

STRYKER, TAMS & DILL LLP
2 Penn Plaza East
Newark, NJ 07105
Telephone: (973) 491-3944
Facsimile: (973) 491-9692

ROBINSON & COLE LLP
280 Trumbull Street
Hartford, CT 06103-3597
Telephone: (860) 275-8200
Facsimile: (860) 275-8299

Attorneys for Third-Party Defendant Otis Elevator Co.

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,

vs.

3M COMPANY, *et al.*,

Third-Party Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

DOCKET NO. L-9868-05

CIVIL ACTION.

**CMO V THIRD-PARTY INITIAL
DISCLOSURE OF THIRD-PARTY
DEFENDANT OTIS ELEVATOR
COMPANY**

Comes now Third-Party Defendant Otis Elevator Company ("Otis") and for its Initial Disclosure in accordance with Case Management Order V provides the following specific information:

Reservations applicable to all responses below:

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 and reserves the right to supplement and modify these disclosures if and as further information becomes available.

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

Otis objects to the form of this Request to the extent that it assumes or concludes that there was an "alleged discharge or release of pollutants, contaminants and/or hazardous substances" into the Newark Bay Complex from the former Otis Harrison facility in Harrison, New Jersey. Without admission or waiver as to that objection, Otis is in receipt of the alleged "nexus" documents produced by Defendants/Third-party Plaintiffs that purport to contain evidence of a potential release to the Passaic River. To the extent that the alleged "nexus" documents are viewed by Defendants/Third-party Plaintiffs as potential evidence of an indirect release from the former Otis Harrison facility to the Passaic River, Otis submits that any individuals identified in the alleged "nexus" documents may possess information that could be responsive to this disclosure.

Otis requests that notice be provided in writing to undersigned counsel before any of the following individuals or other Otis current or former employees or contractors are contacted. Contact information for the following individuals is as known by most recent prior inquiry and is likely not current in at least some cases. As previously noted, Otis may identify modify the

following list to add or remove individuals in the course of discovery and as its investigation continues.

Name/Last Known Address/Phone	Subject
Robert J. Bodnar, address and telephone number unknown.	Operations at the former Otis Harrison facility
August (Sy) Bohrer, 126 Sherwood Lane, Tom's River, NJ 08757; telephone number unknown	Operations at the former Otis Harrison facility
Veau Geyer, 1248 Whitesville Road, Tom's River, NJ 8757; telephone number unknown	Operations at the former Otis Harrison facility
Patrick Kilduff, 1 Kittery Ct., Whiting, NJ 08759; telephone number unknown	Operations at the former Otis Harrison facility
Charlie Richardson, 121 Le Diamant St., Tom's River, NJ 08757; telephone number unknown	Operations at the former Otis Harrison facility
Henry Waclaw, 1331 Curry Pike, Bloomington, IN, telephone number unknown	Operations at the former Otis Harrison facility
Charlie Musante, 229B Manchester Rd., Route 55, Poughkeepsie, NY 12603; telephone number unknown	Operations at the former Otis Harrison facility
Bill Drummond, 548 Forest Drive, River Vale, NJ 07027; telephone number unknown	Operations at the former Otis Harrison facility
Lowel Dykes, 1331 Curry Pike, Bloomington, IN, telephone number unknown	Operations at the former Otis Harrison facility
Bob Burns, 1331 Curry Pike, Bloomington, IN, telephone number unknown	Operations at the former Otis Harrison facility
Ed Ryan, 1331 Curry Pike, Bloomington, IN, telephone number unknown	Operations at the former Otis Harrison facility
Bob Malinowski, 521 5 th Ave., New York, NY 10175	Operations at the former Otis Harrison facility

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

Otis is still engaged in a continuing investigation and has not determined whom it may use to supports its claims or defenses. However, some of the individuals identified in response to Question (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

Name/Address/Phone	Site Address	Dates at Site: Ownership/Operator/Lease
Marine Engine and Machinery Company	First Street, Harrison, New Jersey	[unknown] to 1910
Otis Elevator Company	Same	1910-1980
Intrex Corp.	Same	1980 to [unknown]

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.

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

Otis objects to the form of this Request to the extent that it assumes or concludes that there was an "alleged discharge or release of pollutants, contaminants and/or hazardous

substances" into the Newark Bay Complex from the former Otis Harrison facility. Without admission or waiver as to that objection:

1. Documents regarding operations at the Otis Harrison facility, and the purchase and sale of the facility. The documents are located in Otis archives at 10 Farm Spring Road, Farmington, Connecticut and the offices of counsel for Otis at 280 Trumbull Street, Hartford, Connecticut. Some of these documents may fall within the definition of subcategory "g" of "Excepted Materials" with regard to this Initial Disclosure.

