

FERRO LABELLA & ZUCKER L.L.C.
COUNSELLORS AT LAW

PLEASE REPLY TO N.J. OFFICE

MICHAEL A. MCDONOUGH
Associate
mmcdonough@ferrolabella.com

THE LANDMARK BUILDING
27 WARREN STREET, SUITE 201
HACKENSACK, N.J. 07601-5476
(201) 489-9110
FAX (201) 489-5653

1025 WESTCHESTER AVENUE, SUITE 106
WHITE PLAINS, N.Y. 10604-3538
(914) 358-4934
FAX (914) 358-4935

March 23, 2011

VIA ELECTRONIC POSTING

Michele R. Blythe, Esq.
Andrews Kurth LLP
Waterway Plaza Two
10001 Woodloch Forest, Suite 200
The Woodlands, TX 77380

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

Dear Ms. Blythe:

This firm represents Third-Party Defendant Fort James Corporation in connection with the above-referenced matter. Enclosed please find our client's Supplemental Third-Party Disclosure.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Michael A. McDonough

MAM/op
Enclosures
cc: Christopher L. Weiss, Esq. (w/o encls.)

Michael A. McDonough, Esq.
FERRO LABELLA & ZUCKER L.L.C.
The Landmark Building
27 Warren Street
Hackensack, New Jersey 07601
(201) 489-9110
Attorneys for Third-Party Defendant
Fort James Corporation

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION, et al.,

Plaintiffs,
v.

OCCIDENTAL CHEMICAL CORPORATION, et
al.,

Defendants,

MAXUS ENERGY CORPORATION, et al.

Third-Party Plaintiffs,

v.

3M COMPANY, et al.,

Third-Party Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-ESSEX COUNTY

DOCKET NO. ESX-L-9868-05 (PASR)

Civil Action

**SUPPLEMENTAL THIRD-PARTY
DISCLOSURE OF
FORT JAMES CORPORATION**

Third-Party Defendant Fort James Corporation (“Respondent”) hereby provides its Supplement to Initial Disclosures pursuant to Case Management Order (“CMO”) XII and prior CMOs incorporated therein by reference and in accordance with terms of the January 31, 2011 Consent Order (“Consent Order”) applicable to certain of those Third-Party Defendants, which includes this Respondent, which have received written confirmation that CMO XII paragraph 21(a) production of site files is complete from Drinker Biddle & Reath LLP, Andrews Kurth LLP and/or Hannafan & Hannafan, Ltd. (counsel for Third-Party Plaintiffs) together with any written agreement

as to terms for timing, scope and manner of production reached under the Consent Order, collectively the “Amended Production Requirements.”

Reservations and Comments

1. Respondent 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, the common-interest doctrine, confidentiality, trade secret, State and Federal Homeland Security confidentiality and any other applicable protection. These disclosures are not intended to prejudice or waive any privileges or objections Respondent may have with respect to any outstanding or subsequent requests for discovery.

2. Respondent’s investigation in this matter is continuing. Accordingly, it reserves the right to supplement, clarify and revise these disclosures any time prior to trial to the extent additional information becomes available or is obtained through discovery. Further, Respondent reserves the right to amend these disclosures to the extent the claims brought by or alleged against Respondent in this litigation are amended.

3. Respondent reserves its right to rely on any facts, documents or other evidence that may develop or come to Respondent's attention during the course of this matter. Respondent's responses are set forth herein without prejudice to its right to assert additional objections or supplement its responses should Respondent discover additional grounds for doing so during the course of this matter.

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

5. "Alleged Discharges" shall have the meaning set forth in this Court's CMO VIII.

6. "Sites," per CMO VIII, shall be defined as those site(s) or properties with which a Third-Party Defendant is associated in a Third-Party Complaint.

7. Document Production requirements set forth in CMO XII, paragraph 21 (as amended by the Consent Order) are read in concert with CMO VIII, paragraph 3 and CMO V, paragraph 8 incorporated by reference in CMO XII, paragraph 1. CMO VIII, inter alia, called for a listing of those documents to be produced by Third-Party Defendants with certain excepted categories, the "Excepted Information Categories."

8. Documents subject to claims of privilege will be detailed in a log to be furnished in accordance with the August 11, 2009 "Agreed Order Regarding Documents Withheld from Production" as appended to CMO VIII, and provided under the Amended Production Requirements.

Production as to 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: Respondent objects to this request to the extent it assumes, suggests and/or concludes that Respondent was responsible for any alleged discharge of Hazardous Materials (as that term is defined in CMO XII) into the Newark Bay Complex as Respondent did not own, operate or control the Central Steel Drum Site (as that term is defined in paragraph 3288 of Third-Party Complaint B), which is the site Respondent is allegedly associated with in Third-Party Complaint B. Subject to the foregoing and to the Reservations and Comments set forth above, Respondent responds to this request by stating that it does not possess responsive, non-privileged documents.

