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VIA OVERNIGHT COURIER

August 4, 2011

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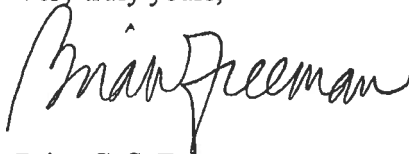
Re: **NJDEP v. Occidental Chemical Corporation et al., Docket No. L-9868-05 (PASR) - Supplemental Third-Party Disclosure by Otis Elevator Company Pursuant to Case Management Order XII and the Order on Consent dated January 31, 2011**

Dear Mr. Crout:

Enclosed is Third Party Defendant Otis Elevator Company's Supplemental Third-Party Disclosure in connection with the above-referenced matter, pursuant to Case Management Order XII and the Order on Consent dated January 31, 2011. The enclosed consists of: (i) a document entitled "Supplemental Third-Party Disclosure by Otis Elevator Company" dated August 4, 2011, (ii) a disc containing responsive, non-privileged/protected documents Bates stamped as OTIS0000001 to OTIS0000535, (iii) logs of privileged, publicly available, and duplicate documents dated August 4, 2011 and prepared in accordance with the Court's August 11, 2009 Agreed Order Regarding Documents Withheld From Production and Case Management Order XII, paragraph 21(d), and (iv) a certificate of service.

Please contact me if you should have any questions.

Very truly yours,



Brian C. S. Freeman



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ROBINSON & COLE^{LLP}

Charles M. Crout, Esq.
August 4, 2011
Page 2

Enclosures

Copy to: Honorable Marina Corodemus, Esq. (via posting on CT Summation)
Eric B. Rothenberg, Esq. (via overnight courier, w/ CD)
Lee D. Henig-Elona, Esq. (via overnight courier, w/ CD)
John M. Scagnelli, Esq. (via overnight courier, w/ CD)
Peter J. King, Esq. (via overnight courier, w/ CD)
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Attorney for Third-Party Defendant Otis Elevator Company

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.	:	SUPPLEMENTAL THIRD-PARTY DISCLOSURE BY OTIS ELEVATOR COMPANY
	:	
MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.,	:	
Third-Party Plaintiffs,	:	
vs.	:	
3M COMPANY, <i>et al.</i> ,	:	
Third-Party Defendants.	:	

Third-Party Defendant Otis Elevator Company (“Respondent”) hereby provides its Supplement to Initial Disclosure pursuant to Case Management Order (“CMO”) XII and prior CMOs incorporated therein by reference, and as supplemented and amended by

the January 31, 2011 Consent Order (“Consent Order”) (collectively, the “Amended Production Requirements”).

General Objections, Reservations, Comments and Limitations

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

2. Respondent’s investigation in this matter is continuing. Accordingly, it reserves the right to supplement, amend, 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 supplement, amend, clarify, and revise 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 to or to supplement, amend, clarify, and revise its responses should Respondent become aware of additional grounds for doing so during the course of this matter.

4. "Documents" 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 the CMO VIII.

6. "Site", in accordance with CMO VIII, shall mean that site or property with which Respondent is associated in Third-Party Complaint B.

7. The Amended Production Requirements include CMO VIII, paragraph 3 and CMO V, paragraph 8 incorporated by reference in CMO XII, paragraph (1). CMO VIII called for, *inter alia*, Third Party Defendants to provide a list of Documents in their possession, custody or control and related to Alleged Discharges, and also listed certain excepted document categories, the "Excepted Information Categories". This Supplemental Disclosure includes certain Documents from the Excepted Information Categories except for Documents identified on logs furnished concurrently in accordance with the Amended Production Requirements. To the extent requirements set forth in Amended Production Requirements are repetitive, burdensome and/or unfairly place a duty of inquiry on Respondent as to Newark Bay Complex locations other than the Respondent's Site, disclosures herein are provided with reference to the Amended Production Requirements and CMO XII paragraph 21(c) unless otherwise noted. With respect to Amended Production Requirements as to CMO XII, paragraph 21(b), reference is made to information previously furnished by the Joint Defense Group in connection with CMO V, paragraph 8.