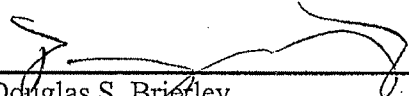
3. Alleged "nexus" documents produced by Defendants/Third-party Plaintiffs to Otis that purport to contain evidence of a potential release to the Passaic River. These documents are in the possession of Otis' counsel. These documents appear to fall within the definition of subcategory "a" of "Excepted Materials" with regard to this Initial Disclosure.

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: March 26, 2010

Respectfully submitted,

STRYKER, TAMS & DILL LLP
Attorney for Third-Party Defendant
Otis Elevator Co.
2 Penn Plaza East
Newark, NJ 07105
Telephone: (973) 491-3944
Facsimile: (973) 491-9692



Douglas S. Brierley

ROBINSON & COLE LLP

Attorney for Third-Party Defendant

Otis Elevator Co.

280 Trumbull Street

Hartford, CT 06103-3597

Telephone: (860) 275-8200

Facsimile: (860) 275-8299



Earl W. Phillips, Jr.

Brian Freeman

STRYKER, TAMS & DILL LLP
Two Penn Plaza East, 12th Floor
Newark, New Jersey 07105
(973) 491-9500

ROBINSON & COLE, LLP
280 Trumbull Street
Hartford, Connecticut 06103-3597
Tel: (860) 275-8200

Attorneys for Third-Party Defendant
Otis Elevator Company

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

Plaintiffs,

vs.

OCCIDENTAL CHEMICAL
CORPORATION, TIERRA SOLUTIONS,
INC., MAXUS ENERGY CORPORATION,
REPSOL YPF, S.A., YPF, S.A., YPF
HOLDINGS, INC., and CLH HOLDINGS,
INC.,

Defendants,

-and-

MAXUS ENERGY CORPORATION and
TIERRA SOLUTIONS, INC.,

Third-Party Plaintiffs,

vs.

3M COMPANY et al.,

Third-Party Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – ESSEX COUNTY

DOCKET NO. L-9868-05 (PASR)

Civil Action

CERTIFICATION OF SERVICE

JUNE B. MILLER, of full age, being duly sworn according to law, upon her oath, deposes and says:

1. I am an employee with the law firm of Stryker, Tams & Dill LLP, attorneys for third-party defendant Otis Elevator Company ("Otis") in the above-captioned matter.

2. On March 26, 2010, I caused to be submitted for filing on March 29, 2010, via **New Jersey Lawyers Service overnight delivery**, an original and two copies of an initial disclosure statement, responses to electronic stored information questionnaire, and this certification of service to the following:

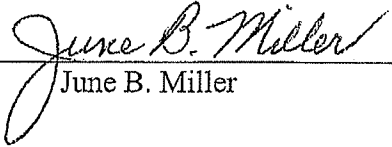
Clerk, Superior Court of New Jersey
Law Division, Essex County
Veterans Courthouse
50 W. Market Street, Rm. 131
Newark, New Jersey 07102

3. On March 26, 2010, I further caused to be e-mailed on March 29, 2010, courtesy copies of the above documents, together with a cover letter to the clerk's office, to the Honorable Sebastian P. Lombardi, J.S.C., at Judge Lombardi's e-address of Sebastian.lombardi@judiciary.state.nj.us, with a copy to Simi Junior, His Honor's law clerk, at simi.junior@judiciary.state.nj.us.

4. On March 26, 2010, I further caused to be e-served on March 29, 2010, copies of the above documents upon all parties that have consented to e-service by posting them on www.sfile.com/njdepvocc. The counsel of record appearing on the list posted on www.sfile.com/njdepvocc as of March 26, 2010, as identified on the attached sheet entitled "Third-Party Defendants for Regular Service as of February 21, 2010," were served on March 26, 2010, with hard copies of the same documents by overnight delivery service for delivery on March 29, 2010.

5. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: March 26, 2010


June B. Miller

Third-Party Defendants for Regular Service as of February 21, 2010

NAMED THIRD-PARTY DEFENDANT	THIRD-PARTY COMPLAINT	NOTICE OF APPEARANCE - COUNSEL OF RECORD
Borough of Hasbrouck Heights	A	Richard J. Dewland Coffey & Associates 465 South Steet Morristown, NJ 07960 973.539.4500 rjd@coffeylaw.com
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
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
Township of Hillside	A	Christine M. Burgess Township Attorney Hillside Township Municipal Bldg. 1409 Liberty Ave. Hillside, NJ 07205 973.926.3000 973.926.9232 - fax
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