

DORSEY & SEMRAU, LLC

Attorneys at Law

714 Main Street

P.O. Box 228

Boonton, New Jersey 07005

Phone: 973-334-1900

Fax: 973-334-3408

Attorneys for Third-Party Defendant Borough of Franklin Lakes

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New Jersey Department of Environmental Protection, <i>et al</i> ,	: SUPERIOR COURT OF NEW JERSEY
	: LAW DIVISION - ESSEX COUNTY
	:
Plaintiffs,	: DOCKET NO. ESX-L-9868-05
	:
v.	: <u>Civil Action</u>
	:
Occidental Chemical Corporation, <i>et al</i> ,	: FIRST SUPPLEMENTAL
	: DISCLOSURE RESPONSE OF
Defendants,	: BOROUGH OF FRANKLIN LAKES
	:
Maxus Energy Corporation	:
	:
v.	:
	:
3M Company, <i>et al</i> ,	:
	:
Third-Party Defendants.	:
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In accordance with Case Management Order XII, Paragraph 21, Borough of Franklin Lakes, hereby supplements its Disclosures.

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,

The allegations in this matter against the Borough of Franklin Lakes relate to the alleged discharge of sewage waste which was treated and/ or handled by the Passaic Valley Sewage Authority. As sewage waste is specifically excepted from the definition of “ hazardous substance” under the New Jersey Spill Act, N.J.S.A.58:10-

23.11b, the Borough of Franklin Lakes has no responsive documents. Furthermore the answering municipality has no additional information beyond any “excepted material” identified by Case Management Order VIII, Paragraph 4. [

- ii. the operations, manufacturing and/or production processes, and 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;

The allegations in this matter against the Borough of Franklin Lakes relate to the alleged discharge of sewage waste which was treated and/ or handled by the Passaic Valley Sewage Authority. There are no operations, manufacturing and/or production processes, or hazardous materials stored or utilized, nor was there any sampling that took place of the sewage waste by the municipality.

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

The allegations in this matter against the Borough of Franklin Lakes relate to the alleged discharge of sewage waste which was treated and/ or handled by the Passaic Valley Sewage Authority. There are no operations, manufacturing and/or production processes, or hazardous materials stored or utilized, nor was there any sampling that took place of the sewage waste by the municipality.

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

The allegations in this matter against the Borough of Franklin Lakes relate to the alleged discharge of sewage waste which was treated and/ or handled by the Passaic Valley Sewage Authority. As sewage waste is specifically excepted from the definition of “ hazardous substance” under the New Jersey Spill Act, N.J.S.A.58:10-23.11b, the Borough of Franklin Lakes has no responsive documents.

21.c.(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 the Third Party Defendant is associated in the Third Party Complaints.

The Borough of Franklin Lakes is not in possession of any documents which are responsive to this request.

21.c.(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 for payments made to satisfy said judgment.

The Borough of Franklin Lakes is continuing to endeavor to locate and confirm insurance coverage. Copies of any insurance policies which may be responsive will be produced once they are confirmed.

Date: September 1, 2010

A handwritten signature in black ink, appearing to read 'Fred Semrau', is written over a horizontal line. The signature is stylized and somewhat cursive.

Fred Semrau, Esq.

CERTIFICATION OF SERVICE

I certify that the First Supplemental Disclosure Response of Borough of Franklin Lakes has been sent by regular mail to:

Michael Gordon, Esq. (State of New Jersey)
GORDON & GORDON, P.C.
505 MORRIS AVE.
SPRINGFIELD, NJ 07081

Robert T. Lehman, Esq. (Occidental Chemical Corp.)
ARCHER & GREINER
ONE CENTENNIAL SQUARE
33 EAST EUCLID AVENUE
HADDONFIELD, NJ 08033

William L. Warren, Esq. (Maxus Energy Corp. and Tierra Solutions Inc.)
DRINKER BIDDLE & REATH LLP
105 COLLEGE ROAD EAST, SUITE 300
PRINCETON, NJ 08452


Andrew A. Kassof, Esq. (Repsol YPF, et al.)
KIRKLAND & ELLIS LLP
300 NORTH LASALLE
CHICAGO, IL 60654

Lee Henig-Elona, Esq. (Third Party Private Liaison)
WOLFF & SAMSON P.C.
ONE BOLAND DRIVE
WEST ORANGE, NEW JERSEY 07052

Eric B. Rothenberg, Esq. (Third Party Private Liaison)
O'MELVENY & MYERS, LLP
TIMES SQUARE TOWER
7 TIMES SQUARE
NEW YORK, NY 10036

John M. Scagnelli, Esq. (Third Party Public Liaison)
SCARINCI HOLLENBECK
1100 VALLEY BROOK AVENUE
P.O. Box 790
LYNDHURST, NJ 07071-0790

Date: September 1, 2010



Fred Semrau, Esq.