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 Attorneys for Third-Party Defendant Singer Sewing Company

NEW JERSEY DEPARTMENT OF	:	SUPERIOR COURT OF NEW
ENVIRONMENTAL PROTECTION and	:	JERSEY
THE ADMINISTRATOR OF THE NEW	:	LAW DIVISION: ESSEX
JERSEY SPILL COMPENSATION FUND,	:	COUNTY
	:	
Plaintiffs	:	DOCKET NO. L-9868-05 (PASR)
v.	:	
	:	
OCCIDENTAL CHEMICAL	:	CIVIL ACTION
CORPORATION, TIERRA SOLUTIONS,	:	
INC., MAXUS ENERGY CORPORATION,	:	INITIAL DISCLOSURE OF
REPSOL YPF, S.A., YPF, S.A., YPF	:	SINGER SEWING COMPANY
HOLDINGS, INC. and CLH HOLDINGS,	:	PURSUANT TO CMO VIII
INC.,	:	
Defendants.	:	
	:	
MAXUS ENERGY CORPORATION and	:	
TIERRA SOLUTIONS,	:	
INC.,	:	
Third-Party Plaintiffs,	:	
	:	
vs.	:	
	:	
3M COMPANY, <i>et al.</i> ,	:	
	:	
Third-Party Defendants.	:	

Singer Sewing Company (“Singer”), a Delaware corporation, by way of its Initial Disclosure in accordance with Case Management Order V and paragraph number 3 of Case Management Order VIII, provides the following specific information:

Reservations

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

2. 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." See Second Amended Complaint, ¶ 1. The scope of inquiry required by Plaintiffs and Third-Party Defendants is accordingly quite broad and potentially burdensome. Singer 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:

Singer objects to this request to the extent that it assumes or concludes that there was an “alleged discharge or release of pollutants, contaminants and/or hazardous substances” into the Newark Bay Complex from the site with which Singer or its alleged predecessors in interest are associated in Third-Party Complaint B. Singer further objects to the above Initial Disclosure on the grounds that the term “associated” is vague and ambiguous and susceptible to numerous interpretations. Singer further objects to the above Initial Disclosure on the grounds that it never owned or operated the Singer Site (as the term “Singer Site” is defined in Third-Party Complaint B) and therefore does not have any personal knowledge of the information requested in this Initial Disclosure. Subject to the foregoing objections and Reservations, Singer has no knowledge of any individuals that may possess information responsive to this Initial Disclosure.

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:

Singer objects to the above Initial Disclosure on the grounds that it never owned or operated the Site (as the term “Singer Site” is defined in Third-Party Complaint B) and

therefore does not have any personal knowledge regarding Alleged Discharges of Pollutants into the Newark Bay Complex.

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:

Singer objects to the above Initial Disclosure on the grounds that the term “associated” is vague and ambiguous and susceptible to numerous interpretations. Singer further objects to the above Initial Disclosure on the grounds that it never owned or operated the Site (as the term “Singer Site” is defined in Third-Party Complaint B) and therefore does not have any personal knowledge of the information requested in this Initial Disclosure.

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:

Singer objects to this request to the extent that it assumes or concludes that there was an “alleged discharge or release of a Pollutant . . . into the Newark Bay Complex” from a site or property with which Singer or its alleged predecessors in interest are associated in Third-Party Complaint B. Singer further objects to the above Initial Disclosure on the grounds that the term “associated” is vague and ambiguous and susceptible to numerous interpretations. Singer further objects to the above Initial Disclosure on the grounds that it never owned or operated the Singer Site (as the term “Singer Site” is defined in Third-

Party Complaint B) and therefore does not have any personal knowledge of the information requested in this Initial Disclosure.

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.

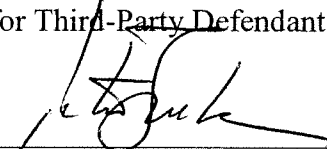
Response:

Singer objects to this request to the extent that it assumes or concludes that there were Alleged Discharges ... into the Newark Bay Complex from a site or property with which Singer or its alleged predecessors in interest are associated in Third-Party Complaint B. Subject to and without waiving this objection and Reservations, Singer has no documents or electronically stored information in its possession, custody or control with respect to Alleged Discharges.

Documents by Category	Location	Applicable Exception¹
Nexus documents supplied by Third-Party Plaintiffs	Copy with counsel	a, b
Attorney Notes & Memos	Copy with counsel	g

Lindabury, McCormick Estabrook & Cooper, P.C.
Attorneys for Third-Party Defendant Singer Sewing
Company

Dated: January 14, 2010

By: 
Peter M. Burke, Esq.

¹ Applicable Exception Codes are as follows:

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

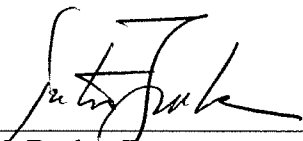
g. Information that falls within the attorney-client privilege and/or the attorney work product privilege.

CERTIFICATION OF SERVICE

I, Peter M. Burke, an Attorney at Law of the State of New Jersey, do hereby state upon my oath that the foregoing Initial Disclosure of Third-Party Defendant Singer Sewing Company was served electronically by 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.

Dated: January 14, 2010



Peter M. Burke, Esq.

Third-Party Defendants for Regular Service as of January 5, 2010

NAMED THIRD-PARTY DEFENDANT	THIRD-PARTY COMPLAINT	NOTICE OF APPEARANCE: COUNSEL OF RECORD
City of Clifton	A	Thomas M. Egan, Esq. Assistant Municipal Attorney City of Clifton Law Department 900 Clifton Avenue Clifton, NJ 07013 973.470.5817 973.470.5254 - fax tegan@cliftonnj.org
City of Orange	A	John P. McGovern Assistant City Attorney City of Orange Township 29 North Day St. Orange, NJ 07050 973.266.4197 973.674.2021 - fax jmcgovern@ci.orange.nj.us
Clean Earth of North Jersey, Inc.	B	Eric S. Aronson Greenberg Traurig, LLP 200 Park Avenue Florham Park, NJ 07932 973.360.7900 973.301.8410 - fax aronsone@gtlaw.com
Passaic Pioneers Properties Company	B	John A. Daniels Daniels & Daniels LLC 6812 Park Ave. Guttenberg, NJ 07093 202.868.1868 201.868.2122 - fax jad1903@gmail.com
Roman Asphalt Corporation	B	Michael V. Calabro Law Offices of Michael V. Calabro 466 Bloomfield Ave., Suite 200 Newark, NJ 07107 973.482.1085 973.482.7930 - fax michaelvcalabro@verizon.net
Township of Irvington	A	Gustavo Garcia Municipal Attorney Township of Irvington Irvington Municipal Building Civic Square Irvington, NJ 07111 973.399.6637 973.399.6723 - fax