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By: John F. Dickinson, Jr.
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SOMERSET COUNTY
DOCKET NO. L-923-07.

NEW JERSEY DEPARTMENT OF :
ENVIRONMENTAL PROTECTION and : Civil Action
THE ADMINISTRATOR OF THE NEW :
JERSEY SPILL COMPENSATION : COMPLAINT
FUND, :
:
Plaintiffs, :
:
v. :
:
TRONOX, LLC; "ABC :
CORPORATIONS" 1-10 (Names :
Fictitious); and "JOHN DOES" :
1-10 (Names Fictitious), :
:
Defendants. :

RECEIVED/FILED
SUPERIOR COURT OF NJ
SOMERSET COUNTY
2007 JUN -6 AM 9:31
DEPUTY CLERK
CIVIL DIVISION

Plaintiffs New Jersey Department of Environmental Protection ("DEP") and the Administrator of the New Jersey Spill Compensation Fund ("Administrator") ("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. The 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 costs and damages they have incurred, and will incur, as a result of the discharge of hazardous substances at the Federal Creosote Superfund site in the Borough of Manville, Somerset 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 Federal Creosote Superfund site. Further, the Plaintiffs seek an order compelling the Defendants to perform, under plaintiff DEP's oversight, or to fund plaintiff DEP's performance of, any further assessment of any natural resource that has been, or may be, injured as a result of the discharge of hazardous substances at the Federal Creosote Superfund site, and to compensate the citizens of New Jersey for the lost value of any injured natural resource.

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 any injury to the natural resources of this 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 Tronox, LLC is a limited liability company organized and existing under the laws of the State of Delaware, with a principal place of business located at One Leadership Square, Suite 300, Oklahoma City, Oklahoma 73102.

6. Federal Creosoting Company, Inc. ("Federal Creosoting"), is a defunct Delaware corporation.

7. On July 31, 1956, Federal Creosoting's parent, American Creosoting Company, a defunct Delaware corporation doing business out of Louisville, Kentucky, was acquired by the American

Creosoting Corporation, Inc. ("American Creosoting Corp."), a defunct Delaware corporation.

8. American Creosoting Corp., a wholly-owned subsidiary of the Union Bag Camp Paper Corporation ("Union Camp"), was created by Union Camp expressly for the purpose of acquiring the assets of the American Creosoting Company.

9. Federal Creosoting was dissolved on December 22, 1959. Under the terms of the "Plan of Complete Liquidation" for Federal Creosoting, American Creosoting Corp. acquired all of the assets of Federal Creosoting, and also assumed all of the liabilities of Federal Creosoting.

10. The "Plan of Complete Liquidation" was approved by the Board of Directors and stockholders of Federal Creosoting and the Board of Directors of American Creosoting Corp. on or about December 8, 1959.

11. On September 30, 1964, Kerr-McGee Oil Industries, Inc. acquired all of the issued and outstanding stock of American Creosoting Corporation from Union Camp, and Kerr-McGee Oil Industries, Inc. changed American Creosoting Corp.'s name to Moss-American, Inc., a Delaware corporation, on April 1, 1965.

12. Kerr-McGee Oil Industries, Inc., in turn, changed its name to Kerr-McGee Corporation on November 1, 1965.

13. AMPOT, Inc. was incorporated as a wholly-owned subsidiary of Kerr-McGee Corporation on October 25, 1967, and, after several

name changes and a merger, became known as Kerr-McGee Chemical Corporation ("Kerr-McGee Chemical") on April 1, 1974.

14. Kerr-McGee Chemical, a Delaware corporation, was a wholly-owned subsidiary of Kerr-McGee Corporation.

15. Moss-American merged into Kerr-McGee Chemical on September 1, 1974, with the surviving entity being Kerr-McGee Chemical.

16. On December 17, 1997, Kerr-McGee Chemical, LLC merged with Kerr-McGee Chemical Corporation, with Kerr-McGee Chemical, LLC being the surviving entity.

17. In 2005, Kerr-McGee Corporation announced its intention to spin off its chemical business to a stand-alone entity, and, to facilitate the spin-off, New-Co Chemical, Inc. ("New-Co") was incorporated on May 17, 2005, as a wholly-owned subsidiary of Kerr-McGee Corporation.

