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Attorneys for Campbell Foundry Companies

NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, ET AL.,

Plaintiffs,

v.

OCCIDENTAL CHEMICAL CORPORATION,  
ET AL.,

Defendants.

MAXUS ENERGY CORPORATION, ET AL.,

Third Party Plaintiffs,

v.

3M COMPANY, ET AL.,

Third Party Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY  
DOCKET NO. L-009868-05  
Civil Action

**CAMPBELL FOUNDRY COMPANIES'S  
INITIAL DISCLOSURE PURSUANT TO  
CMO VIII**

Campbell Foundry Companies ("Campbell Foundry"), by way of its Initial Disclosure in accordance with Case Management Order V and paragraph number 3 of Case Management VIII, provides the following specific information:

## **RESERVATIONS**

1. Campbell Foundry reserves the right to object to the production of any documents or other information on any ground, including relevance and undue burden, and to assert any applicable privilege, including the attorney-client privilege, the work product doctrine, the common interest doctrine, and any other applicable privilege or protection. These disclosures are not intended to prejudice or waive any privileges or objections Campbell Foundry may have with respect to any outstanding requests for discovery.

2. Campbell Foundry's investigation in this matter is continuing. Accordingly, it reserves the right to supplement, clarify and revise these disclosures to the extent additional information becomes available or is obtained through discovery. Further, Campbell Foundry reserves the right to amend these disclosures to the extent the claims brought by or alleged against Campbell Foundry in this litigation are amended.

3. The time period covered by the allegations in the Plaintiffs' Second Amended Complaint is quite long and encompasses at least several decades. The geographic scope of the Second Amended Complaint is also quite broad, covering the "Newark Bay Complex," which spans the "lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill van Kull, and into adjacent waters and sediments." See Second Amended, ¶1. The scope of inquiry required by Plaintiffs and Third-Party Defendants is accordingly quite broad and potentially burdensome. Campbell Foundry is therefore engaged in a continuing investigation and reserves the right to supplement and modify these disclosures.

## INITIAL DISCLOSURES

- a. **The name, address and telephone number, as may be known of each individual likely to have discoverable information, along with the subjects of that information, that relates to any alleged discharge or release of pollutants, contaminants and/or hazardous substances (“Pollutants”) into the Newark Bay Complex (as these terms are defined in the Second Amended Complaint and the Third-Party Complaints) from the site(s) and/or properties with which the disclosing party is associated in the Third-Party Complaint (“Alleged Discharges”).**

**Response:**

Campbell Foundry objects to this request to the extent that it assumes or concludes that there was an “alleged discharge or release of pollutants, contaminants and/or hazardous substances” to the Newark Bay Complex from the site with which Campbell Foundry or its alleged predecessors in interest are associated in Third-Party Complaint B. Campbell Foundry further objects to the above Initial Disclosure on the grounds that the term “associated” is vague and ambiguous and susceptible to numerous interpretations. Subject to and without waiving the foregoing objections and the Reservations stated above, the individuals listed below is likely to have operational and/or ownership regarding the Campbell Foundry location. Campbell Foundry reserves the right to supplement or amend its response if any other relevant non-privileged information becomes available to Campbell Foundry during the litigation.

Name/Address/Phone	Subject
J. Robert Campbell, former president Contact through counsel	Operations, ownership and environmental issues and filings
Hudson Environmental Services, Inc. Contact through counsel	Environmental filings and operational history of property
John R. Campbell, III, Vice President Contact through counsel	Operations and community right-to-know filings
Thomas J. Kolarick, Plant Manager	Operations

- b. **The name, address and telephone number, as may be known of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses (unless the use would be solely for impeachment).**

**Response:**

Campbell Foundry objects to this request to the extent that it assumes or concludes that there was an “alleged discharge or release of pollutants, contaminants, and/or hazardous substances” to the Newark Bay Complex from the site with which Campbell Foundry or its alleged predecessors in interest are associated in Third Party Complaint B. Campbell Foundry further objects to this request on the grounds that the term “associated” is vague and ambiguous and susceptible to numerous interpretations. Subject to and without waiting the foregoing objections and the Reservations stated above, see response to Disclosure No. 7 states that its investigation is ongoing and reserves the right to identify additional witnesses at the appropriate time, and reserves the right to supplement or amend its response if any other relevant non-privileged information becomes available to Campbell Foundry during the litigation.

- c. **The name, address and telephone number, as may be known of any and all past or present owners, lessees or operators at the site(s) and/or properties with which it is associated in the Third-Party Complaint and the dates of such ownership, lease or operation, as may be known.**

**Response:**

Campbell Foundry objects to this request on the grounds that the term “associated” is ambiguous and susceptible to numerous interpretations. Subject to and without waiver of its objection, Campbell Foundry has present knowledge as follows:

**Bergen Street facility**

- Campbell Foundry began operations at its facility located at 800 Bergen Street, Harrison, New Jersey in or about 1930;
- There have been no tenants on the property since that date;
- Campbell Foundry cannot presently identify the prior owners.

