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ATTORNEY GENERAL OF NEW JERSEY
Richard J. Hughes Justice Complex
25 Market Street
P.O. Box 093
Trenton, New Jersey 08625-0093
Attorney for Plaintiffs
By: Rachel Jeanne Lehr (RJL 9108)
Deputy Attorney General
(609) 984-6640

RECEIVED-CLERK
U.S. DISTRICT COURT

2005 JAN -7 P 1:02

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK VICINAGE

STATE OF NEW JERSEY, DEPARTMENT
OF ENVIRONMENTAL PROTECTION;
COMMISSIONER, NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL
PROTECTION, as Trustee for
Natural Resources; and ACTING
ADMINISTRATOR, NEW JERSEY
SPILL COMPENSATION FUND,

Civil Action No. OH-241 (HAA)

Plaintiffs,

v.

David P. Pascale, Estate of
John J. Pascale, Grand Street
Artists, Serena Bocchino,
Neslihan Catto, Sultan-catto,
Shun-yi Chen, Ching-huang
Chung, Curtis Crystal, David
Ferm, Janet Filomeno, Tova
Beck Friedman, Y. Zak Friedman,
Mark Graham, Myra Graham,
Barbara Henry, Eileen Hoffman,
Nora Jacobson, Nancy Jessup,
Stephen Keough, Meredith
Lippman, China Marks, Anthony
Mastromauro, Cornne Mulrenan,
Louis Nel, Gerald Norton,
Katherine Parker, Robert
Schiffmacher, J. Matthew
Schley, Michael Solter, John
Steadwell, and Robert Vichnis,

Defendants.

COMPLAINT

Plaintiffs New Jersey Department of Environmental Protection ("DEP"), Commissioner, New Jersey Department of Environmental Protection, as trustee for natural resources ("Trustee"), and the Acting Administrator, New Jersey Spill Compensation Fund ("Administrator") (collectively, "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, say:

STATEMENT OF THE CASE

1. This is a civil action brought pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C.A. §§9601 to 9675, specifically Sections 107(a) and 113(g) of CERCLA, 42 U.S.C.A. §§9607(a) and 9613(g), and the New Jersey Spill Compensation and Control Act ("Spill Act"), N.J.S.A. 58:10-23.11 to -23.14. Plaintiff DEP and Administrator seek to recover the costs they have incurred, and will incur, due to the release and discharge, and the threatened release and unsatisfactory containment of, hazardous substances at the Grand Street Mercury Superfund Site located in Hoboken, Hudson County, New Jersey ("Site"). Plaintiff Trustee seeks to recover the damages, including reasonable assessment costs, he has incurred, and will incur, for the injury to, destruction of, or loss of any natural resource under his

trusteeship resulting from the release, or threatened release, of hazardous substances at the Site. Further, Plaintiffs DEP and Administrator also seek reimbursement for the damages they have incurred, or will incur, for any natural resource of this State that has been, or may be, damaged or destroyed by the contamination at the Site.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to Sections 107(a) and 113(b) of CERCLA, 42 U.S.C.A. §§9607(a) and 9613(b), 28 U.S.C.A. §1331, and 28 U.S.C.A. §1367.

3. Venue is proper in this district pursuant to Sections 107(a) and 113(b) of CERCLA, 42 U.S.C.A. §9607(a) and 9613(b), and 28 U.S.C.A. §1391, because the release and threatened release of hazardous substances giving rise to the Plaintiffs' claims occurred in this judicial district.

THE PARTIES

4. 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.

5. 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.

6. Plaintiff Trustee is authorized pursuant to Section 107(f)(2)(B) of CERCLA, 42 U.S.C.A. §§9607(f)(2)(B), to assess damages for the injury to, destruction of, or loss of any natural resource under his trusteeship, and, pursuant to Section 107(a)(1)-(4)(C) of CERCLA, 42 U.S.C.A. §9607(a)(1)-(4)(C), seek recovery of those damages, including reasonable assessment costs.

