

DEYOE HEISSEN BUTTEL &
BUGLIONE, LLC
Attorneys for Third-Party Defendant –
Borough of West Paterson

New Jersey Department of Environmental
Protection, *et al*,

Plaintiffs,

V.

Occidental Chemical Corporation, *et al*,

Defendants,

Maxus Energy Corporation

V.

3M Company, *et al*,

Third-Party Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

DOCKET NO. ESX-L-9868-05

Civil Action

**FIRST SUPPLEMENTAL
DISCLOSURE RESPONSE OF
BOROUGH OF WEST PATERSON**

In accordance with Case Management Order XII, Paragraph 21, the BOROUGH OF WEST PATERSON hereby supplements its Disclosures.

Supplemental Initial 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.
- ii. The operations, manufacturing and/or production processes, 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;

- iii. Sampling results from environmental, chemical, or biological testing conducted at that Third Party Defendant's properties; and
- iv. Any communications involving that Third Party Defendant and any branch, department, agency or instrumentality of municipal, State or Federal government relating to the discharges or releases of Hazardous Materials or this litigation

Response: In reference to paragraph 21(c) of Case Management Order X11, West Paterson represents that, to the best of its knowledge, all documents or electronically stored information that it has in its possession, custody, or control which might be responsive to these requests, may have been previously produced to Third Party Plaintiffs pursuant to New Jersey Open Public records Act and therefore excepted from disclosure pursuant to Paragraph 4(e) of Case Management Order VIII. West Paterson reserves its right to amend or supplement this disclosure as appropriate.

2. Any documents relating to any industrial waste containing Hazardous Material that was transported 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.

Response: See Response to paragraph 1 above.

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.

Response: The Borough of West Paterson 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. However, it does not appear as if the allegations contained in this civil action are covered by a policy of insurance.

DEYOE HEISSEN BUTTEL & BUGLIONE, LLC
Attorney for Third Party Defendant, Borough of West Paterson

Date: September 8, 2010

/S/ ACB

ALBERT C. BUGLIONE, ESQ.

