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Attorneys for Third-Party Defendant,
Township of Livingston

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE COMMISSIONER OF THE 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
	:	
	:	DOCKET NO. ESX- L-9868-05 (PASR)
	:	
	:	CIVIL ACTION
	:	
Plaintiffs,	:	INITIAL DISCLOSURE STATEMENT <u>OF TOWNSHIP OF LIVINGSTON</u>
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, <u>et al.</u> ,	:	
	:	
Third-Party Defendants.	:	

In accordance with Case Management Order VII, the Township of Livingston hereby provides its Initial Disclosure Statement.

a. The name, address and telephone number, as many 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 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: Third-Party Defendant Township of Livingston denies it discharged hazardous substances or pollutants. Any information concerning the administration of public services provided by the Township of Livingston within the Township of Livingston is under the possession and control of:

Glenn Turtletaub
Clerk of the Township of Livingston
204 Hillside Avenue
Livingston, New Jersey 07039
Phone: 973-535-7965

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: Glenn Turtletaub
Clerk of the Township of Livingston
204 Hillside Avenue
Livingston, New Jersey 07039
Phone: 973-535-7965

Janice Talley, PP Consultant
Talley Planning Associates, LLC
Phone: 973-851-3693
Fax: 973-509-0596

Richard Calbi
Livingston Township Engineer
204 Hillside Avenue
Livingston, New Jersey 07039
Phone: 973-535-7950

Martin Chiarolanzio
Construction Official & Zoning Officer
204 Hillside Avenue
Livingston, New Jersey 07039
Phone: 973-535-7957

Soon Shin
Zoning Review Officer
204 Hillside Avenue
Livingston, New Jersey 07039
Phone: 973-992-1595

c. The name, addresses 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 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 ability 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: Third-Party Defendant Township of Livingston denies it has discharged or is a discharger in this matter. To the extent any relevant documents or information is available, it is in the custody and control of the Clerk of the Township of Livingston or the Municipal Engineer.

Third-Party Defendant Township of Livingston reserves the right to supplement this Initial Disclosure Statement as additional information is obtained through investigation and discovery.

POTTERS & DELLA PIETRA LLP
Attorneys for Third-Party Defendant,
Township of Livingston

By: 
GARY POTTERS, ESQ.

DATED: December 11, 2009