**Worthington Avenue facility**

- In 1975, Campbell Foundry purchased a facility located at 2 Harrison Avenue, Harrison, New Jersey from Worthington Corporation;
- Between the years 1942 and 1975, the property was owned by Worthington Corporation which used it to construct patterns with wood and sand for the purposes of producing brass castings and pump parts at a nearby neighboring site;
- In February of 1990, the site was leased to J&J Comprelli who used the site to store trucks and other equipment;
- In 1992, the property was sold to J&J Comprelli, Inc.;

**Shipping Yard Facility**

- The facility located at 1235 Harrison Avenue, Kearny, NJ was purchased in the 1920's. To the best of Campbell Foundry's present knowledge the prior owner was Newark Factory Sites.

- d. **With respect to any individual identified pursuant to paragraph (a), (b) or (c) above, (or any other individual known to have material knowledge of any alleged discharge or release of a Pollutant at or from a site and/or property, or into the Newark Bay Complex), any known inability to testify due to age, infirmity, or incompetency within 12 months following the date of the Initial Disclosure.**

**Response:**

Campbell Foundry objects to this request to the extent that it assumes or concludes that there was an "alleged discharge or release of a Pollutant...into the Newark Bay Complex" from a site or property which Campbell Foundry or its alleged predecessors in interest are associated in Third-Party Complaint B. Campbell Foundry further objects that the term "associated" is vague and ambiguous and susceptible to numerous interpretations. Subject to and without waiving the foregoing objections and the reservations stated above, Campbell Foundry has no knowledge of an inability of any above named individuals to testify.

- e. **A description by category and location (or copy at the discretion of the Third-Party Defendant) of all documents or electronically stored information that the disclosing party has in its possession, custody, or control with respect to Alleged Discharges including disclosure of the extent to which such documents or electronically stored information may fall within the Excepted Information.**

**Response:**

Campbell Foundry objects to this request to the extent that it assumes or concludes that there was an "alleged discharges or release of pollutants, contaminants, and/or hazardous substances" to the Newark Bay Complex the site with which Campbell Foundry or its alleged predecessor in interest are associated in Third Party Complaint B. Subject to and without waiving these objections and Reservations stated above, the documents identified below are likely to include discoverable information pertaining to the ownership and operational history of the Campbell Foundry location. Campbell Foundry's Initial Disclosure are made without prejudice to its right to change or supplement its responses, its right to assert privileges or objections with respect to any subsequent requests for discovery, and its right to introduce at trial additional evidence and documents as warranted by the development of the facts underlying this litigation.

Documents By Category	Location	Applicable Exception <sup>1</sup>
Documents identified in Nexus package	Copy with counsel for Campbell Foundry	a, b, and d
Tenant leases and information	Copy with counsel for Campbell Foundry	
ISRA and other environmental documents	Copy with counsel for Campbell Foundry	a, b, and d

CONNELL FOLEY LLP  
Attorney for Campbell Foundry Companies

By:   
TIMOTHY E. CORRISTON

Date: August 10, 2010

<sup>1</sup> Applicable Exception Codes are as follows:

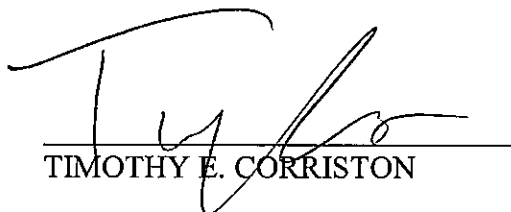
- a. Information ("Information"), including, but not limited to, environmental, chemical and/or biological testing or groundwater, surface water, soil or sediment (hereinafter "Sampling Information") contained in the nexus packages produced pursuant to paragraph 8(e) of CMO V; and
- b. Information previously produced to any branch, department, agency or instrumentality of the State of New Jersey including to the New Jersey Department of Environmental Protection ("NJDEP") or Information produced to any other governmental agency or entity whose responsibility it is to oversee environmental compliance in the Newark Bay Complex Area, including, but not limited to, the United States Environmental Protection Agency and the United States Army Corps of Engineers (hereinafter "Governmental Recipients");
- c. Information produced to any Licensed Site Remediation Professional (hereinafter "LSRP") who is duly licensed by the State of New Jersey at the time of receipt of such Information where such disclosure of Information is intended to be used in connection with any remedial investigation or remedial action having an assigned case number in the NJDEP's NJEMS data system;
- d. Sampling Information compiled with the exception of being produced to a Governmental Recipient or an LSRP under Paragraph 4(b) or 4(c) but which Sampling Information has not yet undergone quality assurance/quality control or similar analysis.
- e. Information produced by a third-party defendant to any third-party plaintiff pursuant to the New Jersey Open Public Records Act or other freedom of information law or regulation;
- f. Information previously produced to Defendants; and
- g. Information that falls within the attorney-client privilege and/or the attorney work product privilege.

**CERTIFICATION OF SERVICE**

I, TIMOTHY E. CORRISTON, an Attorney at Law of the State of New Jersey, do hereby state upon my oath that the foregoing Initial Disclosure of Third-Party Defendants Campbell Foundry Companies was served electronically by posting on Sfile upon all parties which have consent to service by posting, and upon the attached list of counsel of record by depositing the same with the United States Postal Service.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willingly false, I am subject to punishment.

Dated: August 10, 2010

  
TIMOTHY E. CORRISTON