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Attorneys for Third-Party Defendant –
City of 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.

X

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION - ESSEX COUNTY

:
: DOCKET NO. ESX-L-9868-05

:
: Civil Action

:
: **FIRST SUPPLEMENTAL**
: **DISCLOSURE RESPONSE OF CITY**
: **OF PATERSON**

X

Third Party Defendant, City of Paterson (“Paterson”), by its undersigned attorneys, hereby submits these Supplemental Initial Disclosures (“Disclosures”) pursuant to Case Management Order XII in the above captioned action. Paterson makes these Disclosures based on a diligent investigation and on information reasonably available as of the date of these Disclosures. Paterson reserves the right to amend or supplement these Disclosures as appropriate. Paterson makes these Disclosures subject to and without waiver of attorney-client work-product, or other applicable privilege, and without waiver of other bases for non-disclosure.

Supplemental Initial Disclosures

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 Complaint:
 - a. The release or discharge of hazardous Materials from or at that Third Party Defendant’s properties or operations.
 - b. 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;

- c. Sampling results from environmental, chemical, or biological testing conducted at that Third Party Defendant's properties; and
- d. 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: Pursuant to paragraph 21(c) of Case Management Order XII, Paterson submits 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. 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 City of 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.

Date: September 2, 2010



NICHOLAS A. GRIECO, ESQ.
Attorney for Third Party Defendant, City of Paterson