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Attorneys for Third Party Defendant, Borough of Garwood

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	:	
v.	:	<b>THIRD-PARTY DEFENDANT BOROUGH OF GARWOOD'S FIRST AMENDED INITIAL DISCLOSURE PURSUANT TO CASE MANAGEMENT ORDER VIII</b>
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, <i>et al.</i> ,	:	
Third-Party Defendants.	:	

TO: All parties via electronic platform for service

The Borough of Garwood ("Garwood"), a municipal corporation of the State of New Jersey with its principal business address at Borough of Garwood Municipal Building, 403 South Avenue, Garwood, New Jersey 07027

- 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 Complaint) from the site(s) and/or properties with which the disclosing party is associated in the Third-Party Complaint ("Alleged Discharges").

**RESPONSE:** Garwood is unaware of and denies any discharge or release of pollutants, contaminants and/or hazardous substances into the Newark Bay Complex. Those employees of the Borough that may possess knowledge that would lead to discoverable information regarding such incidents if they were to have occurred include:

Doris Polidore  
Clerk 1977-1999(further information unknown)

Christina Ariemma  
Clerk/Borough Administrator 1999-present  
Borough of Garwood Municipal Building  
403 South Avenue, Garwood, New Jersey 07027  
908 789 0170

Donald Guariello  
Borough Engineer 1975-Present  
131 North Michigan Avenue  
Kenilworth, New Jersey 07033  
908 620 1139

- 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:** Not applicable to third-party defendant Borough of Garwood, a municipal corporation of the State of New Jersey.

- 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; and

**RESPONSE:** Not applicable.

- 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.

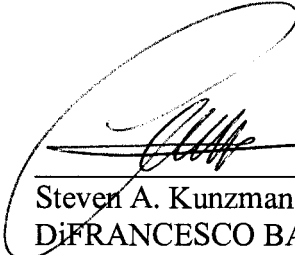
**RESPONSE:** The Borough of Garwood is not aware of and denies any discharges of the nature referred to and no documents or electronically stored information are known to exist regarding such alleged discharges.

The Township Clerk's Office has a file for the Rahway Valley Sewerage Authority("RVSA") containing correspondence, waterflow charts, resolutions, ordinances and recycling grants. Additional information may be found on the RVSA website. <http://www.rahwayvalleysa.com>.

The Borough Engineer's office, located at 131 North Michigan Avenue, Kenilworth, New Jersey 07033, has maps of the Borough's sewerage system, bills from the RVSA, RVSA minutes, correspondence between Garwood and the RVSA, and Engineer reports.

- f. Third-Party Defendant will amend and/or supplement the Initial Disclosure as additional information is obtained through investigation and discovery.

**RESPONSE:** Third-Party Defendant Borough of Garwood acknowledges its duty to amend and supplement these Initial Disclosures in the event additional information is obtained through investigation and discovery.



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Borough of Garwood

Dated: March 5, 2010