

Our File No.: 359697B

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Attorneys for Third Party Defendant, Township of Berkeley Heights

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,	:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ESSEX COUNTY
	:	DOCKET NO. ESX- L-9868-05 (PASR)
	:	CIVIL ACTION
Plaintiffs	:	
v.	:	THIRD-PARTY DEFENDANT TOWNSHIP OF BERKELEY HEIGHTS' INITIAL DISCLOSURE PURSUANT TO CASE MANAGEMENT ORDER VIII
OCCIDENTAL CHEMICAL CORPORATION, TIERRA SOLUTIONS, INC., MAXUS ENERGY CORPORATION, REPSOL YPF, S.A., YPF, S.A., YPF HOLDINGS, INC. and CLH HOLDINGS, INC.,	:	
Defendants.	:	
MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.,	:	
Third-Party Plaintiffs,	:	
vs.	:	
3M COMPANY, <i>et al.</i> ,	:	
Third-Party Defendants.	:	

TO: All parties via electronic platform for service

The Township of Berkeley Heights ("Berkeley Heights"), a municipal corporation of the State of New Jersey with its principal business address at Township of Berkeley Heights Municipal Building, 29 Park Avenue, Berkeley Heights, New Jersey 07922

- 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 Complaint) from the site(s) and/or properties with which the disclosing party is associated in the Third-Party Complaint ("Alleged Discharges").

RESPONSE: Berkeley Heights is unaware of and denies any discharge or release of pollutants, contaminants and/or hazardous substances into the Newark Bay Complex. Those employees of the Township that may possess knowledge that would lead to discoverable information regarding the Township's handling of sewage and waste water:

Vincent Denave
Township Administrator/Engineer
1995-2005(further information unknown)

Angela Devaney
Township Administrator
2006-2007 (further information unknown)

Patricia Raypach
Township Clerk
Township of Berkeley Heights Municipal Building
29 Park Avenue
Berkeley Heights, New Jersey 07922
908 464 2700

Jack Conway
Township Administrator
Township of Berkeley Heights Municipal Building
29 Park Avenue
Berkeley Heights, New Jersey 07922
908 464 2700

JoAnn Mondsini
Director of Wastewater
29 Snyder Avenue
Berkeley Heights, New Jersey 07922
908 464 5700

- 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 response to a. above.

- 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: Not applicable to third-party defendant Township of Berkeley Heights, a municipal corporation of the State of New Jersey.

- 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; and

RESPONSE: Not applicable.

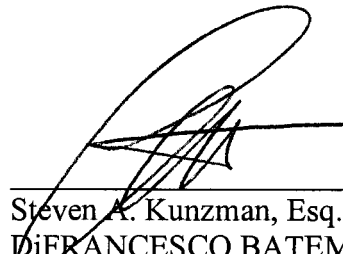
- e. A description by category and location (or copy at the discretion of the Third-Party Defendant) of all documents or electronically stored information that the disclosing party has in its possession, custody, or control with respect to Alleged Discharges including disclosure of the extent to which such documents or electronically stored information may fall within the Excepted Information.

RESPONSE: The Township of Berkeley Heights is not aware of and denies any discharges of the nature referred to and no documents or electronically stored information are known to exist regarding such alleged discharges.

The Township has contracted with New Providence since at least 1955 for the use of their sewer lines. All relevant information is in the possession of New Providence. Copies of the relevant contracts between Berkeley Heights and New Providence are located at the Clerk's office at 29 Park Avenue, Berkeley Heights, New Jersey 07922.

f. Third-Party Defendant will amend and/or supplement the Initial Disclosure as additional information is obtained through investigation and discovery.

RESPONSE: Third-Party Township of Berkeley Heights acknowledges its duty to amend and supplement these Initial Disclosures in the event additional information is obtained through investigation and discovery.



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Township of Berkeley Heights

Dated: March 25, 2010