18. New-Co changed its name to Tronox, Incorporated on September 12, 2005.

19. On September 22, 2005, Kerr-McGee Chemical, LLC changed its name to Tronox, LLC.

20. Defendant Tronox, LLC is the successor-in-interest to Federal Creosoting.

21. Defendants "ABC Corporations" 1-10, these names being fictitious, are entities with identities that cannot be ascertained as of the filing of this Complaint, certain of which are corporate

successors to, predecessors of, or are otherwise related to, defendant Tronox, LLC.

22. Defendants "John Does" 1-10, these names being fictitious, are individuals whose identities cannot be ascertained as of the filing of this Complaint, certain of whom are partners, officers, directors, and/or responsible corporate officials of, or are otherwise related to, defendant Tronox, LLC, and/or one or more of the ABC Corporation defendants.

AFFECTED NATURAL RESOURCE

23. The "natural resources" of this State are all land, fish, shellfish, wildlife, biota, air, water and other such resources owned, managed, held in trust or otherwise controlled by the State. N.J.S.A. 58:10-23.11b.

24. The natural resources of this State, including the waters of the State, have been injured as a result of the discharge of hazardous substances at the Federal Creosote Superfund site.

Ground Water

25. Ground water 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.

26. Not only does ground water serve as a source of potable water, it also serves as an integral part of the State's ecosystem.

27. Ground water provides base flow to streams and other surface water bodies, and influences surface water quality and wetland ecology and the health of aquatic ecosystems.

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

29. Ground water is a unique resource that supports the State's tourism industry, and is also used for commercial, industrial and agricultural purposes, all of which help sustain the State's economy.

30. There are thousands of sites in New Jersey confirmed as having ground water contaminated with hazardous substances.

GENERAL ALLEGATIONS

31. The Federal Creosote Superfund site consists of approximately 53 acres of real property located near the intersection of Champlain Road and Main Street in the Borough of Manville, Somerset County, New Jersey ("the 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. G000031228.

32. The Property is bordered by Conrail's Lehigh freight line to the north, Conrail's Trenton freight line and the "Lost Valley"

residential development to the southeast, and the Borough of Manville's commercial district on Main Street to the west.

33. The eastern two-thirds of the Property (approximately 35 acres) is the site of the 137 home Claremont Housing Development ("Claremont Development"), and the western one-third (approximately 17 acres) is the site of the Rustic Mall, a retail shopping center.

34. Defendant Tronox, LLC's predecessors, including Federal Creosoting, owned the Property from 1910 to April 1956.

35. Title to the Property was transferred by Federal Creosoting to American Creosoting Company on or about March 8, 1956, which held title until conveying the Property to American Creosoting Corporation on or about July 31, 1956.

36. American Creosoting Corporation held title to the Property for approximately 6 months before selling it to Stanley Rustic, now deceased, on or about February 1, 1957.

37. Stanley Rustic and Florence Rustic, his wife, conveyed title to approximately 35.75 acres of the Property to Claremont Developers, Inc., a defunct New Jersey corporation, on or about April 23, 1962, on which property the Claremont Development is located.

38. Various individuals are the current owners of record of portions of the Claremont Development portion of the Property, having acquired their properties either directly from Claremont

Developers, Inc., or from the original and subsequent purchasers of their lots in the Claremont Development.

39. On or about December 4, 1965, the Rustics, both of whom are now deceased, transferred the remaining 14.8 acres or so of the Property to the Rustic Mall, Inc., a defunct New Jersey corporation, on which property Rustic Mall, Inc. built the Rustic Mall, a retail shopping center.

40. After Stanley Rustic died on July 5, 1972, Rustic Mall, Inc. sold approximately 9.52 acres of the Rustic Mall portion of the Property to Harry Wilf, Joseph Wilf and Sidney Hartman (t/a Rustic Mall Shopping Center) on or about April 30, 1973.

41. Also on or about April 30, 1973, Florence Rustic and Joyce Urbanski, as Executrices for the Estate of Stanley Rustic, sold the remaining 3.82 acres or so of the Rustic Mall portion of the Property to Messrs. Wilf and Hartman.

42. On or about March 1, 2002, Rustic Mall, LLC acquired the entire Rustic Mall portion of the Property from the Estate of Harry Wilf, Joseph Wilf, and the Estate of Sidney Hartmann, partners (t/a Rustic Mall Shopping Center).

