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Attorneys for Third-Party Defendant
Borough of Mountainside

NEW JERSEY DEPARTMENT OFx
ENVIRONMENTAL PROTECTION, THE: **SUPERIOR COURT OF NEW**
COMMISSIONER OF THE NEW JERSEY: **JERSEY**
DEPARTMENT OF ENVIRONMENTAL:
PROTECTION and THE ADMINISTRATOR:
OF THE NEW JERSEY SPILL: **LAW DIVISION: ESSEX COUNTY**
COMPENSATION FUND, :
:
Plaintiffs :
:
v. :
:
:
:
OCCIDENTAL CHEMICAL: **DOCKET NO. L-9868-05 (PASR)**
CORPORATION, TIERRA SOLUTIONS,:
INC., MAXUS ENERGY CORPORATION,:
REPSOL YPF, S.A., YPF, S.A., YPF:
HOLDING, INC. and CLH HOLDINGS,:
INC., :
:
Defendants. : **CIVIL ACTION**
:
MAXUS ENERGY CORPORATION and:
TIERRA SOLUTIONS, INC., :
:
Third-Party Plaintiffs, : **INITIAL DISCLOSURE**
:
vs. : **STATEMENT of BOROUGH OF**
:
:
3M COMPANY, et al., x **MOUNTAINSIDE**
:
:
Third-Party Defendants.

In accordance with Case Management Order VIII, the Borough of Mountainside hereby provides its Initial Disclosure Statement.

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 party is associated in the Third-Party Complaint ("Alleged Discharges").

RESPONSE: Third-Party Defendant the Borough of Mountainside denies it discharged hazardous substances or pollutants. Any information concerning the administration of public services provided by the Borough of Mountainside within the Borough of Mountainside is under the possession and control of:

908.232.2400
Clerk of the Borough of Mountainside
Municipal Building
1385 Route 22
Mountainside, NJ 07092

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: Clerk of the Borough of Mountainside

908.232.2409
Mike Disko, Jr.
Municipal Engineer of the Borough of Mountainside
Municipal Building
1385 Route 22
Mountainside, NJ 07092

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: None known at this time.

d. With respect to any individual identified pursuant to paragraph (a), (b) or (c) above, (or any other individual know 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: 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.

RESPONSE: Third-Party Defendant the Borough of Mountainside denies it has discharged or is a discharger in this matter. To the extent any relevant documents or information is available it is in the custody and control of the Clerk of the Borough of Mountainside or the Municipal Engineer.

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

Date: _____

12/1/09



Daren R. Eppley
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