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Attorneys for Third-Party Defendant  
Veolia ES Technical Solutions, L.L.C.

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NEW JERSEY DEPARTMENT OF	:	SUPERIOR COURT OF NEW JERSEY
ENVIRONMENTAL PROTECTION and	:	LAW DIVISION: ESSEX COUNTY
THE ADMINISTRATOR OF THE NEW	:	
JERSEY SPILL COMPENSATION FUND,	:	DOCKET NO. L-9868-05 (PASR)
	:	
Plaintiffs,	:	
v.	:	CIVIL ACTION
	:	
OCCIDENTAL CHEMICAL CORPORATION,	:	<b>SUPPLEMENT TO INITIAL</b>
TIERRA SOLUTIONS, INC., MAXUS ENERGY	:	<b>DISCLOSURE STATEMENT</b>
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.	:	

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In accordance with the Court’s Case Management Order VIII (“CMO VIII”) entered August 11, 2009 and the New Jersey Rules of Court, Third-Party Defendant Veolia ES Technical Solutions, L.L.C. (“Veolia”)<sup>1</sup>, hereby supplements its Initial Disclosure Statement as set forth below.

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

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<sup>1</sup> Please note that the actual owner of the site at issue was Marisol, Inc. (“Marisol”), which was subsequently acquired by Veolia in 2007 and that all references to Veolia for events prior to 2007 are references to Marisol.

## Reservations

1. Veolia 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, confidentiality, trade secret, State and Federal Homeland Security confidentiality, and any other applicable privilege or protection. These disclosures are not intended to prejudice or waive any privileges or objections Veolia may have with respect to any outstanding or subsequent requests for discovery.

2. Veolia reserves the right to object to the use of these disclosures, in whole or in part, at any time (including at trial of this or any other action) and for any purpose on the grounds of relevancy, competency, materiality, admissibility, hearsay, privilege, work-product immunity, or for any other reason.

3. These disclosures are not intended to prejudice or waive any privileges or objections Veolia may have with respect to any outstanding or subsequent requests for discovery.

4. 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." Second Amended Complaint, ¶ 1. The scope of inquiry required by Plaintiffs and Third-Party Defendants is accordingly quite broad and potentially burdensome. Further, the brief period of ownership of 80 Lister Avenue (the "Site") alleged by Third Party Plaintiffs in the Third Party Complaint ended approximately twenty five (25) years ago. Third Party Complaint "B", ¶ 238. Accordingly, Veolia is continuing its efforts to locate any and all available relevant documents. Veolia is therefore engaged in a continuing investigation and reserves the right to supplement and modify these disclosures.

5. "Documents", excluding electronic mail, shall have the meaning set forth in this Court's August 11, 2009 Order for Preservation of Documents and Data.

6. All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in CMO VIII.

7. All of the disclosures set forth below are made subject to the above objections and qualifications.

### Supplemental 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

Veolia objects to this request to the extent that it concludes that there was any discharge or release of pollutants, contaminants and/or hazardous substances during the time of Veolia’s ownership/operation of the 80 Lister Avenue site (the “Site”) either at the Site or off-site. Veolia does not consent to or authorize any other party to communicate with Veolia’s employees, former employees or individuals with privileged information and does not consent to or authorize any communications otherwise prohibited by all applicable rules of professional conduct. Individuals designated in this disclosure as Veolia employees and/or former employees should be contacted through Veolia’s undersigned counsel. Veolia has identified the following individuals who may have discoverable information in relation to the ownership, operation, and conditions at the Site.

<u>Name</u>	<u>Address</u>	<u>Telephone</u>	<u>Subject</u>
Mr. Robert A. Winship Former Employee	499 Sandpiper Bay Dr. SW Sunset Beach, NC 28468	910-579-5810	Preparation of the site for use, site operations and conditions.
Mr. James R. Nerger	563 Church Street Bound Brook, NJ 08805	908-202-1309	Site maintenance/ clean up, site conditions. EPA/DEP matters.
Mr. Scott Nerger	153 Middlesex Avenue Piscataway, NJ 08854	732-469-5100	Laborer, worked at the Site, painting, clean up.
Mr. Robert Czeropski Former Employee	1167 Tanglewood Lane Scotch Plains, NJ 07076	732-424-2352	Technical Director for Marisol – handled compliance matters.

Mr. Peter Nerger	Deceased		Acquisition of site; site operations and site conditions, cleanup of site; EPA/DEP matters; sale of site
Mr. Alan Noda Former Employee	(Resident of Brazil)	908-547-4784	Production Planner at Marisol
Mr. Eugene Streiter Former Employee	12 Beaver Dam Road, Colts Neck, NJ 07722	732-275-1616	Salesperson at Marisol
Mr. John Pernini Former Employee	Unknown	Unknown	Laborer, worked at the Site, painting, clean up.
Mr. Christopher Farrell Former Employee	246 Belmont Street, Ste A Po Box 312 Waymart, PA 18472	570-488-6900	Laborer, worked at the Site, painting, clean up.
Mr. John Moore Former Employee	Unknown	Unknown	Laborer, worked at the Site, painting, clean up.
Mr. Glen Monterosso Former Employee	Unknown	Unknown	Laborer, worked at the Site, painting, clean up.

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**

**Name**

Robert Winship

James Nerger

**Address**

499 Sandpiper Bay Dr. SW  
Sunset Beach, NC 28468

563 Church Street  
Bound Brook, NJ 08805

**Phone**

910-579-5810

(908) 202-1309

Respectfully submitted,  
**Saiber LLC,**  
Attorneys for Third Party Defendant  
Veolia ES Technical Solutions, L.L.C.

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

  
Jeffrey W. Lorell  
Randi Schillinger

Dated: August 26, 2011

Randi Schillinger, Esq.  
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OCCIDENTAL CHEMICAL	:	
CORPORATION, TIERRA SOLUTIONS,	:	
INC., MAXUS ENERGY CORPORATION,	:	
REPSOL YPF, S.A., YPF, S.A., YPF	:	
HOLDINGS, INC. and CLH HOLDINGS,	:	<b><u>CERTIFICATION OF SERVICE</u></b>
INC.,	:	
Defendants.	:	
	:	
MAXUS ENERGY CORPORATION and TIERRA	:	
SOLUTIONS,	:	
INC.,	:	
Third-Party Plaintiffs,	:	
	:	
vs.	:	
	:	
3M COMPANY, <i>et al.</i> ,	:	
	:	
Third-Party Defendants.	:	

Una Young Kang hereby certifies as follows:

1. I am an attorney-at-law in the State of New Jersey and an associate of the law firm of Saiber LLC, attorneys for Third-Party Defendant Veolia ES Technical Solutions, L.L.C. (“Veolia”) in the above captioned matter.

2. On this date, I caused to be served upon all counsel of record Veolia's Supplemental Initial Disclosures via CT Summation.

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



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Una Young Kang

DATED: August 31, 2011