial activities on Site
Joseph A. Susco, Jr., NJDEP	Unlisted as of 1/11/10	Remedial activities on Site
Ronald J. Wienckoski, NJDEP BFO	401 East State Street P.O. Box 402 Trenton, NJ 08625-0402 609-984-3438	Remedial activities on Site
George Nicholas, NJDEP	401 East State Street P.O. Box 402 Trenton, NJ 08625-0402 609-984-6565	Remedial activities on Site
Diane Pupa, NJDEP, BUST	401 East State Street P.O. Box 402 Trenton, NJ 08625-0402 609-292-8602	Remedial activities on Site

<b>NAME/TITLE/COMPANY</b>	<b>LAST KNOWN ADDRESS/PHONE</b>	<b>SUBJECT</b>
Maria Coppola, NJDEP	Unlisted as of 1/11/10	Remedial activities on Site
William Whipple, NJDEP	Unlisted as of 1/11/10	Remedial activities on Site
Lynn Fugill, NJDEP	Unlisted as of 1/11/10	Remedial activities on Site
Joseph Komosinski, NJDEP	(Now with the Dept. of Health and Senior Services) 609-984-3445	Remedial activities on Site
Allen Layton, NJDEP	Unlisted as of 1/11/10	Remedial activities on Site
Y.E. Yacoub, NJDEP	7 Ridgedale Ave. Cedar Knolls, NJ 07927 973-631-6403	Remedial activities on Site
Paul C. Kurisco, NJDEP	Unlisted as of 1/11/10	Remedial activities on Site
Allen T. Edwards, Division of Environmental Quality, NJDEP	Unlisted as of 1/11/10	Remedial activities on Site
Ann Wolf, ECRA, NJDEP	401 East State Street P.O. Box 402 Trenton, NJ 08625-0402 609-633-1420	Remedial activities on Site
Stanley G. Puszcz, H2M Group	119 Cherry Hill Road, Suite 200 Parsippany, NJ 07054 862-207-5900	Remedial activities on Site
Mike Tumulty, H2M Group	119 Cherry Hill Road, Suite 200 Parsippany, NJ 07054 862-207-5900	Remedial activities on Site
Kenneth Cottrell, H2M Group	119 Cherry Hill Road, Suite 200 Parsippany, NJ 07054 862-207-5900	Remedial activities on Site
Joseph McNanna, N2 Industrial		Remedial activities on Site
John Barnes, Water Resources Inc.		Remedial activities on Site
Patrick A. Giallorenzo, Surveyor/Engineer		Remedial activities on Site
William Ellefsen, SBI Environmental Well Drilling, Inc.	17 Demarest Drive Wayne, NJ 07470 973-305-0022	Remedial activities on Site

NAME/TITLE/COMPANY	LAST KNOWN ADDRESS/PHONE	SUBJECT
Robert Hough, SBI Environmental Well Drilling, Inc.	17 Demarest Drive Wayne, NJ 07470 973-305-0022	Remedial activities on Site
Thomas F. Miller, Land Surveyor		Remedial activities on Site
Richard C. Mathews, Land Surveyor		Remedial activities on Site
Ray Simmonds, Dan Raviv Associates, Inc.	(now TRC Raviv Associates, Inc.) 57 East Willow Street Millburn, NJ 07041 973-564-6006	Remedial activities on Site
Andrew D. Lent, Dan Raviv Associates, Inc.	(now TRC Raviv Associates, Inc.) 57 East Willow Street Millburn, NJ 07041 973-564-6006	Remedial activities on Site
Frank J. Getchell, Dan Raviv Associates, Inc.	(now TRC Raviv Associates, Inc.) 57 East Willow Street Millburn, NJ 07041 973-564-6006	Remedial activities on Site
Kyle E. Dolbow, Ph.D., Dan Raviv Associates, Inc.	(now TRC Raviv Associates, Inc.) 57 East Willow Street Millburn, NJ 07041 973-564-6006	Remedial activities on Site
John Bartell, Fairfield Maintenance	4 Commerce Road Fairfield, NJ 07004 973-227-5434	Remedial activities on Site
Charles T. Rogers, Aqua-Firma Surveys, Inc.	443 Little Brook Road, Glen Gardner, NJ 08826	Remedial activities on- site
Warner Rogers, Aqua-Firma Surveys, Inc.	443 Little Brook Road, Glen Gardner, NJ 08826	Remedial activities on- site
Dennis M. Grogan, Aqua-Firma Surveys, Inc.	443 Little Brook Road, Glen Gardner, NJ 08826	Remedial activities on- site
Richard Flynn, Aqua-Firma Surveys, Inc.	443 Little Brook Road, Glen Gardner, NJ 08826	Remedial activities on- site
Joseph Berberick, Aqua-Firma Surveys, Inc.	443 Little Brook Road, Glen Gardner, NJ 08826	Remedial activities on- site
John Berberick, Aqua-Firma Surveys, Inc.	443 Little Brook Road, Glen Gardner, NJ 08826	Remedial activities on- site
Robert Berberick, Aqua-Firma Surveys, Inc.	443 Little Brook Road, Glen Gardner, NJ 08826	Remedial activities on Site
Earl Hauge, EDI		Remedial activities on Site
Art Becker, EDI		Remedial activities on Site

