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December 17, 2009

Via S-File

Counsel of Record

Re: New Jersey Department of Environmental Protection, et. al. v. Occidental  
Chemical Corporation, et al. v. Maxus Energy Corporation, et al. v. Bayonne  
Municipal Utilities Authority, et als.,  
Docket No.: ESX-L-9868-05

Dear Counsel:

Enclosed please find Third Party Defendant, Borough of East Newark's, Initial  
Disclosures.

Should you have any questions, please contact the undersigned. Thank you.

Very truly yours,



Neil D. Marotta

NDM:n

Encl.

Cc: Robert B. Knapp, Dep. Clerk

MAROTTA & GARVEY  
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(201) 943-6300  
Attorneys for Third Party Defendant  
Borough of East Newark

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - ESSEX COUNTY

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,

Plaintiffs,

vs.

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

Defendant,

vs.

MAXUS ENERGY CORPORATION and  
TIERRA SOLUTIONS, INC

Third-Party Plaintiffs,

vs.

DOCKET NO.: ESX-L-9868-05 (PASR)

Civil Action

**INITIAL DISCLOSURE  
STATEMENT OF THE  
BOROUGH OF EAST NEWARK**

BAYONNE MUNICIPAL UTILITIES  
AUTHORITY, ET ALS.,

Third-Party Defendants,

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Third-Party Defendant, Borough of East Newark, by way of Initial Disclosures pursuant to Paragraph 3 of Case Management Order VIII, states as follows:

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”):

The Third-Party Defendant, Borough of East Newark, denies it discharged hazardous substances or pollutants or has otherwise caused and/or permitted a discharge of such hazardous substances or pollutants. Any information concerning the administration of public services provided by the Borough of East Newark, within the Borough of East Newark, is under the possession and control of:

Robert B. Knapp, Deputy Borough Clerk  
Borough of East Newark  
34 Sherman Avenue  
East Newark, New Jersey  
(973)481-2902

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);

Robert B. Knapp, Deputy Borough Clerk  
Borough of East Newark  
34 Sherman Avenue  
East Newark, New Jersey  
(973)481-2902

Michael McClelland, Borough Engineer  
3141 Bordentown Avenue  
Parlin, New Jersey 08859  
(732)727-8000

Richard Feraioli, Water/Sewer Purveyor  
Borough of East Newark  
34 Sherman Avenue  
East Newark, New Jersey  
(973)481-2902

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:

This party objects to the term "associated" to the extent that it suggests a relationship with property owned and operated by private entities. Notwithstanding, there are 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 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.

The Third-Party Defendant, Borough of East Newark, denies it discharged hazardous substances or pollutants or has otherwise caused and/or permitted a discharge of such hazardous substances. To the extent there are any relevant documents or information, they are in the custody and control of the Clerk of the Borough of East Newark.

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

MAROTTA & GARVEY

Dated: December 17, 2009

By:   
Neil D. Marotta  
Borough Attorney  
Borough of East Newark