

**ZISA & HITSCHERICH**

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HACKENSACK, NJ 07602

Attorneys for Third-Party Defendant, City of Hackensack

NEW JERSEY DEPARTMENT OF	:	SUPERIOR COURT OF NEW JERSEY
ENVIRONMENTAL PROTECTION, THE	:	LAW DIVISION – ESSEX COUNTY
COMMISSIONER OF THE NEW JERSEY	:	
DEPARTMENT OF ENVIRONMENTAL	:	DOCKET NO.ESX-L-9868-05 (PASR)
PROTECTION and THE ADMINISTRATOR	:	
OF THE NEW JERSEY SPILL	:	
COMPENSATION FUND,	:	

*PLAINTIFFS*

V.

CIVIL ACTION

OCCIDENTAL CHEMICAL CORPRATION	:
TIERRA SOLUTIONS, INC., MAXUS	:
ENERGY CORPORATION, REPSOL TPF,	:
S.A., YPF, S.A., YPF HOLDING, INC. and	:
CLH HOLDINGS INC.,	:

*DEFENDANTS.*

**INITIAL DISCLOSURE  
STATEMENT OF THE  
CITY OF HACKENSACK**

MAXUS ENERGY CORPORATION and	:
TIERRA SOLUTIONS, INC.,	:

*THIRD-PARTY PLAINTIFFS, :*

V.

3M COMPANY, ET AL,

*THIRD-PARTY DEFENDANTS*

TO: ALL PARTIES VIA ELECTRONIC PLATFORM FOR SERVICE

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

a. *The name, address and telephone number, as my 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, City of Hackensack denies it discharged hazardous substances or pollutants or has otherwise caused and/or permitted a discharge of such hazardous substances or pollutants. Any information concerning the administration of public services provided by the City of Hackensack, within the City of Hackensack, is under the possession and control of:

Debra Heck, City Clerk  
City of Hackensack  
65 Central Avenue  
Hackensack, NJ 07601

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: Debra Heck, Clerk  
City of Hackensack  
65 Central Avenue  
Hackensack, NJ 07601

Peter Ten Kate, City Engineer  
Boswell Engineering  
330 Phillips Avenue  
P.O. Box 3152  
South Hackensack, NJ

Jesse D’Amore, Superintendant DPW  
City of Hackensack  
65 Central Avenue  
Hackensack, NJ 07601

Joseph Malone, Land Use Administrator  
And Construction Official  
City of Hackensack  
65 Central Avenue  
Hackensack, NJ 07601

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, s 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 known at this time.

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: 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, City of Hackensack, denies it has discharged or is a discharger in this matter or has otherwise caused and/or permitted a discharge of such hazardous substances. To the extent any relevant documents or information is available it is in the custody and control of the Clerk of the City of Hackensack, Superintendent of DPW, City Engineer or Land Use Administrator.

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

ZISA & HITSCHERICH  
Attorneys for the Third Party Defendant,  
City of Hackensack

BY:   
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JOSEPH C. ZISA

DATED: DECEMBER , 2009