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City of Summit

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

v.

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

Defendants.

MAXUS ENERGY CORPORATION and
TIERRA SOLUTIONS, INC.,

Third-Party Plaintiffs,

vs.

3M COMPANY, et al.,

Third-Party Defendants.

**SUPERIOR COURT OF NEW
JERSEY**

LAW DIVISION: ESSEX COUNTY

DOCKET NO. L-9868-05 (PASR)

CIVIL ACTION

**INITIAL DISCLOSURE
STATEMENT of CITY OF
SUMMIT**

In accordance with Case Management Order VIII, the City of Summit 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 City of Summit denies it discharged hazardous substances or pollutants. Any information concerning the administration of public services provided by the City of Summit within the City of Summit is under the possession and control of:

908.273-6400
Clerk of the City of Summit
City Hall
512 Springfield Avenue
Summit, NJ 07901-2667

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 City of Summit

908.273.6404
Andrew Hipolit
Municipal Engineer of the City of Summit
City Hall
512 Springfield Avenue
Summit, NJ 07901-2667

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 City of Summit 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 City of Summit 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



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