NAME/TITLE/COMPANY	LAST KNOWN ADDRESS/PHONE	SUBJECT
Bud Nobile, R&O		Remedial activities on Site
Timothy Westover, Well Sealer		Remedial activities on Site
H.J. Stothoff, Wm. Stothoff Co.	110 River Road Flemington, NJ 08822 908-782-2717	Remedial activities on-site
Captain Debowsky, Clifton Fire Department	900 Clifton Avenue Clifton, NJ 07013 973-470-5801	Remedial activities on-site
James J. Yellen, City Engineer, City of Clifton	900 Clifton Avenue 1st Floor Clifton, NJ 07013 973-470-5793	Remedial activities on-site
Albert Greco, Clifton City Health Officer, Clifton Health Department	900 Clifton Avenue 2nd Floor Clifton, NJ 07013 973-470-5758	Remedial activities on-site
Stuart Palfreyman, Clifton Health Department	900 Clifton Avenue 2nd Floor Clifton, NJ 07013 973-470-5758	Remedial activities on-site
Carmine T. Perrapato, Passaic Valley Sewerage Commission	no longer with the PVSC	Remedial activities on-site
Frank D'Ascensio, Passaic Valley Sewerage Commission		Remedial activities on-site
John J. Spagnola, Advanced Environmental Technology Corp.	1 Eden Lane Flanders, NJ 07836 973-347-7111	Remedial activities on-site
Adam Lesiczka, St. Mary's Hospital	(in private practice, affiliated with St. Mary's Hospital) 42 Locust Avenue Wallington, NJ 07057 973- 472-2912	Remedial activities on-site

**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:**

ITT is still engaged in a continuing investigation and has not determined who it may use to support its claims or defenses. However, some of the individuals identified in a., above, may be used.

**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:**

See Attached Exhibit A

NAME/ADDRESS/PHONE	SITE ADDRESS	DATES AT SITE: OWNERSHIP/OPERATOR/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:**

None known at this time.

NAME/ADDRESS/PHONE	NATURE OF INABILITY



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.<sup>1</sup>

**Response:**

As noted in response to a. above, ITT denies that any Pollutants that may have been discharged or released at the ITT Site were transported to or impacted the Newark Bay Complex. Accordingly, ITT does not have any documents with respect to Alleged Discharges. However, in good faith, ITT provides the following description of documents that may relate to discharges at its property and former property:

DOCUMENTS BY CATEGORY	LOCATION	APPLICABLE EXCEPTION
Invoices	ITT at Clifton	
Internal Memoranda	ITT at Clifton	G
Monitoring Reports and Records	ITT at Clifton	B
Environmental Reports	ITT at Clifton ITT at White Plains, NY	B
Correspondence files	ITT at Clifton	G

<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.

ITT'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.

Respectfully submitted,

**GIBBONS P.C.**

Dated: March 19, 2010

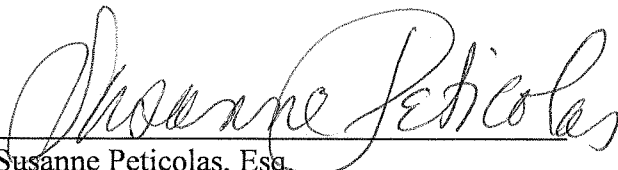
  
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Susanne Peticolas, Esq.  
One Gateway Center  
Newark, New Jersey 07102-5310  
Attorney for Third-Party Defendant  
ITT Corporation

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of Third-Party Defendant ITT Corporation's CMO V Third-Party Initial Disclosure was served electronically on all parties which have consented to service by posting on [www.sfile.com/njdepvocc](http://www.sfile.com/njdepvocc) on March 19, 2010.

The following counsel of record was served on March 19, 2010 via first class, regular mail:

Richard J. Dewland, Esq. Coffey & Associates 465 South Street Morristown, NJ 07960	Borough of Hasbrouck Heights
John P. McGovern, Esq. City of Orange 29 North Day Street Orange, NJ 07050	City of Orange
John A. Daniels, Esq. Daniels & Daniels, LLC 6812 Park Avenue Guttenberg, NJ 07093	Passaic Pioneers Properties Company
Christine M. Burgess, Esq. Hillside Township Municipal Building 1409 Liberty Avenue Hillside, NJ 07205	Township of Hillside
Gustavo Garcia, Esq. Township of Irvington Irvington Municipal Building Civic Square Irvington, NJ 07111	Township of Irvington

  
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Susanne Peticolas, Esq.

Dated: March 19, 2010

# **Exhibit**

**A**

**Summary of Owner / Operators  
former / current Clifton and Nutley properties**

**500 Washington Avenue Nutley, NJ**

Owner	Operator	From	to
Yantacaw Golf & Country Club	Yantacaw Country Club	Prior to 1920	Mid 1940's
ITT	ITT	Mid 1940's	1995-1996
Town & Country Developers *	Developed residential (Privately held)	1995 - 1996	Present

\* All properties except 390 Washington Avenue which was converted to a house of worship.

500 Washington Avenue is contiguous with other historical ITT properties and these properties appear to have historically been grouped into one industrial establishment. 500 Washington Avenue (referred to as ITT Research and Development), 390 Washington Avenue (referred to as the Cafeteria / Clubhouse), 483 River Road (referred to as the Carpenter's Shop), 417 River Road, 491 River Road (referred to as the Admiral's House)

**100 Kingsland Road Clifton, NJ (Currently 77 River Road)**

Owner	Operator	From	to
Yantacaw Golf & Country Club	Yantacaw Country Club	Prior to 1920	Mid 1940's
ITT	ITT	Mid 1940's	1995-1996
Related Properties *	ITT	1995-1996	Approx. 2001
ITT	ITT	2001	Present

\* Portions of property subdivided and redeveloped (western release parcel - Clifton Commons, Southern parcel - Target shopping center)

**492 River Road Nutley, NJ**

Owner	Operator	From	to
Vacant / Eastern portion reportedly used for landfill of municipal fill / refuse		?	1952
ITT	ITT	1952	1994
Reckson Associates	Reckson Associates	1994	?