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Borough of Fanwood

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,	:	SUPPLEMENT TO
	:	INITIAL DISCLOSURE OF
vs.	:	THIRD PARTY DEFENDANT
	:	BOROUGH OF FANWOOD
	:	AS REQUIRED BY CMO XII 21.c
	:	
OCCIDENTAL CHEMICAL CORPORATION, TIERRA SOLUTIONS, INC., MAXUS ENERGY CORPORATION, REPSOL YPF, S.A., YPF, S.A., YPF HOLDINGS, INC., AND CLH HOLDINGS,	:	
	:	
Defendants,	:	
	:	
and	:	
	:	
MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.,	:	
	:	
Third-Party Plaintiffs,	:	
	:	
vs.	:	
	:	
BAYONNE MUNICIPAL UTILITIES AUTHORITY, Et Als.	:	
	:	
Third-Party Defendants,	:	

Third-Party Defendant (Complaint “A”) Borough of Fanwood, submits this Supplement to its Initial Disclosure Statement in accordance with Case Management Order XII, Paragraph

21.c. The Borough of Fanwood hereby reserves the right to amend this Disclosure Statement throughout the course of discovery.

**SUPPLEMENT TO INITIAL DISCLOSURE
AS REQUIRED BY CMO XII PARAGRAPH 21 C.**

(1) A copy of all Documents relating to the following information for the site(s), properties and/or operations with which the Third-Party Defendant is associated in the Third-Party Complaints:

- i. the release or discharge of Hazardous Materials from or at that Third Party Defendant's properties or operations.*

ANSWER: Third-Party Complaint alleges that the Third-Party Defendant Borough of Fanwood is a "user" municipality of the Rahway Valley Sewerage Authority. The Borough of Fanwood did not directly release or discharge Hazardous Materials. The Borough of Fanwood denies and is without knowledge of any release of Hazardous Materials. The Borough of Fanwood is not a direct discharger and is not a member municipality of the Rahway Valley Sewerage Authority. Since the Borough of Fanwood did not "release or discharge...Hazardous Materials", no documents relating to same exist.

- ii. the operations, manufacturing and/or production processed, any Hazardous Materials stored or utilized on the property, and any sampling that took place on the property and any sampling or testing of the materials, by products or waste products used in connection therewith;*

ANSWER: Not applicable. The Borough of Fanwood denies any such discharges occurred. See previous answers.

- iii. Sampling results from environmental, chemical or biological testing conducted at that Third Party Defendant's properties; and*

ANSWER: Not applicable. The Borough of Fanwood denies any such discharges occurred. See previous answers.

- iv. any communications involving that Third-Party Defendant and any branch, department, agency or instrumentality of municipal, State or federal government relating to any discharges or releases of Hazardous Materials or this litigation.*

ANSWER: Objection, overbroad. Without waiving said objection, not applicable; see previous answers.

(2) Any Documents relating to any industrial waste containing Hazardous Materials that was transported to, processed or treated at, or discharged from any of the sites and/or properties with which a Third Party Defendant is associated in the Third Party Complaints.

ANSWER: Not applicable. The Borough of Fanwood denies any such discharges occurred. See previous answers.

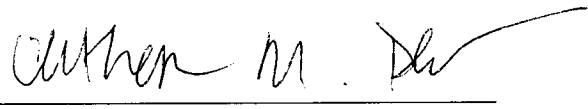
(3) Any insurance or indemnity agreement under which another person or entity may be liable to satisfy all or part of a possible judgment in this action or to indemnify or reimburse payments made to satisfy said judgment.

ANSWER: An Insurance Agreement exists, subject to a reservation of rights, it is unknown whether or not the Agreement would cover a possible judgment in this action.

The Third Party Defendant will amend and/or supplement this Supplement to the Initial Disclosure as additional information is obtained thorough investigation and discovery.

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Attorneys for Third-Party Defendant
Borough of Fanwood

By



Catherine M. DeAppolonio, Esq.

Dated: March 17, 2011