

CASTANO QUIGLEY LLC
1120 Bloomfield Avenue
West Caldwell, NJ 07006
(973) 808-1234
ngarcia@cq-law.com
Attorneys for Third-Party Defendant
Town of Kearny

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New Jersey Department of Environmental Protection, <i>et al</i> ,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION - ESSEX COUNTY
	:	
Plaintiffs,	:	DOCKET NO. ESX-L-9868-05
	:	
v.	:	<u>Civil Action</u>
	:	
Occidental Chemical Corporation, <i>et al</i> ,	:	FIRST SUPPLEMENTAL
	:	DISCLOSURE RESPONSE OF
Defendants,	:	TOWN OF KEARNY
	:	
Maxus Energy Corporation	:	
	:	
v.	:	
	:	
3M Company, <i>et al</i> ,	:	
	:	
Third-Party Defendants.	:	
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In accordance with Case Management Order XII, Paragraph 21, The Town of Kearny hereby supplements its Disclosures.

21. c. (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,

The allegations in this matter against the answering municipality, Town of Kearny, relate to the alleged discharge of sewage waste which was treated and/or handled by the Passaic Valley Sewage Authority. As sewage waste is specifically excepted from the definition of "hazardous substance" under the New Jersey Spill Act, N.J.S.A. 58:10-23.11b, the answering municipality has no responsive documents.

Furthermore the answering municipality has no additional information beyond any “excepted material” identified by Case Management Order VIII, Paragraph 4.

- ii. the operations, manufacturing and/or production processes, and 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;

The allegations in this matter against the answering municipality, Town of Kearny, relate to the alleged discharge of sewage waste which was treated and/or handled by the Passaic Valley Sewage Authority. There are no operations, manufacturing and/or production processes, or hazardous materials stored or utilized, nor was there any sampling that took place of the sewage waste by the municipality. All documents that may relate to the 1D and Keegan Landfills are being produced.

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

The allegations in this matter against the answering municipality, Town of Kearny, relate to the alleged discharge of sewage waste which was treated and/or handled by the Passaic Valley Sewage Authority. There are no operations, manufacturing and/or production processes, or hazardous materials stored or utilized, nor was there any sampling that took place of the sewage waste by the municipality. All documents that may relate to the 1D and Keegan Landfills are being produced.

- iv. any communications involving that Third-Party Defendant and any branch, department, agency or instrumentality of municipal, State or federal government relating to any discharge or release of Hazardous Materials or this litigation.

The allegations in this matter against the answering municipality, The Town of Kearny, relate to the alleged discharge of sewage waste which was treated and/or handled by the Passaic Valley Sewage Authority. As sewage waste is specifically excepted from the definition of “hazardous substance” under the New Jersey Spill Act, N.J.S.A. 58:10-23.11b, the answering municipality has no responsive documents. All documents that may relate to the 1D and Keegan Landfills are being produced.

21. c. (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 the Third Party Defendant is associated in the Third Party Complaints.

All documents that may relate to the 1D and Keegan Landfills are being produced.

21. c. (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.

The answering municipality is continuing to endeavor to locate and confirm insurance coverage. Copies of any insurance policies which may be responsive will be produced once they are confirmed.

DATE: March 24, 2011

Norma Garcia
Castano Quigley LLC

CERTIFICATION OF SERVICE

I certify that a copy of the Town of Kearny's Responses to Case Management Order XII, paragraphs 21.b and 21.c have been served via Case Vantage and sent by mail to:

Michael Gordon, Esq. (State of New Jersey)
GORDON & GORDON, P.C.
505 MORRIS AVE.
SPRINGFIELD, NJ 07081

Robert T. Lehman, Esq. (Occidental Chemical Corp.)
ARCHER & GREINER
ONE CENTENNIAL SQUARE
33 EAST EUCLID AVENUE
HADDONFIELD, NJ 08033

William L. Warren, Esq. (Maxus Energy Corp. and Tierra Solutions Inc.)
DRINKER BIDDLE & REATH LLP
105 COLLEGE ROAD EAST, SUITE 300
PRINCETON, NJ 08452

Andrew A. Kassof, Esq. (Repsol YPF, et al.)
KIRKLAND & ELLIS LLP
300 NORTH LASALLE
CHICAGO, IL 60654

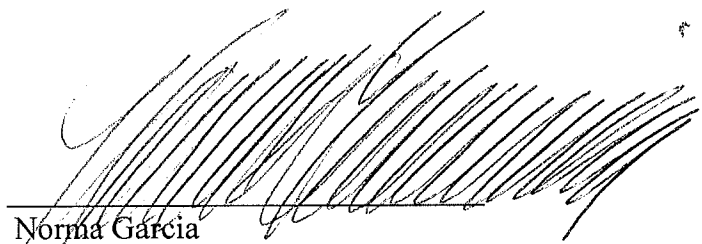
Lee Henig-Elona, Esq. (Third Party Private Liaison)
WOLFF & SAMSON P.C.
ONE BOLAND DRIVE
WEST ORANGE, NEW JERSEY 07052

Eric B. Rothenberg, Esq. (Third Party Private Liaison)
O'Melveny & Myers, LLP
Times Square Tower
7 Times Square
New York, NY 10036

Peter J. King, Esq. (Third Party Municipal Liaison)
King and Petracca
51 Gibraltar Drive
Suite 1D
Morris Plains, NJ 07950

John M. Scagnelli, Esq. (Third Party Public Liaison)
SCARINCI HOLLENBECK
1100 VALLEY BROOK AVENUE
P.O. BOX 790
LYNDHURST, NJ 07071-0790

Date: March 24, 2011



Norma Garcia
Castano Quigley LLC



CASTANO QUIGLEY LLC

ATTORNEYS AT LAW

NORMA GARCIA
ngarcia@cq-law.com

April 7, 2011

VIA OVERNIGHT MAIL

Clerk's Office
New Jersey Superior Court
Law Division – Civil Part
Essex County Courthouse
50 West Market Street
Newark NJ 07102

Re: *NJDEP, et al. v. Occidental, et al.*
Docket No. ESX-L-9868-05

Dear Sir or Madam:

This firm represents third party defendant, Town of Kearny, in the above referenced matter. Enclosed please find an original and two (2) copies of the Town of Kearny's Supplemental Third Party Disclosure Responses for filing.

Kindly return a filed copy of the same in the enclosed postage paid envelope. Thank you for your attention to this matter.

Very truly yours,



Norma Garcia

cc: Hon. Sebastian P. Lombardi, J.S.C. (via overnight mail)
All counsel (via electronic mail)