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**ATTORNEYS FOR THIRD-PARTY DEFENDANT
METAL MANAGEMENT NORTHEAST, INC.**

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
	:	
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.,	:	CMO V THIRD-PARTY SECOND AMENDED INITIAL DISCLOSURE
Defendants.	:	
	:	
MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.,	:	
Third-Party Plaintiffs,	:	
	:	
vs.	:	
	:	
3M COMPANY, <i>et al.</i> ,	:	
Third-Party Defendants.	:	

Comes now Third-Party Defendant Metal Management Northeast, Inc., and for its Amended 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 Defendants is accordingly quite broad and potentially burdensome. Respondent is therefore engaged in a continuing investigation of this matter 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 currently designated as Berths 30 and 32 in the Port of Newark Marine Terminal in Essex County (the "Site") and/or properties with which the disclosing party is associated in the Third-Party Complaint ("Alleged Discharges").

Response

Metal Management Northeast, Inc. objects to the extent the requested disclosure assumes or concludes that there were and continue to be Alleged Discharges of Pollutants from the Site into the Newark Bay Complex.

i. Subject to this objection and the reservations stated above, the individuals listed below are former employees who may have knowledge of Site operations.

Name	Address	Phone Number
Beckles, Roy	184 Ocean Ave. Jersey City, NJ 07305	(201) 984-2591
Borges, Clecio A.	128 N. Michigan Ave. Kenilworth, NJ 07033	(908) 241-8359
Carreira, Carlos F.	125 Ivy Street, Kearny, NJ 07032	(201) 998-4819
Charles, Jean-Ronald	265 Grove St. Elizabeth, NJ 07208	(908) 400-5434
De Matos, Romeu	11 Radley St. Kearny, NJ 07032	(201) 246-9580
Duarte, Antonio	78 Chambers St. Newark, NJ 07105	(973) 465-5890
Estrella, Pablo S.	82 Niagra Newark, NJ 07105	(973) 418-0415
Etienne, Carl	505 Chestnut St. Roselle, NJ 07203	(908) 241-7445
Fernandez, Enrique	32-34 Johnson St. Newark, NJ 07105	(973) 465-1983
Feuchack, Edward	723 6th St. Secaucus, NJ 07094	(551) 580-3387
Gomes, Luis R.	560 Yale Ave. Hillside, NJ 07205	(908) 624-0361
Jennings, Warren	23 Everson Place Basking Ridge, NJ 07920	(908) 580-0450
Krempel, Wesley L.	538 Union St. Linden, NJ 07036	(732) 545-8472
Moise, Francois	1505 McCandles St. Linden, NJ 07036	(908) 486-3020
Naporano, Andrew	111 East Painted Sky Circle Scottsdale, AZ 85262	(480) 575-0375
Joe Natale	Unknown	Unknown
Paez, Jose G.	676 North 5th St. Newark, NJ 07107	(973) 412-9626
Pelisser, Pierre	635 E. 21st Brooklyn, NY 11226	(718) 859-0549
Ranch, Jerry	P.O. Box 6 Hillside, NJ 07205	(973) 964-9007
Rudette, Oliver Erick	45 Norman Rd. Newark, NJ 07106	(973) 372-2452
Serra, Rui Pedro	404 Belgrove Dr. Kearny, NJ 07032	(201) 997-1360

Soto, Angel H.	565 North 7th St. Newark, NJ 07107	(973) 412-1378
Tandazo, Franco E.	1348 Fremont PL Apt # 1 Elizabeth, NJ 07208	(908) 397-1428
Videira, Manuel J.	302 Elm St. Newark, NJ 07105	(973) 465-7309
Vieira, Manuel N.	1065 Woolley Ave. Union, NJ 07083	(973) 465-7309

ii. Subject to this objection and the reservations stated above, the individuals listed below are current employees who may have knowledge of Site operations, and may be contacted through Metal Management Northeast Inc.'s counsel.

Amador, Armenio

Amorim, Luis

Barros, Joao R.

Cabrera, Pablo R.

Cajeira, Anibal

Carvalho, Carlos

Cayli, Suat

Charles, Clyde J.

Conza, Luis E.

Dias, Jose A.

Domingues, Manuel P.

Dos Santos, Manuel F.