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

Response: Respondent objects to this request to the extent it assumes, suggests and/or concludes that Respondent was responsible for any alleged discharge of Hazardous Materials into the Newark Bay Complex as Respondent did not own, operate or control the Central Steel Drum Site, which is the site Respondent is allegedly associated with in Third-Party Complaint B. Subject to the foregoing and to the Reservations and Comments set forth above, Respondent responds to this request by stating that it does not possess responsive, non-privileged documents.

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

Response: Respondent objects to this request to the extent it assumes, suggests and/or concludes that Respondent was responsible for any alleged discharge of Hazardous Materials into the Newark Bay Complex as Respondent did not own, operate or control the Central Steel Drum Site, which is the site Respondent is allegedly associated with in Third-Party Complaint B. Subject to the foregoing and to the Reservations and Comments set forth above, Respondent responds to this request by stating that it does not possess responsive, non-privileged documents.

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

Response: Respondent objects to this request to the extent it assumes, suggests and/or concludes that Respondent was responsible for any alleged discharge of Hazardous Materials into the Newark Bay Complex as Respondent did not own, operate or control the Central Steel Drum Site, which is the site Respondent is allegedly associated with in Third-Party Complaint B. Subject to the foregoing and to the Reservations and Comments set forth above, Respondent responds to this request by stating that it does not possess responsive, non-privileged documents. Respondent further notes that all Cross-claims and Counterclaims and Fourth-Party claims are stayed in the present action; as such, Respondent has made no such claims against any party at this time.

Production as to 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: Respondent objects to this request to the extent it assumes, suggests and/or concludes that Respondent was responsible for any alleged discharge of Hazardous Materials into the Newark Bay Complex as Respondent did not own, operate or control the Central Steel Drum Site, which is the site Respondent is allegedly associated with in Third-Party Complaint B. Subject to the foregoing and to the Reservations and Comments set forth above, Respondent responds to this request by stating that it does not possess responsive, non-privileged documents.

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: Respondent objects to this request to the extent it assumes, suggests and/or concludes that Respondent was responsible for any alleged discharge of Hazardous Materials into the Newark Bay Complex as Respondent did not own, operate or control the Central Steel Drum Site, which is the site Respondent is allegedly associated with in Third-Party Complaint B. Subject to the foregoing and to the Reservations and Comments set forth above, Respondent responds to this request by stating that it does not possess responsive, non-privileged documents.

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

Response: Respondent objects to this request to the extent it assumes, suggests and/or concludes that Respondent was responsible for any alleged discharge of Hazardous Materials into the Newark Bay Complex as Respondent did not own, operate or control the Central Steel Drum Site, which is the site Respondent is allegedly associated with in Third-Party Complaint B. Subject to the foregoing and to the Reservations and Comments set forth above, Respondent responds to this request by stating that it does not possess responsive, non-privileged documents.

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: Respondent objects to this request to the extent it assumes, suggests and/or concludes that Respondent was responsible for any alleged discharge of Hazardous Materials into the Newark Bay Complex as the Respondent did not own, operate or control the Central Steel Drum Site, which is the site Respondent is allegedly associated with in Third-Party Complaint B. Subject to the foregoing and to the Reservations and Comments set forth above, Respondent responds to this request by referring to its January 20, 1998 letter and Exhibits A to D attached thereto, which were sent to the U.S. Environmental Protection Agency in response to a CERCLA § 104(e) information request. See also documents Bates stamped TIERRA-B-003069 to TIERRA-B-003153.

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: Respondent objects to this request to the extent it assumes, suggests and/or concludes that Respondent was responsible for any alleged discharge of Hazardous Materials into the Newark Bay Complex as Respondent did not own, operate or control the Central Steel Drum site, which is the site Respondent is allegedly associated with in Third-Party Complaint B. Respondent further objects to this request to the extent that it assumes, suggests, and/or concludes that Respondent was responsible for any alleged transporting, processing, treating, or discharging of Hazardous Materials into the Newark Bay Complex. Subject to the foregoing and to Reservation and Comments set forth above, Respondent responds to this request by stating that it does not possess responsive, non-privileged documents.

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: Subject to the Reservation and Comments set forth above, Respondent responds to this request by stating that it is the process of reviewing its files to determine if it possesses responsive, non-privileged documents. In the event Respondent possesses such documents, it shall produce same to the Defendants/Third-Party Plaintiffs.

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), as well as information produced under CMO XII, paragraph 2l(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')." We believe information received from such agencies is included within the exception.

"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).

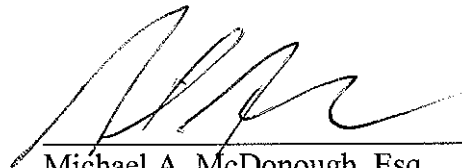
"Information produced by a third-party defendant to any third-party plaintiff pursuant to the New Jersey Open Records Act or other freedom of information law or regulation." See Paragraph 4(e).

"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).

FERRO LABELLA & ZUCKER L.L.C.

Attorneys for Third-Party Defendant
Fort James Corporation



Michael A. McDonough, Esq.

Dated: March 23, 2011