

Dwayne F. Stanley  
 Charles E. Merrill  
**HUSCH BLACKWELL LLP.**  
 190 Carondelet Plaza, Suite 600  
 St. Louis, MO 63105  
 Tel: 314-480-1500  
 Fax: 314-480-1505  
 Attorneys for Third-Party Defendant Coltec Industries, Inc.

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)
Plaintiffs,	:	CIVIL ACTION
v.	:	<b>THIRD-PARTY DEFENDANT COLTEC INDUSTRIES INC'S SECOND SUPPLEMENTAL DISCLOSURE PURSUANT TO CMO XII PARAGRAPH 21</b>
OCCIDENTAL CHEMICAL CORPORATION, TIERRA SOLUTIONS, INC., MAXUS ENERGY 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.	:	

Comes now Third-Party Defendant Coltec Industries Inc. (“Coltec”) and for its Second Supplement to its Initial Disclosures, in accordance with Case Management Order XII, Paragraph 21, provides the following information:

## Reservations

1. Coltec 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, and any other applicable protection. These disclosures are not intended to prejudice or waive any privileges or objections Coltec may have with respect to any outstanding or subsequent requests for discovery.

2. Coltec's investigation in this matter is continuing. Accordingly, it reserves the right to supplement, clarify, and revise these disclosures to the extent additional information becomes available or is obtained through discovery.

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

5. Requests set forth in CMO XII paragraphs 21(b) are answered with reference to the Sites identified in the complaint and as to the Alleged Discharges as defined in CMO VIII. To the extent Requests set forth in CMO XII paragraphs 21(b) and 21(c) are repetitive, burdensome and /or unfairly place a duty of inquiry on third-party defendants as to Newark Bay Complex locations other than the Sites, disclosures herein are provided with reference to paragraph 21(c) unless otherwise noted.

## Response to CMO XII Paragraph 21(b) Requests

*Copies of all non-privileged Documents other than electronic email discovery, that relate to*

*(i.) the alleged discharge of any hazardous wastes, hazardous substances, pollutants or contaminants ("Hazardous Materials") to the Newark Bay Complex;*

**Response** - See, Paragraph 5, above. See, Response to Paragraph 21(c)1, i., below.

*(ii.) the potential pathways and methods by which the Hazardous Materials have been released to the Newark Bay Complex, as well as the quantity, nature and toxicity of such Hazardous Materials;*

**Response** - See, Paragraph 5, above. See, Response to Paragraphs 21(c)1, i. - iv., below.

*(iii.) other actions relating to properties or operations that may have adversely impacted the environmental condition of the Newark Bay Complex;*

**Response** - See, Paragraph 5, above.

*(iv.) the costs and damages sought in connection with any alleged discharge of Hazardous Materials.*

**Response** - See, Paragraph 5, above. Coltec has made no such claim for costs and damages against parties in this action at this time.

#### **Response to CMO XII Paragraph 21(c) Requests**

*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.*

**Response** – Coltec states that it never owned or operated the Crucible Steel Site. Consequently, it has no business records responsive to this request. Coltec has received demands for contribution from parties who have owned the Crucible Steel Site following its sale by Crucible Steel Corporation, which demands have been accompanied by documents responsive to this request. Said documents are produced herewith, without any representations or admissions by Coltec as to their authenticity. Coltec has not withheld any documents on the basis that they are “Excepted Documents” as set forth in CMO VIII, paragraph 4.

*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;*

**Response** - Coltec states that it never owned or operated the Crucible Steel Site. Consequently, it has no business records responsive to this request. Coltec has received demands for contribution from parties who have owned the Crucible Steel Site following its sale by Crucible Steel Corporation, which demands have been accompanied by documents responsive to this request. Said documents are produced herewith, without any representations or admissions by

Coltec as to their authenticity. Coltec has not withheld any documents on the basis that they are "Excepted Documents" as set forth in CMO VIII, paragraph 4.