7. Defendant (Estate of) John J. Pascale, an individual, owned and operated the Site from in or about 1955 to in or about 1979.

8. Defendant David P. Pascale, an individual, owned and operated the Site from in or about 1979 to in or about 1993.

9. Defendant Grand Street Artists is a New Jersey partnership that owned and operated the Site beginning in or about 1993.

10. The resident defendants listed in Appendix A to this Complaint are individuals who were the owners and/or operators of 720 and 722-732 Grand Street beginning in or about 1993.

11. Each defendant is a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

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

GENERAL ALLEGATIONS

13. The Site consists of approximately 0.63 acres of real property located at 720 and 722-732 Grand Street, City of Hoboken, Hudson County, New Jersey, and all other areas where any hazardous substance disposed of there has become located.

14. The Site is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C § 9601(9).

15. During the time that defendant John J. Pascale owned the Site, "hazardous substances" as defined in Section 101(14) of CERCLA, 42 U.S.C § 9601(14), and the Spill Act, N.J.S.A. 58:10-23.11b, were disposed of at the Site within the meaning of Section 101(29) of CERCLA, 42 U.S.C.A. §9601(29), and were "discharged" at the Site within the meaning of N.J.S.A. 58:10-23.11b.

16. During the time that defendant David P. Pascale owned the Site, hazardous substances as defined in Section 101 (14) of CERCLA, 42 U.S.C.A. §9601(14), and the Spill Act, N.J.S.A. 58:10-23.11b were disposed of at the Site, and were "discharged" at the Site within the meaning of N.J.S.A. 58:10-23.11b.

17. During the time defendants Grand Street Artists and the individual residents owned the site, hazardous substances as defined in Section 101(14) of CERCLA, 42 U.S.C § 9601(14), and the Spill Act, N.J.S.A. 58:10-23.11b, were disposed of at the Site

within the meaning of Section 101(29) of CERCLA, 42 U.S.C.A. §9601(29), and were "discharged" at the Site within the meaning of N.J.S.A. 58:10-23.11b.

18. During the time that defendants owned the site materials that were, or contained, "hazardous substances," as defined in N.J.S.A. 58:10-23.11b., were not satisfactorily stored or contained at the Site within the meaning of N.J.S.A. 58:10-23.11f.b.(2).

19. There have been "releases" and "threatened releases" of hazardous substances at the Site within the meaning of Section 101(22) of CERCLA, 42 U.S.C.A. §9601(22).

20. There have been "discharges" or "threatened discharges" of hazardous substances at the Site within the meaning of N.J.S.A. 58:10-23.11b.

21. In January 1996, the Hoboken Health Department ordered the defendant residents to vacate the Site and plaintiff DEP asked the United States Environmental Protection Agency ("United States" or "EPA") to conduct an emergency removal action of the mercury contamination at the Site.

22. To address the release or threatened release of hazardous substances at the Site, EPA has conducted certain response activities pursuant to CERCLA Section 104, 42 U.S.C. §9604.

23. Among these activities, EPA undertook an emergency removal action during 1996 and 1997, which included temporarily relocating the defendant residents, providing security and

maintenance of the on site buildings, sampling and screening of the buildings and the personal possessions of the defendant residents, and transporting, treating and disposing of contaminated materials.

24. EPA, on September 30, 1997, with plaintiff DEP's concurrence, issued a Record of Decision, in which EPA documented and explained the preferred remedy to address the contamination of at the Site.

25. The remedy EPA selected in the 1997 ROD primarily provides for the continued temporary relocation and eventual permanent relocation of the defendant residents; gross mercury decontamination and demolition of the two buildings at the Site; excavation and disposal of soils containing elevated concentrations of mercury; evaluation of the onsite groundwater; sampling and assessment of soils at adjacent properties and the evaluation of the need for future remediation of the adjacent properties.

CLAIMS FOR RELIEF

FIRST COUNT

26. The Plaintiffs repeat each allegation of paragraph nos. 1 through 25 above as though fully set forth in their entirety herein.