Elizaire, Pierre B.

Fernandes, Diamantino

Figueroa, Eric

Flores, Jose M.

Gonzalez, Juan

Henderson, Brian

Henderson Jr., Michael

Henderson Sr., Michael

Hoyos, Walter

Krempel, Scott

Langlais, Willet
 Meissner, Kevin D.
 Mendez Jr., Honor
 Neves, Acacio B.
 Northrop, Kevin C.
 Oliveira, Dinis M.
 Paiva, Jose C.
 Reste, Manuel A.
 Saramago, Luis Filipe
 Silva, Joao P.
 Sinti, Javier

iii. Subject to this objection and the reservations stated above, the individuals listed below are current employees who may have knowledge of the environmental condition of the Site and its potential impact upon the Newark Bay Complex, and may be contacted through Metal Management Northeast Inc.'s counsel.

Cayli, Suat
 Frascella, Anthony
 Garner, Wendy
 Hayworth, John
 Henderson Jr., Michael
 Ratner, Alan
 Henderson Sr., Michael
 Krempel Scott
 Northrop, Kevin
 Silva, Joao P.

iv. Subject to this objection and the reservations stated above, the individuals listed below are other persons who may have knowledge of the environmental condition of the Site and its potential impact upon the Newark Bay Complex.

Name	Address	Phone Number
Nate Byrd (NJDEP)	Unknown	Unknown
Robert Colino (NJDEP)	Unknown	Unknown

Robert Goode (Port Authority)	Unknown	Unknown
Gary Greulich (NJDEP)	Unknown	Unknown
Hennessy, Ray (Port Authority)	Unknown	Unknown
Lombardi, Dennis (Port Authority)	Unknown	Unknown
Jennings, Warren	23 Everson Place Basking Ridge, NJ 07920	(908) 580-0450
Marvin Kirshner (Port Authority)	Unknown	Unknown
Naporano, Joseph	P.O. Box 187 Essex Fells, NJ 07021	(973) 228-5428
Saporito, Andrew (Port Authority)	Unknown	Unknown
Weiszman, Ron	Unknown	Unknown
Woodruff, Kenneth	Kenneth L. Woodruff & Associates 182 Walton Dr. Morrisville, PA 19067	(215) 736-2194
Yacoub Yacoub (NJDEP employee)	Unknown	Unknown

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

Metal Management Northeast, Inc. objects to the extent the requested disclosure assumes or concludes that there were and continue to be Alleged Discharges of Pollutants from the Site into the Newark Bay Complex. Subject to this objection and the reservations stated above, the individuals listed below may have knowledge of Site operations, and may be contacted through Metal Management Northeast Inc.'s counsel.

- Cayli, Suat
- Frascella, Anthony
- Garner, Wendy
- Hayworth, John
- Henderson Jr., Michael
- Henderson Sr., Michael
- Krempel Scott
- Northrop, Kevin
- Silva, Joao P.
- Woodruff, Kenneth

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 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 Number
Port of Authority of New York and New Jersey	225 Park Avenue South New York, NY 10003-1604	(212) 435-7000

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

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 Exempted Information.

Response

Metal Management Northeast, Inc. objects to the extent the requested disclosure assumes or concludes that there were and continue to be Alleged Discharges of Pollutants from the Site into the Newark Bay Complex. Subject to this objection and the reservations stated above, the following is provided.

Category	Location	Applicable Exception¹
Materials relating to the Site's environmental condition, and compliance with federal and State air, water, waste and other environmental regulatory programs	The Site Lowenstein Sandler 65 Livingston Avenue Roseland, NJ 07068	See 1. a and b, below
Communications with counsel	The Site Lowenstein Sandler 65 Livingston Avenue Roseland, NJ 07068	See 1. c, 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;

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");

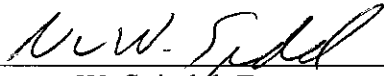
c. Information that falls within the attorney-client privilege and/or the attorney work product privilege.

Respondent's Amended 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: February 18, 2011

Respectfully submitted,

LOWENSTEIN SANDLER PC
Attorneys for Third-Party Defendant
METAL MANAGEMENT NORTHEAST, INC.

By: 
Norman W. Spindel, Esq.