43. Rustic Mall, LLC is the present owner of record of the Rustic Mall portion of the Property.

44. From 1910 through the present, defendant Tronox's predecessors, certain of the ABC Corporation defendants, and/or certain of the John Doe defendants, own, or have owned, some or all

of the 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., which substances included creosote.

45. From 1910 through March 1956, defendant Tronox, LLC's predecessors, including Federal Creosoting, operated a creosote wood-treatment plant at the Property, where they treated railroad ties for area railroads, including the Lehigh Valley and Delaware and Hudson Railroad.

46. The business activities of defendant Tronox, LLC's predecessors, including Federal Creosoting, while at the Property, involved the generation, storage and handling of hazardous substances, certain of which were discharged there, which substances included creosote.

47. The United States Environmental Protection Agency ("EPA") placed the Site on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C.A. §§9601 to 9675, on January 19, 1999.

48. The NPL, which was established pursuant to Section 105(a) of CERCLA, 42 U.S.C.A. §9605(a), is a list EPA promulgates of hazardous waste sites that pose the greatest threat to human health and safety, and the environment.

49. From 1997 to 2001, EPA, in consultation with plaintiff DEP, conducted three remedial investigation and feasibility studies

of the Site pursuant to Section 104 of CERCLA, 42 U.S.C.A. §9604, during which EPA investigated the nature and extent of the contamination at the Site, and evaluated various remediation alternatives.

50. Sampling results from the remedial investigations revealed the presence of various hazardous substances exceeding the applicable cleanup criteria in the soils and ground water at the Site, which substances included creosote product and creosote constituents, particularly, polycyclic aromatic hydrocarbons ("PAHs"), naphthalene and benzene.

51. Based upon the findings from the three remedial investigations and feasibility studies, EPA, with DEP's concurrence, chose to divide the remediation of the Site into three operable units, or remediation phases.

52. EPA, with plaintiff DEP's concurrence, signed a Record of Decision ("ROD") for each of the three operable units it selected for the Site, in which EPA documented and explained the preferred remedies to address the contaminated soils and ground water at the Site, which EPA and DEP are performing using public funds.

53. The ROD for Operable Unit #1 ("OU-1"), which EPA signed on September 28, 1999, called for the remediation of the creosote-saturated soils in the former lagoons, canals and exit trenches associated with waste disposal operations at the creosoting plant, which has involved the buy-out and demolition of approximately

eighteen homes in the Claremont Development, and the excavation and off-site disposal of approximately 43,900 cubic yards of creosote-contaminated soils. The OU #1 activities are ongoing.

54. The ROD for Operable Unit #2 ("OU-2"), which EPA signed on September 29, 2000, called for the remediation of the remaining contaminated soils at the Site that contained chemical constituents of creosote such as PAHs, but not creosote waste materials, which involved the excavation and off-site disposal of an estimated 78,900 cubic yards of contaminated soils from 81 properties in the Claremont Development, and 1 parcel on the Rustic Mall portion of the Property. EPA completed OU #2 in September 2006.

55. The ROD for Operable Unit #3 ("OU-3"), which EPA signed on September 30, 2002, addresses the creosote wastes and contaminated soils on the Rustic Mall portion of the Property, and the contaminated ground water throughout the Site, which involves the excavation and off-site disposal of approximately 38,000 cubic yards of contaminated soils and creosote waste, and long-term groundwater monitoring with institutional controls. The OU #3 activities are ongoing.

56. The Plaintiffs have participated in, or have otherwise funded, in part, the remediation of the Site using public funds.

57. Although EPA and plaintiff DEP have undertaken the remediation of the Site, the ground water and soils remain contaminated.

FIRST COUNT

Spill Act

58. The Plaintiffs repeat each allegation of paragraph nos. 1 through 57 above as though fully set forth in its entirety herein.

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

60. Except as otherwise provided in N.J.S.A. 58:10-23.11g.12, any person who discharges a hazardous substance, or is in any way responsible for any hazardous substance that is discharged, shall be liable, jointly and severally, without regard to fault, for all cleanup and removal costs no matter by whom incurred. N.J.S.A. 58:10-23.11g.(c).

61. Except as otherwise exempted under N.J.S.A. 58:10-23.11g.12, the discharge of hazardous substances is a violation of the Spill Act, for which any person who is the discharger of, or is in any way responsible for, any hazardous substance that is discharged, is strictly liable, jointly and severally, without regard to fault. N.J.S.A. 58:10-23.11g.c.(1).