27. Plaintiff DEP has incurred, and will continue to incur, costs in response to the release, and threatened release of hazardous substances at the Site.

28. Plaintiff Administrator has certified, and will continue to certify, for payment, valid claims made against the New Jersey Spill Fund and, further, has approved, and will continue to approve, other appropriations from the Spill Fund to respond to the release and threatened release of hazardous substances at the Site.

29. The costs Plaintiffs DEP and Administrator have incurred, and will incur, for the Site are "response costs" within the meaning of Section 101(25) and 107(a)(4)(A) of CERCLA, 42 U.S.C.A. §§9601(25) and 9607(a)(4)(A).

30. Plaintiff Trustee has incurred, and will continue to incur, damages, including reasonable assessment costs, for the injury to, destruction of, or loss of any natural resource under his trusteeship resulting from the release, or threatened release, of hazardous substances at the Site.

31. The damages, including reasonable assessment costs, plaintiff Trustee has incurred, and will incur, are "damages" within the meaning of Section 101(6) and 107(a)(4)(B) of CERCLA, 42 U.S.C.A. §§9601(6) and 9607(a)(4)(B).

32. At various times from 1955 through the present the defendants have "owned" and/or "operated" the site within the meaning of Section 101(20) of CERCLA, 42 U.S.C.A. §9601(20).

33. As owners and/or operators of the Site, the defendants are persons who, pursuant to Section 107(a)(1)(A) of CERCLA, 42 U.S.C.A. §9607(a)(1)(A), are liable to plaintiffs DEP and

Administrator for all response costs the Plaintiffs have incurred, and will incur, for the Site.

34. As owners and/or operators of the Site, the defendants are persons who, pursuant to Section 107(a)(1)(C) of CERCLA, 42 U.S.C.A. §9607(a)(1)(C), are liable to plaintiff Trustee for all damages, including reasonable assessment costs, plaintiff Trustee has incurred for the injury to, destruction of, or loss of any natural resource under his trusteeship resulting from the release, or threatened release, of hazardous substances at the Site.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs DEP, Administrator, and Trustee pray that this Court:

a. Order the Defendants to reimburse plaintiffs DEP and Administrator for all response costs plaintiffs DEP and Administrator have incurred for the Site, with applicable interest;

b. Order the Defendants to reimburse plaintiff Trustee for all damages, including reasonable assessment costs, plaintiff Trustee has incurred for the injury to, destruction of, or loss of any natural resource under his trusteeship resulting from the release, or threatened release, of hazardous substances at the Site, with applicable interest;

c. Enter declaratory judgment against the Defendants, for all response costs Plaintiffs DEP and Administrator will incur for the Site;

d. Enter declaratory judgment against the Defendants, for all damages, including reasonable assessment costs, plaintiff Trustee will incur for the injury to, destruction of, or loss of any natural resource under his trusteeship resulting from the release, or threatened release, of hazardous substances at the Site;

e. Award plaintiffs DEP, Administrator and Trustee their costs and fees in this action; and

f. Award plaintiffs DEP, Administrator and Trustee such other relief as this Court deems appropriate.

SECOND COUNT

35. Plaintiffs repeat each allegation of paragraph nos. 1 through 34 above as though fully set forth in their entirety herein.

36. Plaintiffs DEP and Administrator have also incurred, and will continue to incur, damages, including reasonable assessment costs, for any natural resource of this State that has been, or may be, damaged or destroyed by the contamination at the Site.

37. The costs and damages plaintiffs DEP and Administrator have incurred, and will incur, including any claims paid for from the Spill Fund, for the Site are "cleanup and removal costs" within the meaning of N.J.S.A. 58:10-23.11b.

38. As dischargers of, or persons in any way responsible for, hazardous substances, certain of which were not satisfactorily

stored or contained at the Site, the Defendants are persons who are liable, jointly and severally, without regard to fault, for all costs plaintiffs DEP has incurred, and will incur, to remediate the Site. N.J.S.A. 58:10-23.11.g.c.(1).

