



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

2. Okonite's investigation in this matter is continuing. Accordingly, Okonite reserves the right to supplement, clarify, and revise these Initial Disclosures to the extent additional information becomes available or is obtained through discovery. Further, Okonite reserves the right to amend these Initial Disclosures to the extent that the claims brought by or alleged against Okonite in this litigation are amended.

3. The allegations in the Plaintiffs' Second Amended Complaint and Third Party Plaintiffs' Third-Party Complaint "B" (collectively "Complaints") cover a broad time period, encompassing at least six decades. The geographic scope of the Complaints are also 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, para. 1. The scope of inquiry required by Plaintiffs, Third Party Plaintiffs and Third-Party Defendants is accordingly broad and potentially burdensome. Okonite 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:**

Okonite objects to the form of the question to the extent that it assumes or concludes there was an "alleged discharge or release of pollutants, contaminants and/or hazardous substances" to the Newark Bay Complex from the site with which Okonite is associated in Third Party Complaint "B." Subject to this objection and the Reservations stated above, the individuals listed below are likely to have discoverable information responsive to this disclosure request:

James J. Groome  
Director, Safety & Environmental Programs  
The Okonite Company Inc.  
102 Hilltop Road  
Ramsey, NJ 07446  
(201) 825-0300

Donald Nelson  
Former V.P. - Manufacturing (retired)  
c/o The Okonite Company Inc.  
102 Hilltop Road  
Ramsey, NJ 07446  
(201) 825-0300

Nicholas Harvanovich  
Former Dir., Facilities Engineering (retired)  
c/o The Okonite Company Inc.  
102 Hilltop Road  
Ramsey, NJ 07446  
(201) 825-0300

Because of the breadth and ambiguity of Third-Party Plaintiffs' claims, Okonite reserves the right to identify other persons with relevant knowledge of this matter as the nature and basis of Third-Party Plaintiffs' claims become clearer.

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:**

James J. Groome  
Director, Safety & Environmental Programs  
The Okonite Company Inc.  
102 Hilltop Road  
Ramsey, NJ 07446  
(201) 825-0300

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:**

The Third-Party Defendant The Okonite Company Inc. owned the Okonite Site from December 6, 1979, the date of its incorporation, to February 23, 1993.

On February 23, 1993 Okonite sold the Okonite Site to 220 Passaic Street Associates Inc., a New Jersey corporation.

Okonite is researching the identities of prior owners, lessees and easement holders, and will supplement this response in due course.

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 of the individual(s) identified in paragraphs (a), (b) and (c) have a known inability to testify due to age, infirmity, or incompetence.

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:**

Okonite objects to the form of the question to the extent that it assumes or concludes there were "Alleged Discharges" to the Newark Bay Complex from the Okonite Site. Subject to this objection and the Reservations stated above, Okonite has possession, custody and control of documents relating to the Okonite Site remedial investigation and remediation performed under the aegis of the New Jersey Department of Environmental Protection. The documents are located at:

The Okonite Company Inc.  
102 Hilltop Road  
Ramsey, NJ 07446

Other relevant documents are maintained by:

The State of New Jersey  
New Jersey Department of Environmental Protection  
401 E. State Street  
Trenton, NJ 08625

U.S. Environmental Protection Agency  
Region II  
290 Broadway  
New York, NY

Certain of the documents fall within the Exempted Information because such documents constitute: (a) information contained in the nexus packages produced pursuant to paragraph 5(e) of CMO V; (b) information previously produced to Governmental Recipients; (c) information produced to an LSRP; or (d) information that falls within the attorney-client privilege and/or other attorney work product privilege.

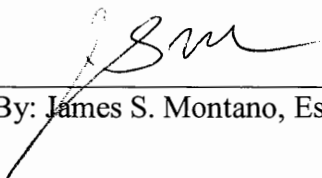
Categories of documentation include but are not limited to:

- Permits from environmental authorities and related correspondence and applications.
- Correspondence and enclosures to and from environmental authorities including U.S. EPA and N.J. DEP.
- Documentation concerning N.J. DEP ISRA Case #E89536.
- Documentation concerning Remedial Action Plan dated February 1, 1999, and subsequent Remedial Action Plans.
- Environmental sampling information.

Okonite's Initial Disclosures are made without prejudice to its right to change or supplement its responses, its right to assert privileges or objections with respect to any subsequent requests for discovery, and its right to introduce at trial additional evidence and documents as warranted by the development of the facts underlying this litigation.

Dated: March 1, 2010

Respectfully submitted,  
Attorney for Third Party Defendant  
The Okonite Company Inc.



By: James S. Montano, Esq.

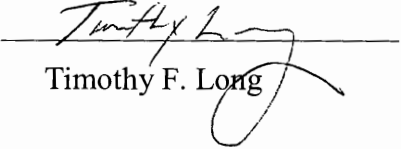
**CERTIFICATION OF SERVICE**

I, Timothy F. Long, hereby certify that I served upon on all parties which have consented to electronic service per the January 6, 2010 Service List at [www.sfile.com/njdepvocc](http://www.sfile.com/njdepvocc); and served upon all parties that have not consented to electronic service as per the February 5, 2010 Service List, on March 1, 2010 by depositing a true copy of same securely enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.

I hereby 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 1, 2010

Signature: \_\_\_\_\_

  
Timothy F. Long

**Third-Party Defendants for Regular Service as of February 5, 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
Town of Harrison	A	Norma Garcia Castano Quigley LLC 1120 Bloomfield Ave. West Caldwell, NJ 07006 973.808.1234 973.808.8480 - fax ngarcia@cq-law.com
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
Township of Union	A	Frank P Arleo Arleo, Donohue & Biancamano, LLC 622 Eagle Rock Ave. West Orange, NJ 07052 973.736.8660 973.736.1712 - fax