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Siemens Water Technologies Corp.

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	:	
v.	:	CIVIL ACTION
	:	
OCCIDENTAL CHEMICAL CORPORATION, <i>et al.</i> ,	:	THIRD-PARTY DEFENDANT’S SUPPLEMENTAL DISCLOSURE PURSUANT TO CMO XII PARAGRAPH 21
Defendants.	:	
	:	
MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.,	:	
	:	
Third-Party Plaintiffs,	:	
v.	:	
	:	
3M COMPANY, <i>et al.</i> ,	:	
	:	
Third-Party Defendants.	:	

Comes now Third-Party Defendant Siemens Water Technologies Corp., (“Siemens”) and for its Supplement to its Initial Disclosures, in accordance with Case Management Order (“CMO”) XII and in accordance with the terms of the January 31, 2011 Consent Order (“Consent Order”), provides the following information:

Reservations

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

2. Siemens'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. Further, Siemens reserves the right to amend these disclosures to the extent the claims brought by or alleged against Siemens in this litigation are amended.

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.

4. "Production Requirements" are those set out in CMO XII and other CMOs incorporated therein, as modified by the Consent Order.

4. To the extent CMO XII Paragraph 21(b) seeks Documents regarding sites, properties, or operations other than the Wallace & Tiernan Site, Siemens interprets paragraph 21(b) as not requiring Siemens to conduct any unreasonable inquiry or analysis regarding such sites, properties, or operations.

5. Siemens's production of Documents shall not be construed to indicate that the Documents are or were maintained in Siemens's files or are or were created or received by Siemens. Siemens's production of Documents shall not constitute an admission that

the Documents were called for by the Production Requirements. Siemens's production of Documents shall not constitute an admission that any of the Documents produced or the information contained therein are relevant to this litigation. Siemens reserves the right to object to the admissibility of any of the Documents produced or the information contained therein.

Supplement to Initial Disclosures, Paragraph E.

e. A description by category and location (or copy at the discretion of the Third-Party Defendant) of all documents or electronically stored information that the disclosing party has in its possession, custody, or control with respect to Alleged Discharges including disclosure of the extent to which such documents or electronically stored information may fall within the Excepted Information.

Response

Siemens previously identified the documents described in the table below. Copies of these documents are produced contemporaneously herewith.

Documents by Category	Location	Applicable Exception
Transactional documents related to United States Filter Corporation's acquisition of assets of certain companies comprising the Process Equipment Division of United Utilities PLC.	Siemens Corporation 181 Thorn Hill Road Warrendale, PA 15086	No exceptions claimed except Exception Code G. as to certain documents.

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 4, 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 4, 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 4, above.

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

Response - See, Paragraph 4, above. Siemens 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 – Siemens objects to the request on the basis that it assumes that Siemens was associated with the Wallace & Tiernan Site as alleged in the Third Party Complaint, which assumption and allegations Siemens denies. Subject to that objection, Documents in Siemens's possession pertaining to management of Hazardous Materials at the Wallace & Tiernan Site are produced on CD contemporaneously herewith.

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 - Siemens objects to the request on the basis that it assumes that Siemens was associated with the Wallace & Tiernan Site as alleged in the Third Party Complaint, which assumption and allegations Siemens denies. Subject to that objection, Documents in Siemens's possession pertaining to management of Hazardous Materials at the Wallace & Tiernan Site are produced on CD contemporaneously herewith.

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

Response - Siemens objects to the request on the basis that it assumes that Siemens was associated with the Wallace & Tiernan Site as alleged in the Third Party Complaint, which assumption and allegations Siemens denies. Siemens has no documents in its possession relating to testing at the Wallace & Tiernan Site.

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 – Siemens denies the alleged association between Siemens and the Wallace & Tiernan Site. Documents in Siemens’s possession containing communications from government agencies pertaining to the subject matter of this litigation are produced on CD contemporaneously herewith.

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 - Siemens objects to the request on the basis that it assumes that Siemens was associated with the Wallace & Tiernan Site as alleged in the Third Party Complaint, which assumption and allegations Siemens denies. Subject to that objection, Documents in Siemens’s possession pertaining to management of Hazardous Materials at the Wallace & Tiernan Site are produced on CD contemporaneously herewith.

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 – Siemens has no documents responsive to this request.

Dated: March 21, 2011

Respectfully submitted,

HUSCH BLACKWELL LLP.
Attorneys for Third-Party Defendant
Siemens Water Technologies Corp.(s)



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Third-Party Defendant Siemens Water Technologies Corp,'s Supplemental Disclosure, along with a disc containing documents produced by Siemens Water Technologies Corp pursuant to Case Management Order XII (Bates stamped SWTC0001 to SWTC0522; SWTC-BELL-000001 to SWTC-BELL-000203; and SWTC-V-000001 to SWTC-V-0000011), was served on counsel for Third-Party Plaintiffs Tierra Solutions, Inc. and Maxus Energy Corporation via Federal Express on March 21, 2011 at the following address:

Charles M. Crout, Esq.
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Suite 1100
Washington, DC 20005

The undersigned hereby certifies that a true and correct copy of the documents set forth above was served on the following counsel via regular mail on March 21, 2011 at the following addresses:

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Morristown, New Jersey 07960

The undersigned hereby certifies that a true and correct copy of Third-Party Defendant Siemens Water Technologies Corp's Supplemental Disclosure (without disc) was served on all other counsel of record on March 21, 2011 via electronic posting.



Charles E. Merrill

Dated: March 21, 2011