

CABANA & KING, L.L.C.
104 Elcock Avenue
Boonton, NJ 07005-1112
973-335-7100
973-335-0425 Telecopier
Attorneys for Third-Party Defendant,
Borough of Rutherford

New Jersey Department of Environmental:
Protection, *et al*,

Plaintiffs, :

v. :

Occidental Chemical Corporation, *et al*, :

Defendants, :

and :

Maxus Energy Corporation, *et al*, :

Third-Party Plaintiffs, :

v. :

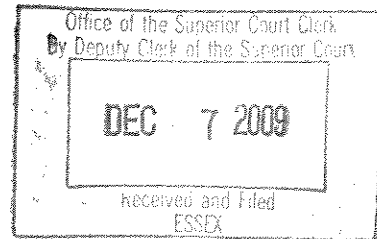
3M Company, *et al*, :

Third-Party Defendants. :

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – ESSEX COUNTY
DOCKET NO. ESX-L-9868-05 (PASR)

Civil Action

INITIAL DISCLOSURE STATEMENT
OF THIRD-PARTY DEFENDANT,
BOROUGH OF RUTHERFORD



In accordance with Case Management Order VII, the Third-Party Defendant, Borough of Rutherford, hereby provides its Initial Disclosure Statement.

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 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: The Third-Party Defendant Borough of Rutherford denies it discharged hazardous substances or Pollutants at or around the site as alleged in the Third-Party Complaint(s). The Clerk of said Third-Party Defendant, as the custodian of the municipal records, should have discoverable information if same exists. Due to the time frame alleged in the Third-Party Complaint(s) that discharges may have occurred, a thorough review of those records has not been completed, and said Third-Party Defendant reserves the right to amend its response when such review is completed.

Any information concerning the administration of public services provided by the Borough of Rutherford within the Borough is under the possession and control of:

Mary P. Kriston, Municipal Clerk
Borough of Rutherford
Municipal Building
176 Park Avenue
Rutherford, NJ 07070
201-460-3000

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: See Response to "a" above.

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: None known at this time.

d. With respect to any individual identified pursuant to paragraphs 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.

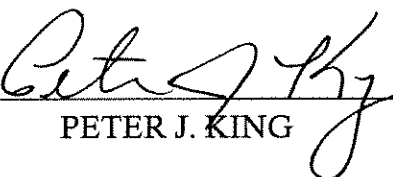
e. A description by category and location (or copy at the discretion of the Third-Party Defendant) of all documents or electronically stored information that the disclosing party has in its possession, custody, or control with respect to Alleged Discharges, including disclosure of the extent to which such documents or electronically stored information may fall within the Excepted Information.

Response: Unknown at this time. See also Response to "a" above.

This Third-Party Defendant reserves the right to supplement this Initial Disclosure Statement as addition information is obtained through investigation and discovery.

CABANA & KING, L.L.C.
Attorneys for Third Party Defendant,
Borough of Rutherford

Dated: December 2, 2009

By  _____
PETER J. KING