

STATEMENT OF THE CASE

1. Plaintiffs bring this civil action pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 to -23.24 ("the Spill Act"), and the common law, for reimbursement of the cleanup and removal costs and 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 discharges of hazardous substances at the CBS Records site located in Pitman Borough, Gloucester County, New Jersey, and to compel the Defendants to perform, under plaintiff DEP's oversight, or to fund plaintiff DEP's performing of, any further assessment and restoration of any natural resource that has been, or may be, injured by the discharges of hazardous substances at the CBS Records site.

THE PARTIES

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

3. In addition, with the State being the trustee, for the benefit of its citizens, of all natural resources within its jurisdiction, plaintiff DEP is vested with the authority to protect this public trust. N.J.S.A. 58:10-23.11a.

4. Plaintiff Administrator is the chief executive officer of the New Jersey Spill Compensation Fund ("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 Viacom, Inc. is a corporation organized under the laws of the State of Delaware, with a principal place of business located at 1515 Broadway, New York, New York 10036.

6. Defendant Viacom is the successor corporation to CBS Corporation, having merged with CBS Corporation in 1999.

7. CBS Corporation was previously known as, or is the successor in interest to, CBS, Inc., which, in turn, was previously known as, or is the successor in interest to, Columbia Broadcasting System, Inc.

8. Between 1960 and 1987, CBS Records, Inc. was a wholly owned subsidiary of CBS Corporation or its predecessors before being sold in 1987 to Sony Corporation, a corporation based in Tokyo, Japan.

9. After acquiring CBS Records, Inc., Sony Corporation changed the name of CBS Records, Inc., to defendant Sony Music Entertainment, Inc., a corporation organized under the laws of the

State of Delaware, with a principal place of business located at 550 Madison Avenue, New York, New York 10022.

10. Each defendant is a "person" within the meaning of N.J.S.A. 58:10-23.11b.

AFFECTED NATURAL RESOURCE

Groundwater

11. Groundwater is an extremely important natural resource for the people of New Jersey, supplying more than 900 million gallons of water per day, which provides more than half of New Jersey's population with drinking water.

12. Not only does groundwater serve as a source of potable water, it also serves as an integral part of the State's ecosystem. Groundwater provides base flow to streams, and influences surface water quality and wetland ecology and the health of the aquatic ecosystem.

13. Groundwater also provides cycling and nutrient movement, prevents salt water intrusion, provides ground stabilization, prevents sinkholes, and provides maintenance of critical water levels in freshwater wetlands.

14. Groundwater and the other natural resources of the State are unique resources that support the State's tourism industry, which helps sustain the State's economy.

15. There are more than 6,000 contaminated sites in New Jersey that have confirmed groundwater contamination with hazardous substances.

GENERAL ALLEGATIONS

16. The CBS Records site consists of approximately 83 acres of real property located at 400 North Woodbury Road, Pitman Borough, Gloucester County, this property being also known and designated as Block 138, Lot 1, on the Tax Map of Pitman Borough ("the CBS Property"), and all other areas where any hazardous substance discharged there has become located (collectively, "the Site."), which plaintiff DEP has designated as Site Remediation Program Interest No. 007704.

17. From 1959 through 1987, CBS Corporation or its predecessors owned the CBS Property, which CBS, Inc., a predecessor to CBS Corporation, conveyed to CBS Records, Inc. in November 1987.

18. In November 1987, the CBS Property was conveyed to defendant Sony Music Entertainment, Inc., which is the present owner of record.

19. From approximately 1960 through 1987, CBS Records, Inc. manufactured phonograph records and, later, compact discs at the CBS Property, during which time "hazardous substances," as defined in N.J.S.A. 58:10-23.11b., were "discharged" there within the meaning of N.J.S.A. 58:10-23.11b.