

BENDIT WEINSTOCK

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COUNSELLORS AT LAW

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Attorneys for Third-Party Defendant

Township of Maplewood

Our File No. 41292

New Jersey Department of
Environmental Protection, et al.,

Plaintiffs,

v.

Occidental Chemical Corporation,
et al.,

Defendants,

and

Occidental Chemical Corporation,
et al.,

Third-Party Plaintiffs,

v.

Township of Maplewood, et als.,

Third-Party Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION - ESSEX COUNTY
: DOCKET NO. ESX-L-9868-05

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Civil Action

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Third-Party Defendant, Township of Maplewood ("Maplewood"),
with its principal address at 574 Valley Street, Maplewood, New

Jersey, hereby files the following First Amendment to Answer of Township of Maplewood to Defendants Maxus Energy Corporation's and Tierra Solutions, Inc.'s Third Party Complaint "A" (Against Public Entities), Separate Defenses, Crossclaims and Counterclaims and Jury Demand, filed September 24, 2009 ("Answer"):

1. Maplewood hereby deletes and withdraws from the Answer the following paragraph, without prejudice:

CROSS CLAIMS AND COUNTERCLAIMS

Pursuant to the Case Management Order, and succeeding directives of the Court, Third Party Defendant, the Township of Maplewood, is deemed to have denied all cross claims and counterclaims and asserted all available cross claims and counterclaims for cost recovery, contribution and common law indemnity against all other parties. The Township of Maplewood reserves the right to assert affirmative claims.

2. Maplewood hereby adds to the Answer the following paragraph:

CROSS CLAIMS AND COUNTERCLAIMS

The Township of Maplewood reserves the right to assert affirmative claims when permitted by the Court.

BENDIT WEINSTOCK, P.A.

BY:

ROGER J. DESIDERIO

Dated: October 2, 2009

FILING CERTIFICATION

I certify that the within First Amendment to Answer has been served within the time allowed by R. 4:9-1.

I certify that the original and copy of the within First Amendment to Answer have been forwarded via regular mail for filing to the Clerk of the Superior Court of New Jersey, Law Division, Essex County, at the Veterans Courthouse, 50 W. Market Street, Newark, New Jersey 07102, and a copy of same has been served via regular mail this date to Defendants/Third Party Plaintiffs' attorneys as follows:

William L. Warren, Esq.
Drinker Biddle & Reath, LLP
105 College Road East, Suite 300
Princeton, New Jersey 08542-0627

Thomas E. Starnes, Esq.
Andrews Kurth, LLP
1350 I Street NW - Suite 1100
Washington, DC 20005

I further certify that a copy of the First Amendment to Answer has been forwarded via regular mail on this date to the Honorable Sebastian P. Lombardi, J.S.C., Superior Court of New Jersey, Essex County Historic Courthouse, Chambers 109, 470 Martin Luther King, Jr. Blvd, Newark, New Jersey 07102.

I further certify that a copy the First Amendment to Answer has been posted to the electronic platform for service as provided for by Case Management Order V.

Dated:

10/2/09



ROGER J. DESIDERIO