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Attorney for Third-Party Defendant
TATE & LYLE INGREDIENTS AMERICAS, INC.

NEW JERSEY DEPARTMENT OF	:	SUPERIOR COURT OF NEW
ENVIRONMENTAL PROTECTION and	:	JERSEY
THE ADMINISTRATOR OF THE NEW	:	LAW DIVISION: ESSEX
JERSEY SPILL COMPENSATION FUND,	:	COUNTY
	:	
Plaintiffs,	:	DOCKET NO. L-9868-05 (PASR)
	:	
v.	:	
	:	
OCCIDENTAL CHEMICAL	:	CIVIL ACTION
CORPORATION, TIERRA SOLUTIONS,	:	
INC., MAXUS ENERGY CORPORATION,	:	SUPPLEMENTAL THIRD-
REPSOL YPF, S.A., YPF, S.A., YPF	:	PARTY DISCLOSURE
HOLDINGS, INC. and CLH HOLDINGS,	:	
INC.,	:	
	:	
Defendants.	:	
	:	
MAXUS ENERGY CORPORATION and	:	
TIERRA SOLUTIONS,	:	
INC.,	:	
	:	
Third-Party Plaintiffs,	:	
	:	
vs.	:	
	:	
3M COMPANY, <i>et al.</i> ,	:	
	:	
Third-Party Defendants.	:	

Third-Party Defendant Tate & Lyle Ingredients Americas, Inc. (“Respondent”)
for its Supplement to its Initial Disclosure provides the following response:

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 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. The time period covered by the allegations in the Plaintiffs' Third Amended Complaints is quite long and encompasses at least six decades. Respondent is therefore engaged in a continuing investigation and reserves the right to supplement and modify these disclosures.

4. 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 without prejudice to its right to assert additional objections or to supplement its responses should Respondent discover additional grounds

for doing so during the course of this matter.

5. The geographic extent of the “Newark Bay Complex” referred to in the Third Amended Complaint is not well-defined spanning the “lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill van Kull, and into adjacent waters and sediments” and is therefore ambiguous.

Respondent makes this response as it understands the phrase “Newark Bay Complex”.

6. “Alleged Discharges” and “discharges” are deemed to have the meaning set forth in the Court’s CMO VIII.

7. “Site” is deemed to be the site or property with which Respondent is associated in a Third-Party Complaint.

8. This response is made as to the Alleged Discharges, the Site and the Newark Bay Complex.

General Response - Respondent sold the business that related to the site in 1978. Documents relating to the operation of the business were transferred with the business. The documents that related to operations at the site and that Respondent retained after the transfer (and that were not transferred or disposed of in ordinary course in compliance with the applicable document retention policies at the time) are paper documents relating to: (a) the transfer of the business in 1978; (b) the original purchase of the business in about 1968. Documents relating to other of Respondent’s places of business and operations throughout the country or to discharges to locations other than the Newark Bay Complex are not within the requirements of CMO XII and are not produced. Respondent denies discharges to the Newark Bay Complex at or from the site but the document that Respondent retained from its operation and that may relate to alleged discharges from the site to the Newark Bay Complex are identified in the specific responses below.

Specific Responses as to Paragraph 21(b)

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 above and October 4, 1978 Agreement of Sale and related memo submitted on the enclosed disk to parties on the applicable service list.

(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 above.

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

Response – See above.

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

Response – Respondent has not yet been required to assert claims for costs or damages. Therefore, Respondent reserves the right at the appropriate time to assert claims for costs and damages and to submit a further response to this item.

Specific Responses as to Paragraph 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:

Response – See above.

i. the release or discharge of Hazardous Materials from or at that Third Party Defendant’s properties or operations.

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;

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

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.

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 above.

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 – None known.

Dated: March 1, 2011

Respectfully submitted,

John R. Holsinger, LLC

Attorney for Third-Party Defendant TATE &
LYLE INGREDIENTS AMERICAS, INC.



John R. Holsinger, Esq.

JOHN R. HOLSINGER, ESQ., hereby certifies as follows:

1. On March 1, 2011, I requested posting of this Supplemental Third Party Disclosure on CT Summations' website.

2. On March 1, 2011, I also mailed a copy of this Supplemental Third Party Disclosure along with a disk with an electronic copy of the document referred to in it via regular mail to all parties on the applicable service list.

I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: March 1, 2011

Respectfully submitted,

JOHN R. HOLSINGER, LLC

A handwritten signature in black ink, appearing to be 'J. Holsinger', written over a horizontal line.

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Attorney for Third-Party Defendant TATE
& LYLE INGREDIENTS AMERICAS,
INC.