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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,

-v-

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

Defendants,

MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.

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
: Civil Action
: INITIAL DISCLOSURES
: OF
: THIRD PARTY DEFENDANT
: AUTOMATIC ELECTRO-PLATING
: CORPORATION
: PURSUANT
: TO
: CMO VIII

Third-Party Defendant, Automatic Electro-Plating Corporation hereby submits the following Initial Disclosures pursuant to Case Management VIII:

RESERVATIONS

1. Automatic Electro-Plating Corporation 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 attorney-client privilege, work product doctrine, common interest doctrine and any other applicable privilege or protection. These disclosures are not intended to prejudice or waive any privileges or objections Automatic Electro-Plating Corporation may have regarding any discovery requests.

2. Automatic Electro-Plating Corporation's investigation in this matter is continuing and for this reason Automatic Electro-Plating Corporation reserves its right to amend these Initial Disclosures to the extent that claims brought by or against Automatic Electro-Plating Corporation are amended during the course of litigation.

3. The time period covered by the allegations in the Third-Party Complaint is very long, encompassing more than forty (40) years. 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 Complaint, Paragraph 1. The scope of inquiry required by the Third-Party Plaintiffs is broad and burdensome. Automatic Electro-Plating Corporation is engaged in continuing investigation and therefore reserves the right to amend and supplement the Initial 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 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:

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

Mr. Gerald Borriello
Automatic Electro-Plating Corp.
185 Foundry Street, Suite 3
Newark, New Jersey 07105
(973) 589-0344

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

b. The name, address and telephone number, as may be known of each individual likely to have the discoverable information that the disclosing party may use to support its claims or defenses (unless the use would be solely for impeachment):

RESPONSE:

Mr. Gerald Borriello
Automatic Electro-Plating Corp.
185 Foundry Street, Suite 3
Newark, New Jersey 07105
(973) 589-0344

Automatic Electro-Plating Corporation's investigation is ongoing and Automatic Electro-Plating Corporation reserves the right to retain and employ expert consultants and witnesses and does not interpret the Initial Disclosure Request as requiring experts to be identified at this time. Therefore, Automatic Electro-Plating Corporation reserves the right to supplement or amend its response if such information becomes available to the Automatic Electro-Plating Corporation during the course of this litigation.

c. The name, address and telephone, as may be known of any and all past owners, lessees or operators at the sites and/or properties with which it is associated in the Third-Party Complaint and the dates of each ownership; lease or operation, as may be known:

RESPONSE:

Automatic Electro-Plating Corp. has leased the property from Foundry Street Corporation since approximately 1970.

Foundry Street Corporation has owned the property since approximately 1970. Foundry Street purchased the property from KEM Realty (a/k/a Newark Parafine). Foundry Street Corporation sold a portion of the property to Sun Chemical.

Automatic Electro-Plating Corp. is researching prior and current 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:

No inability to testify by the individual identified above is known to Automatic Electro-Plating Corporation.


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:

Automatic Electro-Plating Corporation objects to the form of the question to the extent it assumes or concludes there were "Alleged Discharges" to the Newark Bay Complex from the Automatic Electro-Plating Corporation site. Automatic Electro-Plating Corporation has no documents in its possession, custody or control other than those obtained from the Nexus package concerning any Alleged Discharges. However, Automatic Electro-Plating Corporation's investigation is ongoing and Automatic Electro-Plating Corporation reserves the right to supplement or amend its response if such information becomes available to Automatic Electro-Plating Corporation during the course of this litigation.

CONCLUSION

Automatic Electro-Plating Corporation's Initial Disclosures are made without prejudice as to its right to assert privileges or objections with respect to any subsequent requests for discovery. The Initial disclosures made herein are made based on the information reasonably available to Automatic Electro-Plating Corporation at the time of its response. Therefore, Automatic Electro-Plating Corporation reserves the right under Paragraph 3(f) of Case Management Order VIII to supplement its disclosures as further information is developed through investigation and/or discovery.



Nancy B. Marchioni
Attorney for Third-Party Defendant
Automatic Electro-Plating Corporation

DATED: April 28, 2010

CERTIFICATION OF SERVICE

The undersigned hereby certifies that a true and accurate copy of Third-Party Defendant Automatic Electro-Plating Corporation's Initial Disclosures were served electronically pending reinstatement of <https://njdepvocc.sfile.com/> upon all parties who have consented to electronic service and upon the attached list of counsel via first class, regular mail.



Nancy B. Marchioni
Attorney for Third-Party Defendant
Automatic Electro-Plating Corporation

DATED: April 28, 2010

Third-Party Defendants for Regular Service as of March 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
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