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December 16, 2010

Clerk, Superior Court of New Jersey
Essex County Court House
Room 131
50 West Market Street
Newark, NJ 07102

Via Federal Express

Re: New Jersey Department of Environmental Protection, et al. v. Occidental
Chemical Corporation, et al.
Case No. L-9868-05 (PASR)

Dear Clerk:

Enclosed for filing is an original and one (1) copy of a Supplemental Disclosure Pursuant to CMO XII, ¶ 21, on behalf of Third-Party Defendant Coltec Industries, Inc.

Please return a file-stamped copy of the Supplemental Disclosure in the enclosed self-addressed, stamped envelope provided.

Thank you for your assistance in this matter.

Very truly yours,



Charles E. Merrill

/ma

Enc.

cc: Hon. Sebastian P. Lombardi, J.S.C. (via e-mail w/encl.)
Simi Junior, Law Clerk (via e-mail w/encl.)
Counsel of Record (via electronic service by posting to Case Vantage
or regular mail w/enc.)

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 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
Plaintiffs,	:	DOCKET NO. L-9868-05 (PASR)
v.	:	
OCCIDENTAL CHEMICAL CORPORATION, TIERRA SOLUTIONS, INC., MAXUS ENERGY CORPORATION, REPSOL YPF, S.A., YPF, S.A., YPF HOLDINGS, INC. and CLH HOLDINGS, INC.,	:	CIVIL ACTION
Defendants.	:	THIRD-PARTY DEFENDANT'S SUPPLEMENTAL DISCLOSURE PURSUANT TO CMO XII PARAGRAPH 21
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 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 notes that it never owned or operated the Crucible Steel Site. Consequently, it has no documents responsive to this request other than alleged nexus documents produced by Third Party Plaintiffs and Excepted Documents as set forth in CMO VIII enumerated below.

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 notes that it never owned or operated the Crucible Steel Site. Consequently, it has no documents responsive to this request other than alleged nexus documents produced by Third Party Plaintiffs and Excepted Documents as set forth in CMO VIII enumerated below

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

Response - Coltec notes that it never owned or operated the Crucible Steel Site. Consequently, it has no documents responsive to this request other than alleged nexus documents produced by Third Party Plaintiffs and Excepted Documents as set forth in CMO VIII enumerated below

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 notes that it never owned or operated the Crucible Steel Site. Consequently, it has no documents responsive to this request other than alleged nexus documents produced by Third Party Plaintiffs and Excepted Documents as set forth in CMO VIII enumerated below

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 notes that it never owned or operated the Crucible Steel Site. Consequently, it has no documents responsive to this request other than alleged nexus documents produced by Third Party Plaintiffs and Excepted Documents as set forth in CMO VIII enumerated below

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.

August 11, 2009 CMO VIII Excepted Information Categories

Excepted Information includes the following:

“Information, (“Information”), including, but not limited to, environmental, chemical and/or biological testing of groundwater, surface water, soil or sediment (hereinafter “Sampling Information”) contained in the nexus packages produced pursuant to paragraph 8(e) of CMO V”. See, Paragraph 4(a).

“Information previously produced to any branch, department, agency or instrumentality of the State of New Jersey including to the New Jersey Department of Environment Protection (“NJDEP”) or Information produced to any other governmental agency or entity whose responsibility it is to oversee environmental compliance in the Newark Bay Complex Area, including, but not

limited to, the United States Environmental Protection Agency and the United States Army Corps of Engineers (hereinafter "Governmental Recipients").

"Information produced to any Licensed Site Remediation Professional (hereinafter "LSRP") who is duly licensed by the State of New Jersey at the time of receipt of such Information where such disclosure of Information is intended to be used in connection with any remedial investigation or remedial action having an assigned case number in the NJDEP's NJEMS system;" See, Paragraph 4(c).

"Sampling Information compiled with the expectation of being produced to a Governmental Recipient or an LSRP under Paragraphs 4(b) or 4(c) but which Sampling Information has not yet undergone quality assurance/ quality control or similar analysis;" See, Paragraph 4(d).

"Information produced by a third-party defendant to any third-party plaintiff pursuant to the New Jersey Open Records Act or other freedom of information law or regulation;" See, Paragraph 4(e).

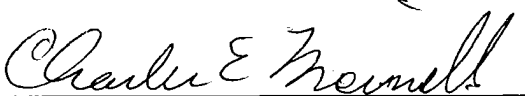
"Information previously produced to Defendants" See, Paragraph 4(f).

"Information that falls within the attorney-client privilege and/or the attorney work product privilege." See, Paragraph 4(g).

Dated: December 16, 2010

Respectfully submitted,

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

By 

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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 December 16, 2010, I caused the Third Party Defendant Coltec Industries, Inc.’s 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	Steven A. Weiner O’Toole Fernandez Weiner Van Lieu 60 Pompton Avenue Verona, NJ 07044

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: December 16, 2010

Respectfully submitted,



Dwayne F. Stanley, Esq. DS 6179

Charles E. Merrill, Esq. *pro hac vice*

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