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*Attorney for Third-Party Defendant  
Fine Organics Corporation*

NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, THE  
COMMISSIONER OF THE NEW JERSEY  
ENVIRONMENTAL PROTECTION AGENCY,  
and THE ADMINISTRATOR OF THE NEW  
JERSEY SPILL COMPENSATION FUND,

Plaintiffs,

vs.

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

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 OF  
THIRD-PARTY DEFENDANT  
FINE ORGANICS CORPORATION**

**INITIAL DISCLOSURE OF THIRD-PARTY DEFENDANT**  
**FINE ORGANICS CORPORATION**

Third-Party Defendants Fine Organics Corporation (“Fine Organics”) hereby submits its Initial Disclosure Statement in accordance with Case Management Orders V and VIII.

### **RESERVATIONS**

1. Fine Organics 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 Fine Organics may have with respect to any outstanding or subsequent requests for discovery.

2. Fine Organics’ investigation in this matter is continuing. Accordingly, Fine Organics reserves the right to supplement, clarify, and revise these disclosures to the extent additional information becomes available or is obtained through discovery. Further, Fine Organics reserves the right to amend these disclosures to the extent the claims brought by or alleged against Fine Organics in this litigation are amended.

3. The time period covered by the allegations in the Plaintiffs’ Second Amended Complaint is extremely long and encompasses at least six decades. The geographic scope of the Second Amended Complaint also is 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.” 2d Am. Compl. ¶ 1. The scope of inquiry required by Plaintiffs and Third-Party Defendants is accordingly very broad and potentially burdensome. Fine Organics therefore is 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:**

Fine Organics objects to this request to the extent it concludes that there was any discharge or release of pollutants, contaminants and/or hazardous substances from the site located at 205 Main Street, Lodi, New Jersey (“the Site”). In addition to the individuals listed in Hexcel Corporation’s Initial Disclosures, Fine Organics has identified the following individuals as potentially having discoverable information regarding the topics listed below.

<b>Name, Address &amp; Telephone</b>	<b>Subject of Information</b>
James Hidgon Fine Organics Corporation  Contact: Counsel for Fine Organics Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700	Fine Organics Director of Operations; environmental remediation and defenses
William Reidy Fine Organics Corporation  Contact: Counsel for Fine Organics Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700	Fine Organics CEO; environmental remediation and defenses
Gary Straub Fine Organics Corporation  Contact: Counsel for Fine Organics Corporation Baker Botts L.L.P.	Fine Organics President; environmental remediation and defenses

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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:**

The following individuals may have discoverable information that Fine Organics may use to support its claims or defenses:

Name or Entity	Address & Telephone
James Hidgon Fine Organics Corporation	Contact: Counsel for Fine Organics Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700
William Reidy Fine Organics Corporation	Contact: Counsel for Fine Organics Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700
Gary Straud Fine Organics Corporation	Contact: Counsel for Fine Organics Corporation Baker Botts L.L.P. 1299 Pennsylvania Ave., NW Washington, DC 20004 (202) 639-7700

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:**

The following list includes past or present owners, lessees or operators of the Site currently known to Fine Organics:

<b>Name Address &amp; Telephone</b>	<b>Dates of Ownership/ Lease/Operation</b>
Hexcel Corporation Two Stamford Plaza 281 Tresser Blvd. Stamford, CT 06901	Owned and operated 1975 - 1986 1997 - present
Fine Organics Corporation 420 Kuller Rd. Clifton, NJ 07011	Owned and operated 1986 - 1997
Fine Organics, Inc. address unknown	Owned and operated 1944 - 1975

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:**

Fine Organics is currently unaware of any inability to testify due to age, infirmity, or incompetency with respect to the individuals identified pursuant to the preceding paragraphs.

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:**

Fine Organics objects to this request to the extent it concludes that there was any discharge or release of pollutants, contaminants and/or hazardous substances from the Site.

Without waiving any objections, the following list includes a description of all non-privileged documents and electronically stored information currently known to Fine Organics to be in its possession, custody or control that relate to environmental compliance, investigation and remediation at the Site. Further, some or all of the documents identified with the categories that are labeled with an asterisk (\*) may consist of information that falls within the category of Excepted Information.<sup>1</sup>

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<sup>1</sup> Pursuant to CMO VIII, the term Excepted Information shall include the following documents or electronically stored information:

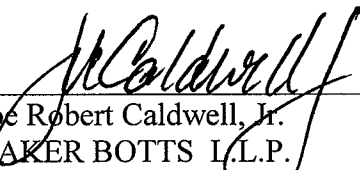
- a. Information, (“Information”), including, but not limited to, environmental, chemical and/or biological testing of groundwater, surface water, soil or sediment (hereinafter “Sampling Information”) contained in the nexus packages produced pursuant to paragraph 8 (e) of CMO V; and
- b. Information previously produced to any branch, department, agency or instrumentality of the State of New Jersey including to the New Jersey Department of Environmental Protection (“NJDEP”) or Information produced to any other governmental agency or entity whose responsibility it is to oversee environmental compliance in the Newark Bay Complex Area, including, but not limited to, the United States Environmental Protection Agency and the United States Army Corps of Engineers (hereinafter “Governmental Recipients”);
- c. Information produced to any Licensed Site Remediation Professional (hereinafter “LSRP”) who is duly licensed by the State of New Jersey at the time of receipt of such Information where such disclosure of Information is intended to be used in connection with any remedial investigation or remedial action having an assigned case number in the NJDEP’s NJEMS data system;
- d. Sampling Information compiled with the expectation of being produced to a Governmental Recipient or an LSRP under Paragraphs 4(b) or 4(c) but which Sampling Information has not yet undergone quality assurance/ quality control or similar analysis;
- e. Information produced by a third-party defendant to any third-party plaintiff pursuant to the New Jersey Open Public Records Act or other freedom of information law or regulation;
- f. Information previously produced to Defendants; and
- g. Information that falls within the attorney-client privilege and/or the attorney work product privilege.

Documents by Category	Location
Hazardous waste manifests*	Fine Organics Corporation 420 Kuller Road Clifton, NJ 07011
Production formulas	Fine Organics Corporation 420 Kuller Road Clifton, NJ 07011
Documents created pursuant to the federal Emergency Planning & Community Right-to-Know Act and/or the New Jersey Worker and Community Right to Know Act*	Fine Organics Corporation 420 Kuller Road Clifton, NJ 07011

Fine Organics' Initial Disclosures are made without prejudice to its right to change or supplement its responses, its right to assert privileges or objections with respect to any subsequent requests for discovery, and its right to introduce at trial additional evidence and documents as warranted by the development of the facts underlying this litigation.

Dated: March 29, 2010

Respectfully submitted,




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*Attorney for Third-Party Defendant Fine Organics Corporation*

**CERTIFICATE OF SERVICE**

I, Joe Robert Caldwell, Jr., an attorney-at-law of the State of New Jersey, do hereby state upon my oath that I have served the forgoing Initial Disclosure of Third-Party Defendant Fine Organics Corporation electronically via posting on Sfile upon all parties which have consented to service by posting, and upon the attached list of counsel of record by depositing the same with the United States Postal Service.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willingly false, I am subject to punishment.

Joe Robert Caldwell, Jr.

Attorney for Third-Party Defendant Fine  
Organics Corporation

By: \_\_\_\_\_

  
Joe Robert Caldwell, Jr.

Dated: March 29, 2010



**THIRD-PARTY DEFENDANTS SERVICE LIST**

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