62. Plaintiff DEP has incurred, and may continue to incur, costs as a result of the discharge of hazardous substances at the Property.

63. Plaintiff Administrator has certified, or may certify, for payment, valid claims made against the Spill Fund concerning the Site, and, further, has approved, or may approve, other appropriations for the Site.

64. The Plaintiffs also have incurred, and will continue to incur, costs and damages, including lost value and reasonable assessment costs, 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 Property.

65. The costs and damages the Plaintiffs have incurred, and will incur, for the Site are "cleanup and removal costs" within the meaning of N.J.S.A. 58:10-23.11b.

66. Defendant Tronox, LLC, one or more of the ABC Corporation defendants, and/or one or more of the John Doe defendants, are, or are the successors-in-interest to, the dischargers of hazardous substances at the Property, and are liable, jointly and severally, without regard to fault, for all cleanup and removal costs and damages, including lost value and reasonable assessment costs, that the Plaintiffs have incurred, and will incur, to assess, mitigate, restore, or replace, any natural resource of this State that has

been, or may be, injured as a result of the discharge of hazardous substances at the Property. N.J.S.A. 58:10-23.11g.c.(1).

67. Defendant Tronox, LLC, one or more of the ABC Corporation defendants, and/or one or more of the John Doe defendants, as the owners, or as the successors-in-interest to the owners, of the Property at the time hazardous substances were discharged there, also are persons in any way responsible for the discharged hazardous substances, and are liable, jointly and severally, without regard to fault, for all cleanup and removal costs and damages, including lost value and reasonable assessment costs, that the Plaintiffs have incurred, and will incur, to assess, mitigate, restore, or replace, any natural resource of this State that has been, or may be, injured as a result of the discharge of hazardous substances at the Property. N.J.S.A. 58:10-23.11g.c.(1).

68. Pursuant to N.J.S.A. 58:10-23.11u.a.(1)(a) and N.J.S.A. 58:10-23.11u.b., plaintiff DEP may bring an action in the Superior Court for injunctive relief, N.J.S.A. 58:10-23.11u.b.(1); for its unreimbursed investigation, cleanup and removal costs, including the reasonable costs of preparing and successfully litigating the action, N.J.S.A. 58:10-23.11u.b.(2); natural resource restoration and replacement costs, N.J.S.A. 58:10-23.11u.b.(4); and for any other unreimbursed costs or damages plaintiff DEP incurs under the Spill Act, N.J.S.A. 58:10-23.11u.b.(5).

69. Pursuant to N.J.S.A. 58:10-23.11q., plaintiff Administrator is authorized to bring an action in the Superior Court for any unreimbursed costs or damages paid from the Spill Fund.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs DEP and Administrator pray that this Court:

- a. Order the Defendants to reimburse the Plaintiffs, jointly and severally, without regard to fault, for all cleanup and removal costs and damages, including lost value and reasonable assessment costs, that the Plaintiffs have incurred for any natural resource of this State injured as a result of the discharge of hazardous substances at the Property, with applicable interest;
- b. Enter declaratory judgment against the Defendants, jointly and severally, without regard to fault, for all cleanup and removal costs and damages, including lost value and reasonable assessment costs, that the Plaintiffs will incur for any natural resource of this State injured as a result of the discharge of hazardous substances at the Property;
- c. Enter judgment against the Defendants, jointly and severally, without regard to fault, compelling 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 Property and compelling the Defendants to compensate the citizens of New Jersey for the lost value of any injured natural resource;
- d. Award the Plaintiffs their costs and fees in this action; and
 - e. Award the Plaintiffs such other relief as this Court deems appropriate.

SECOND COUNT

Public Nuisance

70. The Plaintiffs repeat each allegation of paragraph nos. 1 through 69 above as though fully set forth in its entirety herein.

71. Ground water is a natural resource of the State held in trust by the State for the benefit of the public.

72. The use, enjoyment and existence of uncontaminated natural resources are rights common to the general public.

73. The groundwater contamination at the Site constitutes a physical invasion of public property and an unreasonable and substantial interference, both actual and potential, with the exercise of the public's common right to this natural resource.

74. As long as the ground water remains contaminated due to the Defendant's conduct, or that of their predecessors, the public nuisance continues.