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

**Response** - Coltec states that it never owned or operated the Crucible Steel Site. Consequently, it has no business records responsive to this request. Coltec has received demands for contribution from parties who have owned the Crucible Steel Site following its sale by Crucible Steel Corporation, which demands have been accompanied by documents responsive to this request. Said documents are produced herewith, without any representations or admissions by Coltec as to their authenticity. Coltec has not withheld any documents on the basis that they are "Excepted Documents" as set forth in CMO VIII, paragraph 4.

*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.*

**Response** – Coltec has no documents responsive to this request other than the alleged nexus documents produced by Third Party Plaintiffs, which include Coltec's 104(e) Response to EPA dated October 25, 1996, EPA's Notice Letter to Coltec dated September 15, 2003, and EPA's General Notice Letter to Teval Corporation dated October 1, 2004.

*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.*

**Response** - Coltec states that it never owned or operated the Crucible Steel Site. Consequently, it has no business records responsive to this request. Coltec has received demands for contribution from parties who have owned the Crucible Steel Site following its sale by Crucible Steel Corporation, which demands have been accompanied by documents responsive to this request. Said documents are produced herewith, without any representations or admissions by Coltec as to their authenticity. Coltec has not withheld any documents on the basis that they are "Excepted Documents" as set forth in CMO VIII, paragraph 4.

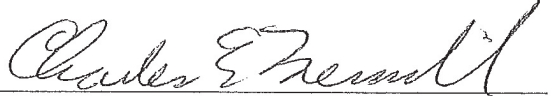
*c. Any insurance or indemnity agreement under which another person or entity may be liable to satisfy all or part of a possible judgment in this action or to indemnify or reimburse for payments made to satisfy said judgment.*

**Response** – Coltec has no documents responsive to this request.

Dated: January 31, 2012

Respectfully submitted,

HUSCH BLACKWELL LLP  
Attorneys for Third-Party Defendant  
Coltec Industries, Inc.

By 

Dwayne F. Stanley, Esq. DS 6179  
Charles E. Merrill, Esq. *pro hac vice*  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105  
Tel: 314-480-1500  
Fax: 314-480-1505  
[charles.merrill@huschblackwell.com](mailto:charles.merrill@huschblackwell.com)  
[dwayne.stanley@huschblackwell.com](mailto:dwayne.stanley@huschblackwell.com)

**CERTIFICATION OF SERVICE**

I, Charles E. Merrill, hereby certify as follows:

1. I am a partner with the law firm of Husch Blackwell LLP, a Delaware limited liability partnership, attorneys for Third-Party Defendant Coltec Industries Inc. (“Coltec”) in connection with the above-captioned matter.

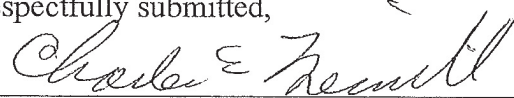
2. On January 31, 2012, I caused the Third Party Defendant Coltec Industries Inc.’s Second Supplemental Disclosure Pursuant to CMO XII Paragraph 21 to be served electronically on counsel for all parties which have consented to electronic service by posting to Case Vantage (<http://cvg.ctsummation.com>), and upon counsel of record by first class mail who have not signed up for service by electronic posting, as follows:

Borough of Hasbrouck Heights	Richard J. Dewland Coffey & Associates 465 South Street Morristown, NJ 07960 973.539.4500 rjd@coffeylaw.com
City of Orange	John P. McGovern Assistant City Attorney City of Orange Township 29 North Day St. Orange, NJ 07050 973-266-4197 jmcgovern@ci.orange.nj.us
Township of Winfield Park	Frank G. Capece, Esq. Garrubbo Capece & Millman 53 Cardinal Drive Westfield, NJ 07090

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

Dated: January 31, 2012

Respectfully submitted,



---

Dwayne F. Stanley, Esq. DS 6179  
Charles E. Merrill, Esq. *pro hac vice*  
Husch Blackwell, LLP  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105  
314-480-1500  
[Charles.merrill@huschblackwell.com](mailto:Charles.merrill@huschblackwell.com)  
[Dwayne.stanley@huschblackwell.com](mailto:Dwayne.stanley@huschblackwell.com)  
*Attorneys For Third-Party Defendant*  
*Coltec Industries, Inc.*