39. As dischargers of, or persons in any way responsible for, hazardous substances, certain of which were not satisfactorily stored or contained at the Site, the Defendants are persons who are liable, jointly and severally, without regard to fault, for all damages, including reasonable assessment costs, plaintiffs DEP and Administrator have incurred, and will incur, to restore or replace any natural resource of this State damaged or destroyed by the contamination at the Site. N.J.S.A. 58:10-23.11.g.c.(1).

PRAYER FOR RELIEF

WHEREFORE, plaintiffs DEP, Commissioner and the Administrator pray that this Court:

a. Order the Defendants to reimburse plaintiffs DEP and Administrator, jointly and severally, without regard to fault, for all cleanup and removal costs the Plaintiffs have incurred for the Site, plus applicable interest;

b. Enter declaratory judgment against the Defendants, jointly and severally, without regard to fault, for any cleanup and removal costs plaintiffs DEP and Administrator may incur for the Site;

c. Order the Defendants to reimburse plaintiffs DEP and Administrator, jointly and severally, without regard to fault, for all costs, including assessment costs, plaintiffs DEP and Administrator have incurred for any natural resource damaged or destroyed by the contamination at the Site, with applicable interest;

d. Enter declaratory judgment against the Defendants, jointly and severally, without regard to fault, for all damages, including reasonable assessment costs, plaintiffs DEP and Administrator may incur for any natural resource of this State damaged or destroyed by the contamination at the site.

e. Award plaintiffs DEP and Administrator their costs and fees in this action; and

f. Award plaintiffs DEP and Administrator such other relief as the Court deems appropriate.

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: *Rachel Jeanne Lehr*
Rachel Jeanne Lehr
Deputy Attorney General

Dated: July 8, 2003

CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES

Undersigned counsel hereby certifies, in accordance with L. Civ. R. 11.2, that the matters in controversy in this action are the subject of Katherine Parker, et al., v. General Electric Company et al., Civil Action No. 96-3774(HAA), to which the State of New Jersey is not a party. The State was called upon by the Court to participate in the settlement of that matter and this complaint is part of that settlement. Defendant General Electric Company was present at all times and at all settlement conferences but did not wish to participate. The State is reserving its rights to initiate action against the General Electric Company at some future date as well as any other presently unknown parties in connection to the matters that are the subject of this complaint. If any other such party later becomes known to the Plaintiffs, an amended certification shall be filed and served on all other parties and with this Court.

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: *Rachel Jeanne Lehr*
Rachel Jeanne Lehr
Deputy Attorney General

Dated: July 8, 2003

APPENDIX A

1. Serena Bocchino
2. Neslihan Catto
3. Sultan Catto
4. Shun-Yi Chen
5. Ching-Huang Chung
6. Curtis Crystal
7. David Fern
8. Janet Filomeno
9. Tova Beck Friedman
10. Y. Zak Friedman
11. Mark Graham
12. Myra Graham
13. Barbara Henry
14. Eileen Hoffman
15. Nora Jacobson
16. Nancy Jessup
17. Stephen Keough
18. Meredith Lippman
19. China Marks
20. Anthony Mastromauro
21. Corinne Mulrenan
22. Louis Nel
23. Gerald Norton
24. Katherine Parker
25. Robert Schiffmacher
26. J. Matthew Schley
27. Michael Solter
28. John Steadwell
29. Robert Vichnis

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FILED

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

APR 23 2003

AT 8:30 M
WILLIAM T. WALSH, CLERK

KATHERINE PARKER, et al.,

Plaintiffs,

vs.

GENERAL ELECTRIC COMPANY, et al.,

Defendants.

GRAND STREET ARTISTS, et al.,

Plaintiffs,

vs.

GENERAL ELECTRIC COMPANY, et al.,

Defendants.

ANTHONY MASTROMAURO, et al.,

Plaintiffs,

vs.

GENERAL ELECTRIC COMPANY, et al.,

Defendants.

