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**FILED**  
**TEAM #2**

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**SUPERIOR COURT  
OF NEW JERSEY  
COUNTY OF HUDSON  
CIVIL DIVISION #8**

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - HUDSON COUNTY  
DOCKET NO. *L - 4962 - 05*

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

Plaintiffs,

v.

BASF CORPORATION;  
UNITED TECHNOLOGIES  
CORPORATION; ABC  
CORPORATIONS 1-10 (Names  
Fictitious), and  
JOHN DOES 1-10 (Names Fictitious),

Defendants.

Civil Action

COMPLAINT

Plaintiffs New Jersey Department of Environmental Protection ("DEP") and the Administrator of the New Jersey Spill Compensation Fund ("Administrator") (collectively, "the Plaintiffs"), having their principal offices at 401 East State Street in the City of Trenton, County of Mercer, State of New Jersey, by way of Complaint against the above-named defendants ("the Defendants"), say:

### STATEMENT OF THE CASE

1. Plaintiffs bring this civil action pursuant to the Spill Compensation and Control Act (the "Spill Act"), N.J.S.A. 58:10-23.11 to -23.24, and the common law, for reimbursement of the cleanup and removal costs and damages they have incurred, and will incur, as a result of discharge of hazardous substances at the BASF/Inmont site located in the City of Hawthorne, Passaic County. The costs and damages the Plaintiffs seek include the damages they have incurred, and will incur, for any natural resource of this State that has been, or may be, injured as a result of the discharge of hazardous substances at the BASF/Inmont site, and to compel the Defendants to perform, under plaintiff DEP's oversight, or to fund plaintiff DEP's performance of, any further assessment and restoration of any natural resource that has been, or may be, injured as a result of the discharge of hazardous substances at the BASF/Inmont site.

### THE PARTIES

2. Plaintiff DEP is a principal department within the Executive Branch of the State government, vested with the authority to conserve and protect natural resources, protect the environment, prevent pollution, and protect the public health and safety. N.J.S.A. 13:1D-9.

3. In addition, the State is the trustee, for the benefit of its citizens, of all natural resources within its jurisdiction, for which plaintiff DEP is vested with the authority to protect this public trust and to seek compensation for damages to the natural resources of the State.

N.J.S.A. 58:10-23.11a.

4. Plaintiff Administrator is the chief executive officer of the New Jersey Spill Compensation Fund ("the Spill Fund"). N.J.S.A. 58:10-23.11j. As chief executive officer of the Spill Fund, plaintiff Administrator is authorized to approve and pay any cleanup and removal costs plaintiff DEP incurs, N.J.S.A. 58:10-23.11f.c. and d., and to certify the amount of any claim to be paid from the Spill Fund, N.J.S.A. 58:10-23.11j.d.

5. Defendant, BASF Corporation ("BASF") is a corporation organized under the laws of the State of Delaware with a principal place of business located at 100 Campus Drive, Florham Park, New Jersey.

6. In 1964, BASF Aktiengesellschaft ("BASF AG"), a corporation of the Federal Republic of Germany, acquired the assets of United Cork Companies, a New York corporation, with the surviving entity being Badische Products Corporation ("Badische Products"), also a New York corporation.

7. In January 1968, Badische Products merged with BASF Colors & Chemicals, thus becoming BASF Corporation, a New York corporation.

8. In December 1970, BASF Corporation merged with Wyandotte Chemical Corporation, thus becoming BASF Wyandotte Corporation, a Michigan corporation.

9. In December 1985, Badische Corp., a Delaware corporation, merged with BASF Wyandotte Corporation and several other companies to form Inmont Corporation ("Inmont"), a Delaware corporation, and simultaneously changed the surviving entity's name to BASF Corporation, a Delaware corporation, defendant BASF herein