

CASTANO QUIGLEY LLC
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Attorneys for the Third Party Defendant
Town of Kearny

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE COMMISSIONER OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE ADMINISTRATOR OF THE NEW JERSEY SPILL COMPENSATION FUND,

Plaintiffs,

v.

OCCIDENTAL CHEMICAL CORPORATION, TIERRA SOLUTIONS, INC., MAXUS ENERGY CORPORATION, REPSOL YPF, S.A., YPF, S.A., YPF HOLDINGS, INC., AND CLH HOLDINGS,

Defendants.

MAXUS ENERGY CORPORATION and TIERRA SOLUTIONS, INC.,

Third-Party Plaintiffs,

BAYONNE MUNICIPAL UTILITIES AUTHORITY, et al.,

Third-Party Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - ESSEX COUNTY

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

Civil Action

**INITIAL DISCLOSURE STATEMENT OF
THE TOWN OF KEARNY**

Third-Party Defendant, Town of Kearny, by way of Initial Disclosure states as follows:

- (a) The name, address and telephone number, as may be known of each individual likely to have discoverable information, along with the subjects of that information, that relates to any alleged discharge or release of pollutants, contaminants and/or hazards substances (“Pollutants”) into the Newark Bay Complex (as these terms are defined in the Second Amended Complaint and the Third-Party Complaints) from the site(s) and/or properties with which the disclosing party is associated in the Third-Party Complaint (“Alleged Discharges”).

Response:

The Town of Kearny denies it discharged hazardous substances or pollutants. Any information concerning the administration of public services provided by the Town of Kearny in under the possession and control of:

Town of Kearny Town Clerk
Town Hall
410 Kearny Ave.
Kearny, NJ 07032
201-955-7400

- (b) The name, address and telephone number, as may be known, of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses (unless the use would be solely impeachment).

Response:

Town of Kearny Town Clerk
Town Hall
410 Kearny Ave.
Kearny, NJ 07032
201-955-7400

Municipal Engineer
Michael J. Neglia
P.O. Box 426
34 Park Ave.
Lyndhurst, NJ 07071
201- 939-8805

Water Superintendant
Richard Ferraioli
570 Elm Street
Kearny, NJ 07032
201- 955-7406

Joseph Skelly
Kearny Municipal Utilities Authority
39 Central Avenue
Kearny, NJ 07032
973-465-5367

- (c) The name, address and telephone number, as may be known, of any and all past or present owners, lessees or operators at the site(s) and/or properties with which it is associated in the Third-Party Complaint and the dates of such ownership, lease or operation, as may be know.

Response:

None known at this time.

- (d) With respect to any individual identified pursuant to paragraph (a), (b) or (c) above (or any other individual known to have material knowledge of an alleged discharge or release or a Pollutant at or from a site and /or property, or into the Newark Bay Complex), any known inability to testify due to age, infirmity, or incompetency within 12 months following the date of the Initial Disclosure.

Response:

None known at this time.

- (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 documents or electronically stored information may fall within the Excepted Information.

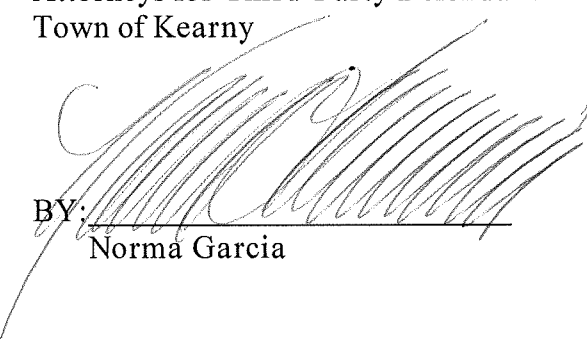
Response:

The Town of Kearny denies it discharged hazardous substances or pollutants. Any information concerning the administration of public services provided by the Town of Kearny in under the possession and control of the Kearny Town Clerk or the Town Engineer.

The Town of Kearny reserves the right to supplement/amend this Initial Disclosure Statement as additional information is obtained through investigation and discovery.

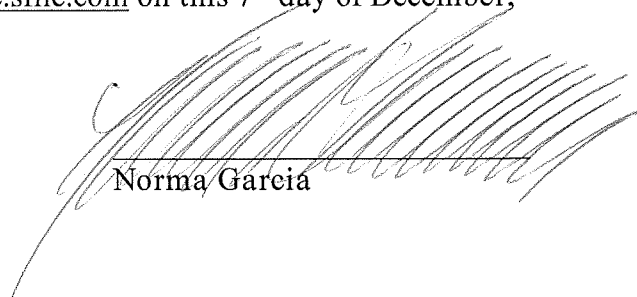
CASTANO QUIGLEY LLC
Attorneys for Third-Party Defendant
Town of Kearny

Dated: December 7, 2009

BY: 
Norma Garcia

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Initial Disclosure was posted to <http://njdepvocc.sfile.com> on this 7th day of December, 2009.


Norma Garcia