8. Except as specified below, documents subject to claims of privilege, work product, confidentiality, or trade secret will be detailed in a log furnished concurrently in

accordance with the August 11, 2009 “Agreed Order Regarding Documents Withheld from Production” as appended to CMO VIII. Inadvertent production of any such documents shall constitute neither a waiver of any privilege or protection nor a waiver of any right Respondent may have to demand the return or destruction of such document and/or to object to the use of any such document or the information contained therein in this litigation or any subsequent litigation or proceeding.

9. In accordance with the Court’s August 11, 2009 Agreed Order Regarding Documents Withheld From Production and CMO XII, paragraph 21(d), Respondent has neither produced nor logged any documents after December 13, 2005 or those documents which are communications regarding, or which reflect the activities of, the Cooperating Parties Group, the Small Parties Group and/or the Joint Defense Group; for all such documents Respondent asserts confidentiality and/or attorney-client privilege and/or protection under the joint defense, common interest and/or work product doctrines.

10. Any statements contained herein or otherwise that Respondent will produce documents should not be interpreted to mean that Respondent has any such documents in its possession, custody, or control. Respondent’s production of documents shall not be construed to indicate that the documents are or were maintained in Respondent’s files or created or received by Respondent. Respondent’s production of documents shall not mean that the documents were called for by the Amended Production Requirements or are among those Respondent agreed to produce. Respondent’s production of documents shall not mean that Respondent concedes or agrees that any of the information or documents provided in response to the Amended Production Requirements is relevant to this litigation. Respondent reserves the right to object to the admissibility of any

information or documents produced if any party to this litigation seeks to use any such information or documents as evidence.

11. Respondent has denied liability arising out of any “Alleged Discharges” in its Answer and Affirmative Defenses. Nothing in this Supplemental Disclosure is intended to, or does, alter Respondent’s Answer and Affirmative Defenses.

12. These General Objections, Reservations, Comments and Limitations apply to and are incorporated in each of Respondent’s responses below as if specifically set forth in each response. The stating of a specific objection, reservation, comment, and/or limitation, or the absence of any, shall not be construed as a waiver of any of these General Objections, Reservations, Comments and Limitations or of Respondent’s right to supplement its production to state a further objection, reservation, comment, clarification or limitation.

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 – See the enclosed disc for responsive documents, if any.

(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 the enclosed disc for responsive documents, if any.

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

Response – See the enclosed disc for responsive documents, if any. Respondent understands that “other actions” does not refer to all actions related to properties or operations that, themselves, may have adversely impacted the environmental condition of the Newark Bay Complex; rather, it understands that the “actions” themselves would have had to have such an impact to be encompassed by paragraph 21(b)(iii).

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

Response – See the enclosed disc for responsive documents, if any. Respondent further notes that all cross-claims, counterclaims and Fourth-Party claims are stayed in the present action and, as such, it has made no such claim against parties in this action 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 – See the enclosed disc for responsive documents, if any.

(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 – See the enclosed disc for responsive documents, if any.

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

Response – See the enclosed disc for responsive documents, if any.

(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 – See the enclosed disc for responsive documents, if any.

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 – See the enclosed disc for responsive documents, if any.

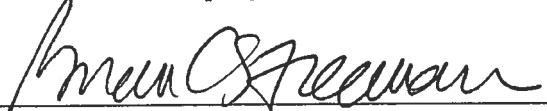
3. Any insurance or indemnity agreement under which another person or entity may be liable to satisfy all or part of a possible judgment in this action or to indemnify or reimburse for payments made to satisfy said judgment.

Response – See the enclosed disc for responsive documents, if any.