CIVIL ACTION NO. 96-3774 (HAA)

RECEIVED
WILLIAM T. WALSH, CLERK
APR 23 P 1:32
UNITED STATES
DISTRICT COURT

SCHEDULING ORDER

**ENTERED
ON
THE DOCKET**

APR 25 2003

WILLIAM T. WALSH, CLERK
(Deputy Clerk)

THIS MATTER having come before the Court for a status conference on April 8, 2003 and the Court having heard and considered the positions of counsel, and it appearing that a settlement has been reached with plaintiffs and defendants ("Settling Defendants"), except defendant General Electric Company ("GE"), and that the United States of America ("United States") and the State of New Jersey anticipate filing complaints against David P. Pascale, Estate of John J. Pascale, the Grand Street Artists partnership, and the adult plaintiffs in this

consolidated action ("the Consent Decree Settling Defendants") and lodging a proposed Consent Decree to resolve the claims alleged in the complaints against the Consent Decree Settling Defendants, and good cause appearing,

IT IS on this 23rd day of April, 2003,

ORDERED as follows:

1. Defendant GE shall notify the Court and plaintiffs within two weeks of its intention to commence, or not to commence, settlement discussions with plaintiffs.
2. Should GE decide to commence settlement discussions with plaintiffs, a settlement conference shall be held on June 12, 2003 at 1:30 p.m. with plaintiffs and GE only.
3. Plaintiffs shall provide to the Court an allocation of how the settlement proceeds are to be divided among the plaintiffs.
4. Counsel for David Pascale, Matthew Moloshok, Esq., shall submit an Order pursuant to the seven-day Rule to establish a Court Registry Investment System ("CRIS") account into which settlement amounts shall be paid.
5. Upon filing of the complaints and lodging a proposed Consent Decree against the Consent Decree Settling Defendants, those actions by the United States and/or State of New Jersey shall be consolidated, pursuant to *Fed. R. Civ. P.* 42(a), with this action, under the caption *Parker v. General Electric Company, et al., Civil Action No. 96-3774 (HAA)*.
6. Following lodging of the proposed consent decree, the United States shall publish the decree for a 30-day period of public comment. After the 30-day public comment period, the United States will carefully consider and respond to any timely received public comments regarding the decree. Thereafter, the United States will move the Court to sign and enter the consent decree, should it appear that the settlement continues to be in the public interest. The

United States will provide the Court with a summary of any such timely received public comments together with the government's response(s) thereto.

7. With the exception of the motion to be filed by the United States and State of New Jersey referenced in paragraph 6 above, dispositive motions between the plaintiffs and GE and motions by Settling Defendants for an order to bar and dismiss all crossclaims by GE against the Settling Defendants in the pending matter shall be served on June 27, 2003. Opposition papers shall be served on July 18, 2003. Reply papers, if any, and all other motion papers shall be submitted to the Court pursuant to Appendix N on August 8, 2003. The motion shall be returnable on September 8, 2003 unless otherwise ordered by the Court.

8. Provisions of prior Scheduling Orders not in conflict with the terms hereof shall continue in full force and effect.

9. If necessary, the next status conference shall be set by the Court.



RONALD J. HEDGES
UNITED STATES MAGISTRATE JUDGE

JS 44
(Rev. 8/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS: STATE OF NEW JERSEY,
DEPARTMENT OF ENVIRONMENTAL PROTECTION,
et al.,

DEFENDANTS: DAVID P. PASQUALE, ESTATE OF
JOHN J. PASQUALE, GRAND STREET ARTISTS,
and the INDIVIDUALS LISTED IN APPENDIX A
ATTACHED HERETO

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF: MERCER COUNTY
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT: SARASOTA COUNTY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER):
RACHEL JEANNE LEHR, DAG
RICHARD J. HUGHES JUSTICE COMPLEX - BOX093
25 MARKET STREET, TRENTON, NJ 08625-0093

