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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.	:	
OCCIDENTAL CHEMICAL CORPORATION, TIERRA SOLUTIONS, INC., MAXUS ENERGY CORPORATION, REPSOL YPF, S.A., YPF, S.A., YPF HOLDINGS, INC. and CLH HOLDINGS, INC.,	:	CIVIL ACTION
Defendants.	:	CMO V THIRD-PARTY INITIAL DISCLOSURE
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 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").

i. Persons who may have knowledge of Site operations that may have resulted in the discharge of materials to the Passaic River.

ii. Persons that may have knowledge of the environmental condition of the Site and its potential impact upon the Passaic River.

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 (to a. and b.)

Name	Address	Phone Number
Amador, Armenio	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Amorim, Luis	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Arcuri, Charles	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Barros, Joao R.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
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
Cabrera, Pablo R.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Cajeira, Anibal	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Carreira, Carlos F.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Carvalho, Carlos	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Cayli, Suat	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575

Charles, Clyde J.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Charles, Jean-Ronald	265 Grove St. Elizabeth, NJ 07208	(908) 400-5434
Conroy, Bryan A.	238 Cromwell Ave. Staten Island, NY 10305	(718) 667-9009
Conza, Luis E.	327 Amity St. Elizabeth, NJ 07202	(908) 353-1802
De Matos, Romeu	11 Radley St. Kearny, NJ 07032	(201) 246-9580
Dias, Jose A.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Domingues, Manuel P.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Dos Santos, Manuel F.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Duarte, Antonio	78 Chambers St. Newark, NJ 07105	(973) 465-5890
Elizaire, Pierre B.	86 Ridge Ave. West Orange, NJ 07052	(973) 669-9558
Estrella, Pablo S.	82 Niagra Newark, NJ 07105	(973) 418-0415
Etienne, Carl	505 Chestnut St. Roselle, NJ 07203	(908) 241-7445

Fernandes, Diamantino	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Fernandez, Enrique	32-34 Johnson St. Newark, NJ 07105	(973) 465-1983
Feuchack, Edward	723 6th St. Secaucus, NJ 07094	(551) 580-3387
Figuroa, Eric	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Flores, Jose M.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Garner, Wendy	1 Linden Ave. Jersey City, NJ 07305	(201) 577-3200
Gomes, Luis R.	560 Yale Ave. Hillside, NJ 07205	(908) 624-0361
Gonzalez, Juan	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Hayworth, John	1 Linden Ave. Jersey City, NJ 07305	(201) 577-3200
Henderson, Brian	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Henderson Jr., Michael	252-254 Doremus Ave. Newark, NJ 07105	(973) 344-2696
Henderson Sr., Michael	1 Linden Ave. Jersey City, NJ 07305	(201) 577-3200

Hoyos, Walter	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Jennings, Warren	23 Everson Place Basking Ridge, NJ 07920	(908) 580-0450
Krempel, Scott	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Krempel, Wesley L.	538 Union St. Linden, NJ 07036	(732) 545-8472
Langlais, Willet	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Martinez, Jose L.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Meissner, Kevin D.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Mendez Jr., Honor	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Moise, Francois	1505 McCandles St. Linden, NJ 07036	(908) 486-3020
Neves, Acacio B.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Northrop, Kevin C.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Oliveira, Dinis M.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575

Paez, Jose G.	676 North 5th St. Newark, NJ 07107	(973) 412-9626
Paiva, Jose C.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Pelisser, Pierre	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Ranch, Jerry	P.O. Box 6 Hillside, NJ 07205	(973) 964-9007
Reste, Manuel A.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Rudette, Oliver Erick	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Saramago, Luis Filipe	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Serra, Rui Pedro	404 Belgrove Dr. Kearny, NJ 07032	(201) 997-1360
Silva, Joao P.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Silva, John	252-254 Doremus Ave. Newark, NJ 07105	(973) 344-2696
Sinti, Javier	436 13th St. North Newark, NJ 07107	(973) 485-3241
Soto, Angel H.	565 North 7th St. Newark, NJ 07107	(973) 412-1378

Tandazo, Franco E.	1 Calcutta Street Building 182 Newark, NJ 07114	(973) 344-5575
Videira, Manuel J.	302 Elm St. Newark, NJ 07105	(973) 465-7309
Vieira, Manuel N.	1065 Woolley Ave. Union, NJ 07083	(973) 465-7309
Woodruff, Kenneth	Kenneth L. Woodruff & Associates 182 Walton Dr. Morrisville, PA 19067	(215) 736-2194

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 Excepted Information.

Response

Category	Location	Applicable Exception ¹
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”);

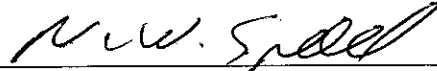
c. Information that falls within the attorney-client privilege and/or the attorney work product privilege.

Respondent's 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: April 9, 2010

Respectfully submitted,

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



Norman W. Spindel, Esq.

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METAL MANAGEMENT NORTHEAST, INC.**

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	:	DOCKET NO. L-9868-05
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Plaintiffs	:	
v.	:	CIVIL ACTION
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OCCIDENTAL CHEMICAL CORPORATION, TIERRA SOLUTIONS, INC., MAXUS ENERGY CORPORATION, REPSOL YPF, S.A., YPF, S.A., YPF HOLDINGS, INC. and CLH HOLDINGS, INC.,	:	<u>CERTIFICATION OF SERVICE</u>
	:	
Defendants.	:	
	:	
MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.,	:	
	:	
Third-Party Plaintiffs,	:	
	:	
vs.	:	
	:	
3M COMPANY, <i>et al.</i> ,	:	
	:	
Third-Party Defendants.	:	

Norman W. Spindel, Esq., of full age, hereby certifies as follows:


1. On this date, I caused one copy of METAL MANAGEMENT NORTHEAST, INC.'S CMO V Third-Party Initial Disclosure and its Response to the ESI Initial Questionnaire in the above-captioned matter to be served was served electronically on all parties who have

consented to service by electronic posting on the following website, <http://njdepvocc.sfile.com> as of March 29, 2010, and on the following parties by regular mail:

1. City of Orange
c/o John P. McGovern
Assistant City Attorney
29 North Day Street
Orange, NJ 07050

2. Borough of Hasbrouck Heights
c/o John Dorsey, Esq.
Dorsey & Semrau, LLC
714 Main Street
Boonton, NJ 07005

Dated: April 9, 2010



Norman W. Spindel, Esq.