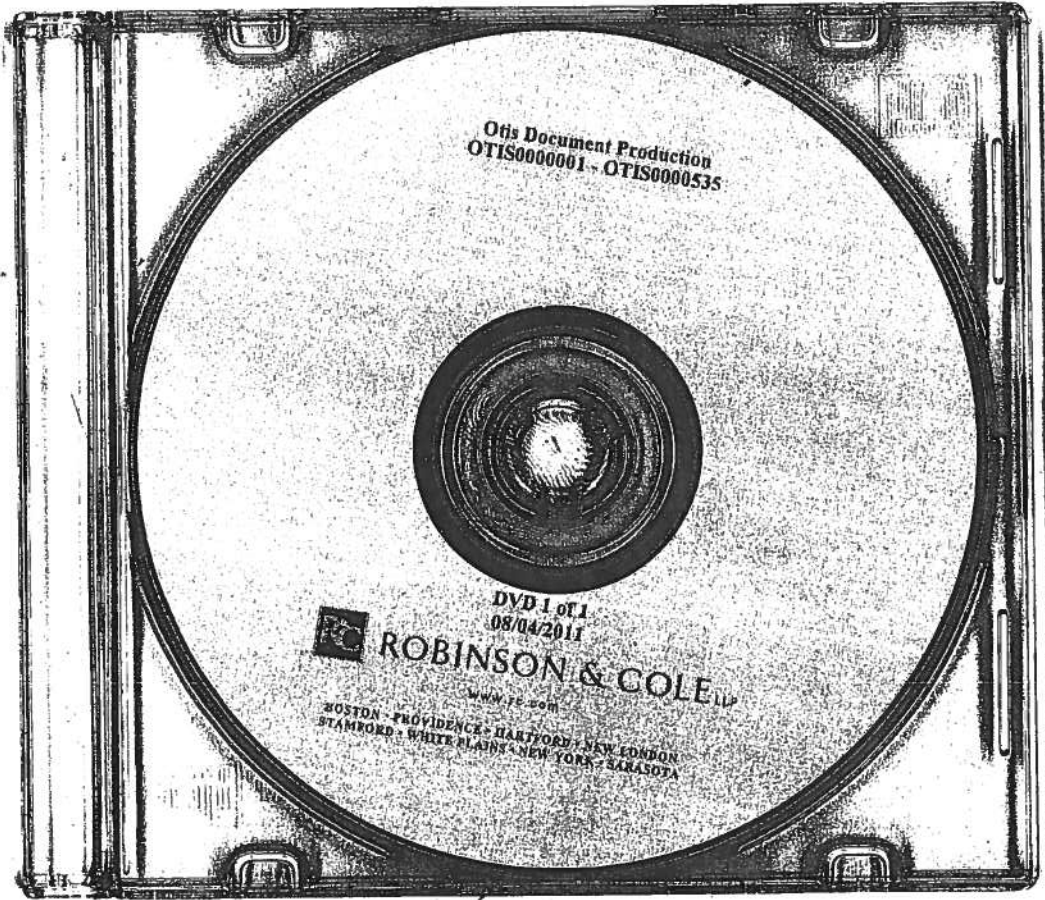
Dated: August 4, 2011

Respectfully submitted,

ROBINSON & COLE LLP
Attorney for Third-Party Defendant
Otis Elevator Company


A handwritten signature in black ink, appearing to read "Brian C. S. Freeman". The signature is written in a cursive style and is positioned above a horizontal line.

Brian C. S. Freeman, Esq.
Admitted *pro hac vice*



Otis Document Production
OTIS0000001 - OTIS0000535

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“Supplemental Third-Party Disclosure by Otis Elevator Company”, dated August 4, 2011, (ii) a disc containing responsive, non-privileged/protected documents Bates stamped as OTIS0000001 to OTIS0000535, and (iii) logs of privileged, publicly available, and duplicate documents dated August 4, 2011 and prepared in accordance with the Court’s August 11, 2009 Agreed Order Regarding Documents Withheld From Production and Case Management Order XII, paragraph 21(d), was served on the following liaison counsel for the third party defendants and counsel of record for the original parties, on August 4, 2011, via overnight courier:

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For Tierra/Maxus Complaint C Parties

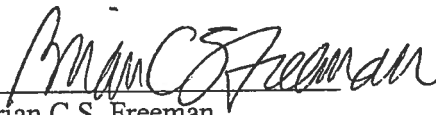
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Admitted *pro hac vice*

August 4, 2011