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Borough of Kenilworth

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,

Defendants,

and

MAXUS ENERGY CORPORATION and
TIERRA SOLUTIONS, INC.,

Third-Party Plaintiffs,

vs.

BAYONNE MUNICIPAL UTILITIES
AUTHORITY, BOROUGH OF CARTERET,
BOROUGH OF EAST NEWARK, BOROUGH
OF EAST RUTHERFORD, BOROUGH OF
ELMWOOD PARK, BOROUGH OF

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

Civil Action

**INITIAL DISCLOSURE OF
THIRD PARTY DEFENDANT
BOROUGH OF KENILWORTH**

FAIR LAWN, BOROUGH OF KENILWORTH, :
BOROUGH OF FRANKLIN LAKES, :
BOROUGH OF GARWOOD, BOROUGH OF :
GLEN RIDGE, BOROUGH OF GLEN ROCK, :
BOROUGH OF HALEDON, BOROUGH OF :
HASBROUCK HEIGHTS, BOROUGH OF :
HAWTHORNE, BOROUGH OF KENILWORTH, :
BOROUGH OF LODI, BOROUGH OF :
MOUNTAINSIDE, BOROUGH OF :
NEW PROVIDENCE, BOROUGH OF :
NORTH ARLINGTON, BOROUGH OF :
NORTH CALDWELL, BOROUGH OF NORTH :
HALEDON, BOROUGH OF PROSPECT PARK, :
BOROUGH OF ROSELLE PARK, BOROUGH :
OF ROSELLE, BOROUGH OF RUTHERFORD, :
BOROUGH OF TOTOWA, BOROUGH OF :
WALLINGTON, BOROUGH OF WEST :
PATERSON, BOROUGH OF WOOD-RIDGE, :
CITY OF BAYONNE, CITY OF CLIFTON, :
CITY OF EAST ORANGE, CITY OF :
ELIZABETH, CITY OF GARFIELD, CITY OF :
HACKENSACK, CITY OF JERSEY CITY, :
CITY OF LINDEN, CITY OF NEWARK, CITY :
OF ORANGE, CITY OF PASSAIC, CITY OF :
PATERSON, CITY OF RAHWAY, CITY OF :
SUMMIT, CITY OF UNION CITY, HOUSING :
AUTHORITY OF THE CITY OF NEWARK, :
JERSEY CITY MUNICIPAL UTILITIES :
AUTHORITY, JOINT MEETING OF ESSEX :
AND UNION COUNTIES, LINDEN ROSELLE :
SEWERAGE AUTHORITY, PASSAIC VALLEY :
SEWERAGE COMMISSIONERS, PORT :
AUTHORITY OF NEW YORK AND NEW :
JERSEY, RAHWAY VALLEY SEWERAGE :
AUTHORITY, THE NEW JERSEY :
DEPARTMENT OF AGRICULTURE, THE :
NEW JERSEY DEPARTMENT OF :
TRANSPORTATION, THE STATE OF NEW :
JERSEY, TOWN OF BELLEVILLE, TOWN OF :
HARRISON, TOWN OF KEARNY, TOWN OF :
NUTLEY, TOWN OF WESTFIELD, TOWN OF :
WOODBIDGE, TOWNSHIP OF BERKELEY :
HEIGHTS, TOWNSHIP OF BLOOMFIELD, :
TOWNSHIP OF CEDAR GROVE, TOWNSHIP :
OF CLARK, TOWNSHIP OF CRANFORD, :
TOWNSHIP OF HILLSIDE, TOWNSHIP OF :

IRVINGTON, TOWNSHIP OF LITTLE FALLS, :
 TOWNSHIP OF LIVINGSTON, TOWNSHIP OF :
 LYNDHURST, TOWNSHIP OF MAPLEWOOD, :
 TOWNSHIP OF MILLBURN, TOWNSHIP OF :
 MONTCLAIR, TOWNSHIP OF ORANGE, :
 TOWNSHIP OF SADDLE BROOK, TOWNSHIP :
 OF SCOTCH PLAINS, TOWNSHIP OF SOUTH :
 HACKENSACK, TOWNSHIP OF SOUTH :
 ORANGE VILLAGE, TOWNSHIP OF :
 SPRINGFIELD, TOWNSHIP OF UNION, :
 TOWNSHIP OF WEST ORANGE, :
 TOWNSHIP OF WINFIELD PARK, TOWNSHIP :
 OF WYCKOFF, VILLAGE OF RIDGEWOOD, :
 :
 :
 Third-Party Defendants, :
 _____ :
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Third-Party Defendant (Complaint “A”) Borough of Kenilworth, submits its Initial Disclosure Statement seeking to be in accordance with Case Management Order VIII. The Borough of Kenilworth hereby reserves the right to amend this Initial Disclosures Statement throughout the course of discovery.

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 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 part is associated in the Third-Party Complaint (“Alleged Discharges”);

ANSWER: Not applicable. The Borough of Kenilworth denies any such discharges occurred.

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 its claims or defenses (unless the use would be solely for impeachment);

ANSWER: Hedy Lipke, Borough Clerk, Borough of Kenilworth, 567 Boulevard, Kenilworth, N.J. 07033.

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;

ANSWER: Not applicable.

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

ANSWER: 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.

ANSWER: None known.

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

FRUCHTER & ASSOCIATES, LLC
Attorneys for Third-Party Defendant
Borough of Kenilworth



By _____
Harvey Fruchter, Esq.

Dated: January 15, 2010