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December 18, 2009

**Via Electronic Filing or Regular Mail**

All Counsel of Record

**Re: N.J. Department of Environmental Protection v. Occidental Chemical Corporation, et al.**  
**Docket No. ESX-L-9868-05 (PASR)**

Dear Sir/Madam:

Enclosed please find the Initial Disclosure Statement of Third-Party Defendant, Borden & Remington Corp. with regard to the above matter.

Very truly yours,

  
Steven T. Casiere

Encl.

cc: Daniel Bogan, Borden & Remington Corp. (w/encl.)  
Susan Canfield, Borden & Remington Corp. (w/encl.)  
Jonathan Z. Pearlson, Esq. (w/encl.)

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Attorneys for Third-Party Defendant,  
Borden & Remington Corp.

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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

Plaintiff,

vs.

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

Defendants.

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MAXUS ENERGY CORPORATION and  
TIERRA SOLUTIONS, INC.,

Third-Party Plaintiffs,

vs.

3M COMPANY, *et al.*,

Third-Party Defendants.

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

CIVIL ACTION

**INITIAL DISCLOSURE STATEMENT  
OF THIRD-PARTY DEFENDANT,  
BORDEN & REMINGTON CORP.**

## **BORDEN & REMINGTON CORP.'S INITIAL DISCLOSURE STATEMENT**

Third-Party Defendant Borden & Remington Corp. ("Borden") by and through its undersigned counsel, and in accordance with this Court's Case Management Order VIII, entered August 11, 2009 ("CMO VIII"), hereby serves its Initial Disclosure Statement.

### Reservations

1. Borden reserves the right to object to the production of any person, document, or other information on any ground, including, without limitation, relevance and undue burden, and to assert any applicable privilege, including, without limitation, the attorney-client privilege, joint defense privilege, and the work product doctrine. By providing these required disclosures, Borden does not waive, limit, or prejudice its right to object to, or assert privilege in connection with, any current or future information or discovery request.
2. Borden reserves the right to supplement and/or revise the information disclosed herein to the extent additional information comes to its attention.

### 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"):**

1. Name: Jeff Carey, Warehouse Manager, Borden; Address: Borden & Remington Corp., 63 Water Street, Fall River, MA 02722; Phone: 508-675-0096

2. Name: Stephen Donnolly, Driver, Borden; Address: Borden & Remington Corp., 63 Water Street, Fall River, MA 02722; Phone: 508-675-0096
3. Name: Kevin Halligan, Environmental Health & Safety Director; Address: Borden & Remington Corp., 63 Water Street, Fall River, MA 02722; Phone: 508-675-0096
4. Name: Kevin McCarthy, Operations Manager, Borden; Address: Borden & Remington Corp., 63 Water Street, Fall River, MA 02722; Phone: 508-675-0096
5. Name: George Ottilige, former Borden Traffic Manager; Address (last known): 550 Reed Road, Swansea, MA 02777; Phone: 508-676-5542
6. All of the above individuals have knowledge that relates solely to Borden's operations and Borden's interactions with an operator of the Central Steel Drum site, with which Borden is alleged to be associated in Third-Party Complaint "B." These individuals are without knowledge as to any alleged discharge or release of Pollutants into the Newark Bay Complex.
7. Name: David Baum, salesperson at Central Steel Drum Company who interacted with Borden; current address and phone of Mr. Baum are not known to Borden. Borden interacted with Mr. Baum with respect to sales, and Borden does not represent that Mr. Baum necessarily has discoverable information that relates to any alleged discharge or release of Pollutants into the Newark Bay Complex from the Central Steel Drum site.

**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):**

1. Name: Jeff Carey, Warehouse Manager, Borden; Address: Borden & Remington Corp., 63 Water Street, Fall River, MA 02722; Phone: 508-675-0096

2. Name: Stephen Donnolly, Driver, Borden; Address: Borden & Remington Corp., 63 Water Street, Fall River, MA 02722; Phone: 508-675-0096
3. Name: Kevin Halligan, Environmental Health & Safety Director; Address: Borden & Remington Corp., 63 Water Street, Fall River, MA 02722; Phone: 508-675-0096
4. Name: Kevin McCarthy, Operations Manager, Borden; Address: Borden & Remington Corp., 63 Water Street, Fall River, MA 02722; Phone: 508-675-0096
5. Name: George Otilige, former Borden Traffic Manager; Address (last known): 550 Reed Road, Swansea, MA 02777; Phone: 508-676-5542. Mr. Otilige is Borden's former Traffic Manager, and Borden does not represent that Mr. Otilige necessarily has discoverable information that Borden may use to support its claims or defenses.
6. Name: David Baum, salesperson at Central Steel Drum Company who interacted with Borden; current address and phone of Mr. Baum are not known to Borden. Borden interacted with Mr. Baum with respect to sales, and Borden does not represent that Mr. Baum necessarily has discoverable information that Borden may use to support its claims or defenses.

**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:**

None known to Borden at this time. Invoices and similar documents in Borden's possession indicate that an entity doing business as the Central Steel Drum Company, 704 Doremus Ave., Newark, New Jersey may have operated the Central Steel Drum site between at least 1990 and 1994.

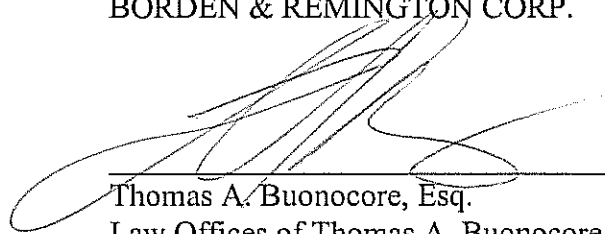
d. With respect to any individual identified pursuant to paragraph (a), (b) or (c) above, (or any other individual known to have material knowledge of an alleged discharge or release of a Pollutant at or from a site and/or property, or into the Newark Bay Complex), any known inability to testify due to age, infirmity, or incompetency within 12 months following the date of the Initial Disclosure:

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:

To the best of its knowledge, Borden has no documents or electronically stored information in its possession, custody, or control with respect to Alleged Discharges. Borden does possess invoices, shipping records, and other related documents associated with Borden's purchase of drums from Central Steel Drum Company. Copies of all invoices were produced by Borden to the United States Environmental Protection Agency in response to a request pursuant to Section 104(e) of CERCLA. All of these documents are stored at Borden & Remington Corp., 63 Water Street, Fall River, MA 02722.

Attorneys for Third-Party Defendant  
BORDEN & REMINGTON CORP.



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(973) 984-2588

Dated: December 17, 2009

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Initial Disclosure Statement of Third-Party Defendant Borden & Remington Corp. was served upon all parties which have consented to electronic service by posting to <http://njdepvocc.sfile.com> on this day. All other Counsel of Record were served via first class, regular mail.



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Dated: December 17, 2009

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