

HIMELMAN, WERTHEIM & GELLER, LLC
1405 Route 18 South, Suite 201
Old Bridge, New Jersey 08857
Tel: (732) 679-4040
Fax: (732) 679-0511
*Attorneys for Third-Party Defendant
Chemical Compounds, Inc.*

**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

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY**

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

CIVIL ACTION

v.

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

Defendants,

**INITIAL DISCLOSURE STATEMENT OF
THIRD PARTY DEFENDANT,
CHEMICAL COMPOUNDS, INC.**

and

**MAXUS ENERGY CORPORATION and
TIERA SOLUTIONS, INC.**

Third-Party Plaintiffs,

v.

3M COMPANY, et al.,

Third -Party Defendants.

Third-Party Defendant, Chemical Compounds, Inc., by way of its Initial Disclosure in accordance with Case Management Order VIII provides the following specific information:

Reservations

1. Chemical Compounds, Inc. reserves the right to object to the production of any documents or other information on any ground, including relevance and undue burden, and to assert any

applicable privilege, including the attorney-client privilege, the work product doctrine, the common interest doctrine, and any other applicable privilege or protection. These disclosures are not intended to prejudice or waive any privileges or objections Respondent may have with respect to any outstanding or subsequent discovery requests.

2. Chemical Compounds, Inc.’s investigation in this matter is continuing. Accordingly, it reserves the right to supplement, clarify, and revise these disclosures to the extent additional information becomes available or is obtained through discovery. Further, Chemical Compounds, Inc. reserves the right to amend these disclosures to the extent the claims brought by or alleged against Chemical Compounds, Inc. in this litigation are amended.
3. The time period covered by the allegations in the Plaintiffs’ Second Amended Complaint is quite long and encompasses at least six decades. The geographic scope of the Second Amended Complaint is also quite broad, covering the ‘Newark Bay Complex,’ which spans the ‘lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill van Kull, and into adjacent waters and sediments.’ Second Amended Complaint, ¶ 1. The scope of inquiry required by Plaintiffs and Third-Party Defendants is accordingly quite broad and potentially burdensome. Chemical Compounds, Inc. is therefore engaged in a continuing investigation and reserves the right to supplement and modify these disclosures.

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”).*

Response:

Third-Party Defendant, Chemical Compounds, Inc., denies that it discharged any hazardous substances or pollutants or has otherwise caused and/or committed a discharge of such hazardous substances or pollutants. Any information concerning the operations of Chemical Compounds, Inc. and/or any activities conducted at 29-75 Riverside Avenue, Bldg. #17 Newark, NJ 07104 (the “property”) during its ownership is under the possession and control of:

Name/Address/Phone	Subject
Alberto Celleri Chemical Compounds, Inc. 29-75 Riverside Avenue Newark, N.J. 07104 973-485-3211	Alberto Celleri is the president of Chemical Compounds, Inc. and has information regarding operations of Chemical Compounds, Inc. and the property during Chemical Compounds, Inc.’s ownership.

- 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:

Name/Address/Phone
Alberto Celleri Chemical Compounds, Inc. 29-75 Riverside Avenue Newark, N.J. 07104 973-485-3211

- 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:

Name/Address/Phone	Dates at Site: Ownership/Operator/Lease
Chemical Compounds, Inc. 29-75 Riverside Avenue Newark, N.J. 07104 973-485-3211	July 1, 1986 - present

- 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.*

Response:

Third-Party Defendant, Chemical Compounds, Inc., denies that it discharged any hazardous substances or pollutants or has otherwise caused and/or committed a discharge of such hazardous substances or pollutants. Notwithstanding the foregoing, none are 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, Chemical Compounds, Inc., denies that it discharged any hazardous substances or pollutants or has otherwise caused and/or committed a discharge of such hazardous substances or pollutants. To the extent any relevant documents or information, during Chemical Compounds, Inc.'s ownership, regarding 29-75 Riverside Avenue, Bldg. #17 Newark, NJ 07104 is available, it is under the custody and control of:

Name/Address/Phone
Alberto Celleri Chemical Compounds, Inc. 29-75 Riverside Avenue Newark, N.J. 07104 973-485-3211

Respectfully submitted,

HIMELMAN, WERTHEIM & GELLER, LLC
Attorneys for Third-Party Defendant
Chemical Compounds, Inc.

By: _____


Stephen R. Geller

Dated December 17, 2009