75. Until the ground water is restored to its pre-injury quality, the Defendants are liable for the creation, and continued maintenance, of a public nuisance in contravention of the public's common right to clean ground water.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs DEP and Administrator pray that this Court:

- a. Order the Defendants to reimburse the Plaintiffs for all cleanup and removal costs and damages, including restitution for unjust enrichment, lost value and reasonable assessment costs, that the Plaintiffs have incurred for any natural resource of this State injured as a result of the discharge of hazardous substances at the Property, with applicable interest;
- b. Enter declaratory judgment against the Defendants for all cleanup and removal costs and damages, including restitution for unjust enrichment, lost value and reasonable assessment costs, that the Plaintiffs will incur for any natural resource of this State injured as a result of the discharge of hazardous substances at the Property;

- c. Enter judgment against the Defendants, compelling the Defendants to perform, under plaintiff DEP's oversight, or to fund plaintiff DEP's performance of, any further assessment of any natural resource that has been, or may be, injured as a result of the discharge of hazardous substances at the Property and compelling the Defendants to compensate the citizens of New Jersey for the lost value of any injured natural resource;
- d. Award the Plaintiffs their costs and fees in this action; and
- e. Award the Plaintiffs such other relief as this Court deems appropriate.

THIRD COUNT

Trespass

76. The Plaintiffs repeat each allegation of paragraph nos. 1 through 75 above as though fully set forth in its entirety herein.

77. Ground water is a natural resource of the State held in trust by the State for the benefit of the public.

78. The Defendant is liable for trespass, and continued trespass, since hazardous substances were discharged at the Property.

79. As long as the ground water remains contaminated, the Defendants' trespass continues.

PRAYER FOR RELIEF


WHEREFORE, plaintiffs DEP and Administrator pray that this Court:

- a. Order the Defendants to reimburse the Plaintiffs for all cleanup and removal costs and damages, including restitution for unjust enrichment, lost value and reasonable assessment costs, that the Plaintiffs have incurred for any natural resource of this State injured as a result of the discharge of hazardous substances at the Property, with applicable interest;
- b. Enter declaratory judgment against the Defendants for all cleanup and removal costs and damages, including restitution for unjust enrichment, lost value and reasonable assessment costs, that the Plaintiffs will incur for any natural resource of this State injured as a result of the discharge of hazardous substances at the Property;
- c. Enter judgment against the Defendants, compelling the Defendants to perform, under plaintiff DEP's oversight, or to fund plaintiff DEP's performance of, any further assessment of any natural resource that has been, or may be, injured as a result of the discharge of hazardous substances at the Property and compelling the Defendants

to compensate the citizens of New Jersey for the lost value of any injured natural resource;

- d. Award the Plaintiffs their costs and fees in this action; and
- e. Award the Plaintiffs such other relief as this Court deems appropriate.

STUART RABNER
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: 

John F. Dickinson, Jr.
Deputy Attorney General

Dated: June 5, 2007

DESIGNATION OF TRIAL COUNSEL

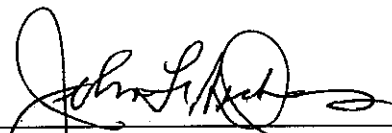
Pursuant to R. 4:25-4, the Court is advised that John F. Dickinson, Jr., Deputy Attorney General, is hereby designated as trial counsel for the Plaintiffs in this action.

CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES

Undersigned counsel hereby certifies, in accordance with R. 4:5-1(b)(2), that the matters in controversy in this action are not the subject of any other pending or contemplated action in any court or arbitration proceeding known to the Plaintiffs at this time, nor is any non-party known to the Plaintiffs at this time who

should be joined in this action pursuant to R. 4:28, or who is subject to joinder pursuant to R. 4:29-1. If, however, any such non-party later becomes known to the Plaintiffs, an amended certification shall be filed and served on all other parties and with this Court in accordance with R. 4:5-1(b)(2).

STUART RABNER
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: 
John F. Dickinson, Jr.
Deputy Attorney General

Dated: *June 5, 2007*

CIVIL CASE INFORMATION STATEMENT

(CIS)

FOR USE BY CLERK'S OFFICE ONLY

Use for initial pleadings (not motions) under R. 4:5-1.

Pleadings will be rejected for filing under R. 1:5-6(c) if information above the black bar is not completed or if attorney's signature is not affixed.