ATTORNEYS (IF KNOWN):
SEE APPENDIX B ATTACHED HERETO

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(For Diversity Cases Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 118 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Motor Acc. <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medical Malpractice <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Superfund/ERISA <input type="checkbox"/> 165 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employee's Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Civil Personal Injury	<input type="checkbox"/> 365 Personal Injury - Neck Interference <input type="checkbox"/> 368 Personal Injury - Product Liability <input type="checkbox"/> 369 Assault Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Theft in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 420 Approval 28 USC 158 <input type="checkbox"/> 425 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 430 Copyrights <input type="checkbox"/> 435 Patent <input type="checkbox"/> 440 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 750 Other Labor Litigation <input type="checkbox"/> 760 Emp. Ret. Inv. Security Act	<input type="checkbox"/> 450 State Reapportionment <input type="checkbox"/> 455 Antitrust <input type="checkbox"/> 460 Banks and Banking <input type="checkbox"/> 465 Commercial/CC Resale <input type="checkbox"/> 470 Deposition <input type="checkbox"/> 475 Proximately Influenced and Control Organizations <input type="checkbox"/> 480 Selective Service <input type="checkbox"/> 485 Securities/Commodity Exchange <input type="checkbox"/> 490 Customer Challenge 19 USC 3410 <input type="checkbox"/> 495 Agricultural Acts <input type="checkbox"/> 500 Domestic Distribution Act <input type="checkbox"/> 505 Environmental Matters <input type="checkbox"/> 510 Energy Allocation Act <input type="checkbox"/> 515 Freedom of Information Act <input type="checkbox"/> 520 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 525 Constitutionality of State Statutes <input type="checkbox"/> 530 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Title to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 250 As Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodational <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Other Civil Rights	<input type="checkbox"/> 610 Motion to Vacate Sentence <input type="checkbox"/> 615 Habeas Corpus - General <input type="checkbox"/> 620 Death Penalty <input type="checkbox"/> 625 Mandamus & Other <input type="checkbox"/> 630 Civil Rights <input type="checkbox"/> 635 Prisons/Corrections	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 750 Other Labor Litigation <input type="checkbox"/> 760 Emp. Ret. Inv. Security Act	<input type="checkbox"/> 810 HSA (100%) <input type="checkbox"/> 815 Black Lung (B2B) <input type="checkbox"/> 820 DRWC/DWV (405)(D) <input type="checkbox"/> 825 SSI (191)(A) <input type="checkbox"/> 830 RSI (405)(g) <input type="checkbox"/> 870 Taxes (U.S. Printed or Deferring) <input type="checkbox"/> 875 IRS - Third Party 28 USC 7623

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)
 Original Proceeding
 Removed from State Court
 Remanded from Appellate Court
 Reinstated or Reopened
 Transferred from another district (specify)
 Multidistrict Litigation
 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)
 COST RECOVERY UNDER COMPREHENSIVE ENVIRONMENTAL RESPONSE COMPENSATION AND LIABILITY ACT OF 1980, 42 U.S.C. SECTION 9607

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.O.P. 23 **DEMAND \$** _____ **CHECK YES only if demanded in complaint:** **JURY DEMAND:** YES NO

VIII. RELATED CASE(S) IF ANY (See instructions): **JUDGE:** ACKERMAN **DOCKET NUMBER:** 96-3774(HAA)

DATE: 7/9/03 **SIGNATURE OF ATTORNEY OF RECORD:** Rachel Jeanne Lehr

FOR OFFICE USE ONLY
RECEIPT # _____ **AMOUNT** _____ **APPLYING IF:** _____ **JUDGE** _____ **MAIL JUDGE** _____

APPENDIX A

1. Serena Bocchino
2. Neslihan Catto
3. Sultan Catto
4. Shun-Yi Chen
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21. Corinne Mulrenan
22. Louis Nel
23. Gerald Norton
24. Katherine Parker
25. Robert Schiffmacher
26. J. Matthew Schley
27. Michael Solter
28. John Steadwell
29. Robert Vichnis

APPENDIX B

Counsel for David Pascale

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Counsel for Estate of John J. Pascale, Sr.

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Tel: (609) 392-2100
Fax: (609) 392-7956

Counsel for GSAP and Certain Individual Plaintiffs

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