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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE COMMISSIONER OF THE 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, MAXUS INTERNATIONAL ENERGY COMPANY, REPSOL YPF, S.A., YPF, S.A., YPF HOLDINGS, INC., YPF INTERNATIONAL S.A. (f/k/a YPF INTERNATIONAL LTD.) and CLH HOLDINGS,

Defendants.

MAXUS ENERGY CORPORATION AND TIERRA SOLUTIONS, INC.,

Third-Party Plaintiffs,

v.

3M COMPANY, et al.,

Third-Party Defendants.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION - ESSEX COUNTY
 DOCKET NO. ESX-L9868-05 (PASR)

Civil Action
PARTIALLY
 ORDER GRANTING
 PLAINTIFFS' MOTION FOR PARTIAL
 SUMMARY JUDGMENT AGAINST
 OCCIDENTAL CHEMICAL CORPORATION,
 MAXUS ENERGY CORPORATION AND
 TIERRA SOLUTIONS, INC.

THIS MATTER having come before the Court on the motion of Marc-Philip Ferzan, Acting Attorney General; and Jackson Gilmour & Dobbs P.C. and Gordon & Gordon, P.C., Special Counsel to the Attorney General; attorneys for Plaintiffs, the New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Environmental Protection, and Administrator of the New Jersey Spill Compensation Fund ("Plaintiffs"), and the Court, having reviewed the papers submitted by the parties, and having heard oral argument thereon, and for other good cause shown, is of the opinion, for the reasons expressed on the record, that Plaintiffs' motion should be granted.

IT IS, therefore, on this ^{19th} day of July, 2011,

ORDERED that Plaintiffs' motion for partial summary judgment on Count I of Plaintiffs' Third-Amended Complaint against Defendants Occidental Chemical Corporation ~~and Tierra Solutions, Inc.~~, is hereby GRANTED; that Occidental Chemical Corporation ~~and Tierra Solutions, Inc.~~ ^{are} strictly, jointly and severally liable under the Spill Compensation and Control Act for all past cleanup and removal costs incurred by Plaintiffs associated with the discharges of hazardous substances at and from the Lister Plant property, commonly known to be located at 80 Lister Avenue in Newark, New Jersey, into the Passaic River; IT IS FURTHER,

ORDERED that a declaratory judgment is hereby entered against Defendants Occidental Chemical Corporation ~~and Tierra Solutions, Inc.~~, finding ~~them~~ ^{it} strictly, jointly and severally liable under the Spill Compensation and Control Act for all future cleanup and removal costs that may be incurred by Plaintiffs associated with the discharges of hazardous substances at and from the Lister Plant property, commonly known to be located at 80 Lister Avenue in Newark, New Jersey, into the Passaic River; IT IS FURTHER,

ORDERED that Defendants Occidental Chemical Corporation and Maxus Energy Corporation are bound by the findings of fact of the Superior Court in Diamond Shamrock Chems. Co. v. Aetna Cas. & Sur. Co., Docket No. C.-3939-84, Superior Court of New Jersey, Chancery Division, and which were affirmed by the Appellate Division in a published opinion, reported at Diamond Shamrock Chems. Co. v. Aetna Cas. & Sur. Co., 258 N.J. Super. 167 (App. Div. 1992), certif. denied, 134 N.J. 481 (1993), that Diamond Shamrock Chemicals Company and its corporate predecessors intentionally discharged dioxin, DDT and other hazardous substances at and from the Lister Plant property, located at 80 Lister Avenue in Newark, New Jersey, into the Passaic River. IT IS FURTHER,

DENIED without prejudice

ORDERED that counsel for Plaintiffs shall serve a copy of this Order on all counsel of record within seven (7) days of the date of entry of this Order.

Sebastian P. Lombardi
 SEBASTIAN P. LOMBARDI, J.S.C.

Opposed

*FOR REASONS STATED
 ON THE RECORDS
 ON July 15 and 19, 2011.*