

TO: ALL PARTIES VIA ELECTRONIC PLATFORM FOR SERVICE

In accordance with Case Management Order VIII, Third-Party Defendant, City of Elizabeth, (hereinafter "the City") hereby provides its Initial Disclosure Statement. The City reserves the right to amend this Initial Disclosure Statement during the course of discovery.

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 sites and/or properties with which the disclosing party is associated in the Third-party Complaint ("Alleged Discharges"):

RESPONSE: Third Party Defendant, City of Elizabeth, denies it discharged hazardous substances or pollutants or has otherwise caused and /or permitted a discharge of such hazardous substances or pollutants. All of the following individuals and/or corporations or entities have knowledge of any and all of the history, procedures, functions, and any other relevant information pertaining to the sewerage system of the City of Elizabeth.

John Papetti Jr., Director of Public Works
Ernesto Marticorena, City of Elizabeth - City Engineer
Robert Wetzel, City of Elizabeth Department of Engineering
Steven Rinaldi, City of Elizabeth Department of Engineering
Frank Schipani, Assistant Superintendent of Public Works
City of Elizabeth
50 Winfield Scott Plaza
Elizabeth, New Jersey 07201

Dee Gillespie
Robert Skrupskis
E'Town Services LLC
PO Box 102
Bound Brook, NJ 08805

Victor Vinegra
Harbor Consultants
320 North Avenue East
Cranford, NJ 07016

Joe Pryor
Albert Bowyer
Kupper, LLC
1200 Lenox Dr. Ste 101
Trenton, NJ 08648-8389

William Kowalski
Robert Curti
Nicholas Valese
Mark Tompeck
Hatch Mott & Mac Donald
27 Bleeker Street
Millburn, NJ 07041

Robert Manix
John Davies
CMX f/d/b/a Schoor DePalma
Engineers and Design Professionals
Justin Corporate Center
200 State Highway Nine
P.O. Box 900
Manalapan, NJ 07726-.0900

Herbert L. Kaufman
Clinton Bogert Associates (company no longer exists)
270 Sylvan Avenue
Englewood Cliffs, New Jersey 07632

Union County Improvement Authority

Joint Meeting of Essex & Union Counties
500 South First Street
Elizabeth, NJ 07202

Langan Engineering
30 South 11th Street
Suite 1300
Philadelphia, PA. 19103

T&M Associates
Eleven Tideall Road
Middletown, NJ 07748

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 answer to subpart a. hereinabove.

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: This party objects to the term "associated" to the extent that it suggests a relationship with property owned and operated by private entities. Notwithstanding, none at this time.

d. With respect to any individual identified pursuant to paragraph (a), (b) or (c) above, (or any other individual unknown to have material knowledge of an alleged discharge or release of a Pollutant at or from a site and/or property, or into 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, except that Herbert L. Kaufman formerly of Clinton Bogert Associates is retired and the City has not had any contact with him for years.

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 Discharged including disclosure of the extent of which such documents or electronically stored information may fall within Exempted Information.

RESPONSE: Third Party Defendant, City of Elizabeth, denies it discharged hazardous substances or pollutants or has otherwise caused and /or permitted a discharge of such hazardous substances or pollutants. To the extent any relevant documents or information are available, they are in the custody and control of the Clerk of the City of Elizabeth, Director of Public Works and City Engineer.

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



William R. Holzappel
City Attorney
Attorney for Third Party
Defendant City of Elizabeth

Dated: December 17, 2009