

**GIBBONS P.C.**  
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Attorneys for Third-Party Defendant(s)  
Tiffany and Company

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  
ESSEX COUNTY - LAW DIVISION

DOCKET NO.: ESX-L-9868-05

Civil Action

**CMO V THIRD-PARTY INITIAL  
DISCLOSURE OF  
TIFFANY AND COMPANY**

Third-Party Defendant Tiffany and Company, for its Initial Disclosure in accordance with Case Management Order V, provides the following specific information:

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:** There are no known discharges from Tiffany’s former facility in Newark, New Jersey. Reference is made to the NJDEP file on the ECRA/ISRA compliance by Tiffany.

Tiffany received approval of its remediation work at the site and completed the ISRA process.

To the extent any soil was contaminated it was removed. No contamination in the soil impacted groundwater. There was no underground water contamination caused by Tiffany as confirmed by NJDEP. There is a substantial file on the ISRA/ECRA matters including the Letter of Full Compliance by NJDEP dated July 30, 1993.

Category	Location	Phone Number

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:** George Merlo was the Tiffany representative responsible for ECRA/ISRA compliance. He lives in Rahway, New Jersey, but is reachable through counsel. There are several outside consultants used in obtaining the ECRA/ISRA compliance sign off. The files are in the possession of Gibbons P.C., One Gateway Center, Newark, New Jersey. Tiffany and Company has files related to the ECRA/ISRA matter. DEP and outside consultants namely Princeton Aqua Sciences, International Technology Corporation, Gerahty & Miller may have files. Most, if not all, of the consultant firms, however, are no longer in business.

Category	Location	Phone Number

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:** From 1898 until 1986, Tiffany and Company was the owner of the site. Tiffany sold the property on which its facility was located in 1986 to Tiffany Manor Associates, a real estate developer with no affiliation with Tiffany and Company. Tiffany Park had no contamination and was sold first in 1984. The former Tiffany Park was converted to a townhouse community in 1984. The Tiffany facility itself was renovated into 130 luxury apartments in 1998.

Category	Location	Phone Number

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:** Tiffany has no knowledge of any discharge/release etc. from the site in to the Newark Bay Complex.

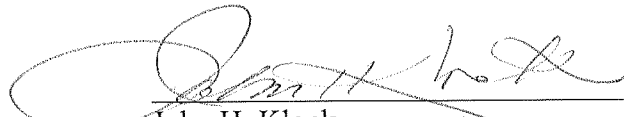
Category	Location	Phone Number

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:** Tiffany has no knowledge of “alleged discharges.” Tiffany received full compliance with ISRA in 1993. Tiffany ceased operations in 1986. The only location of materials readily and physically accessible related to the site is with Tiffany’s attorney’s, Gibbons P.C., who handled the ECRA/ISRA compliance and Tiffany’s files stored at Iron Mountain. There may be copies of documents in storage in multiple files accessible only as hard copies. However, the complete file is with Tiffany and Gibbons P.C. Due to the age of the closed file, there are no EIS materials. All of the non-privileged information should also be available at NJDEP or Passaic Valley Sewerage Commission.

Category	Location	Applicable Exception <sup>1</sup>

GIBBONS P.C.  
Attorneys for Third-Party Defendant  
Tiffany and Company



John H. Klock

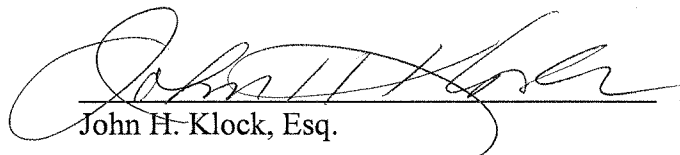
<sup>1</sup> Applicable Exception Codes are as follows:

- 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.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of Third-Party Defendant Tiffany and Company'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 22, 2010. The following counsel of record was served on March 22, 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

  
John H. Klock, Esq.

Dated: March 22, 2010