PAYMENT TYPE: CK CG CA

CHG/CK NO.:

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:

ATTORNEY/PRO SE NAME: John F. Dickinson, Jr., Deputy Attorney General

TELEPHONE NO.: 609-984-4654

COUNTY OF VENUE: Somerset

FIRM NAME (If Applicable): NEW JERSEY ATTORNEY GENERAL

DOCKET NUMBER (When Available): L-923-07

OFFICE ADDRESS:
Richard J. Hughes Justice Complex
25 Market Street
P.O. Box 093
Trenton, NJ 08625-0093

DOCUMENT TYPE: Complaint

JURY DEMAND: YES NO

NAME OF PARTY (e.g., John Doe, Plaintiff):
New Jersey Department of Environmental Protection and Administrator, New Jersey Spill Compensation Fund

CAPTION: New Jersey Department of Environmental Protection and The Administrator of the New Jersey Spill Compensation Fund v. Tronox, LLC; "ABC Corporations" 1-10 (Names Fictitious); and "John Does" 1-10 (Names Fictitious)

CASE TYPE NUMBER
(See reverse side for listing): 156

IS THIS A PROFESSIONAL MALPRACTICE CASE? YES x NO

If You Have Checked "Yes," See N.J.S.A. 2A:53A-27 and Applicable Case Law Regarding Your Obligation to File an Affidavit of Merit.

RELATED CASES PENDING? YES x NO

IF YES, LIST DOCKET NUMBERS:

DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of the same transaction or occurrence)?

YES x NO

NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN

NONE x UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

A. DO THE PARTIES HAVE IF YES, IS THAT EMPLOYER-EMPLOYEE FRIEND-NEIGHBOR OTHER (explain)
A CURRENT, PAST OR RELATIONSHIP:
RECURRENT RELATIONSHIP?

YES x NO FAMILIAL BUSINESS

B. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? x YES NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION.

DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS?

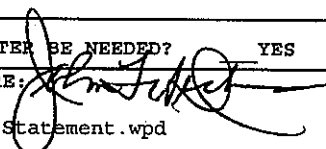
x YES NO

IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:

Hearing impairment - Real Time Captioning Equipment required

WILL AN INTERPRETER BE NEEDED? YES x NO

IF YES, FOR WHAT LANGUAGE:

ATTORNEY SIGNATURE: 

Case Information Statement.wpd

RECEIVED FILED IN NJ SUPERIOR COURT COUNTY OF SOMERSET
JUN - 6 9:31 AM '07

CASE TYPES (Choose one and enter the number of case type in appropriate space on the reverse side.)

TRACK I - 150 Days' Discovery

151 NAME CHANGE
175 FORFEITURE
302 TENANCY
399 REAL PROPERTY
502 BOOK ACCOUNT
505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
506 PIP COVERAGE
510 UM OR UIM CLAIM
511 ACTION ON NEGOTIABLE INSTRUMENT
512 LEMON LAW
599 CONTRACT/COMMERCIAL TRANSACTION
801 SUMMARY ACTION
802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)

TRACK II - 300 Days' Discovery

305 CONSTRUCTION
509 EMPLOYMENT (OTHER THAN CEPA OR LAD)
602 ASSAULT AND BATTERY
603 AUTO NEGLIGENCE - PERSONAL INJURY
605 PERSONAL INJURY
610 AUTO NEGLIGENCE - PROPERTY DAMAGE
699 TORT - OTHER

TRACK III - 450 Days' Discovery

005 CIVIL RIGHTS
301 CONDEMNATION
604 MEDICAL MALPRACTICE
606 PRODUCT LIABILITY
607 PROFESSIONAL MALPRACTICE
608 TOXIC TORT
609 DEFAMATION
616 WHISTLE BLOWER/CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
617 INVERSE CONDEMNATION
618 LAW AGAINST DISCRIMINATION (LAD) CASES

TRACK IV - Active Case Management by Individual Judge/450 Days' Discovery

156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
303 MT. LAUREL
508 COMPLEX COMMERCIAL
613 REPETITIVE STRESS SYNDROME
701 ACTIONS IN LIEU OF PREROGATIVE WRIT

Mass Tort (Track IV)

240 REDUX/PHEN-FEN (formerly "DIET DRUG")	264 PPA
246 REZULIN	601 ASBESTOS
247 PROPULSID	619 VIOXX
248 CIBA GEIGY	

999 OTHER (Briefly describe nature of action) _____

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

Verbal Threshold

Putative Class Action

Title 59