

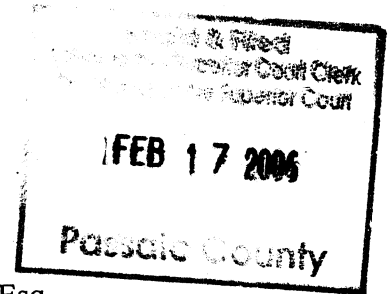
ZULIMA V. FARBER
ATTORNEY GENERAL OF NEW JERSEY
Richard J. Hughes Justice Complex
25 Market Street
PO Box 093
Trenton, NJ 08625-0093
Attorney for Plaintiffs

By: Brendan Ruane
Deputy Attorney General
(609) 984-5016

Gordon C. Rhea, Esq.
Special Counsel to the Attorney General
Richardson, Patrick, Westbrook & Brickman, L.L.C.
1037 Chuck Dawley Boulevard, Building A
Mt. Pleasant, SC 29464
(843) 727-6501

Barry A. Knopf, Esq.
Special Counsel to the Attorney General
Cohn Lifland Pearlman Herrmann & Knopf LLP
Park 80 Plaza West-One
Saddle Brook, NJ 07663
(201) 845-9600

John K. Dema, Esq.
Special Counsel to the Attorney General
Law Offices of John K. Dema, P.C.
1236 Strand Street, Suite 103
Christiansted, St. Croix
U.S. Virgin Islands 00820-5008
(340) 773-6142



L 903-06

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - PASSAIC COUNTY
DOCKET NO.

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION and
THE ADMINISTRATOR OF THE NEW
JERSEY SPILL COMPENSATION
FUND,

Plaintiffs,

v.

BAYER CORPORATION;
LANXESS CORPORATION;
"ABC CORPORATIONS" 1-10 (Names
Fictitious), and
"JOHN DOES" 1-10 (Names Fictitious),

Defendants.

Civil Action

COMPLAINT

Plaintiffs New Jersey Department of Environmental Protection (“DEP”), and the Administrator of the 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 (“the Defendants”), say:

STATEMENT OF THE CASE

1. 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 cleanup and removal costs and damages they have incurred, and will incur, as a result of discharge of hazardous substances at the Miles, Inc. site located in the Boroughs of Haledon and North Haledon, Passaic 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 Miles, Inc. 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 and restoration of any natural resource that has been, or may be, injured as a result of the discharge of hazardous substances at the Miles, Inc. site.

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 Bayer Corporation ("Bayer") is a corporation organized and existing under the laws of the State of Indiana, with a principal place of business located at 100 Bayer Road, Pittsburgh, Pennsylvania 15205.

6. In 1978, Miles, Inc. ("Miles") merged with Harmon Colors Corporation ("Harmon"), with the surviving entity being and Miles, Inc.

7. In 1992, Bayer's parent company, Bayer AG, merged its subsidiary Mobay Corporation ("Mobay"), Miles, and a third corporation, into a management holding company, Bayer U.S.A., to form the new operating company under the name Miles, Inc.

8. In 1995, Miles, Inc. changed its name to Bayer Corporation, the defendant herein.

9. Defendant Bayer is the successor-in-interest to Miles, Harmon, and Mobay.

10. Defendant Lanxess Corporation ("Lanxess") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located 111 RIDC Park West Drive, Pittsburgh, Pennsylvania 15275.

11. Defendant Lanxess is a former subsidiary of Bayer AG, which Bayer AG spun off in 2004.

12. Defendant Lanxess consists of defendant Bayer's former chemicals, plastics and rubber manufacturing businesses, which businesses include those activities at the Miles, Inc. site.

13. 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, or are otherwise related to, defendants Bayer and Lanxess, and/or their predecessors.

14. 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, defendants Bayer and Lanxess, one or more of the ABC Corporation Defendants, and/or their predecessors.

AFFECTED NATURAL RESOURCES

Ground Water

15. 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.

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

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

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

19. Ground water and the other natural resources of the State are unique resources that support the State's tourism industry, which helps sustain the State's economy.

20. There are more than 6,000 contaminated sites in New Jersey confirmed as having ground water contaminated with hazardous substances.

Surface Water

21. Approximately 850 million gallons of surface water per day supplies nearly half of New Jersey's population with drinking water.

22. Surface water in New Jersey is also used for other commercial and industrial uses, such as cooling water and electrical generation, boating, fishing, swimming and the transportation of goods and services.

23. The tourist and recreation industries, which are vital to the economy of this State, depend on clean waters and beaches.

Wetlands

24. Wetlands are a critical example of New Jersey's ecological resources, which include land and aquatic resources comprised of unique and complex ecosystems.

25. New Jersey has approximately 730,000 acres of freshwater wetlands, and 250,000 acres of coastal wetlands.

26. Wetlands can sustain a wide diversity of plants and animals that are essential in a healthy food chain.

27. Wetlands perform many additional functions, including improvement of water quality, sediment trapping, groundwater recharge, shoreline protection, and protecting lands from flooding or erosion.

GENERAL ALLEGATIONS

28. The Miles site consists of approximately 48.3 acres of real property located at 550 Belmont Avenue and 8 Hoxsey Place, Haledon Borough, Passaic County, New Jersey, this property being also known and designated as Block 81.02, Lot 9, Block 81, Lot 4, and Block 81, Lot 4.03, on the Tax Map of the Borough of Haledon, and Block 18, Lot 1, on the Tax Map of the Borough of North Haledon ("the Miles Property"), and all other areas where any hazardous substance discharged there has become located (collectively, the "Miles Site"), which plaintiff DEP has designated as Site Remediation Program Interest No. 000577.

29. Wetlands and Oldham Pond are located in the northern portion of the Miles Property.

30. Molly Ann Brook, which is comprised of the overflow from Oldham Pond and Raceway Brook, flows in a southerly direction along the eastern portion of the Miles Property.

31. Raceway Brook defines the western border of the Miles Property, while South Brook flows to the east, and converges with Molly Ann Brook at the southeast corner of the Miles Property.

32. Two distinct ground water aquifers underlie the Miles Site; an overburden aquifer and a shallow bedrock aquifer.

33. From 1977 through the present, defendant Bayer, defendant Lanxess, and/or their predecessors, owned the Miles 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 tetrachloroethene ("PCE"), trichloroethene ("TCE"), volatile organic compounds ("VOCs"), vinyl chloride ("VC"), 1,3 dichlorobenzene ("DCB"), and cis-1,2 dichloroethene ("DCE").

34. From 1936 through 1994, various entities, including defendants Bayer and Lanxess, and their predecessors, including Miles and Harmon, one or more of the ABC defendants, and/or one or more of the John Doe defendants, manufactured organic pigments at the Miles Property.

35. From 1977 through 1994, predecessors of defendants Bayer and Lanxess, including Miles and Harmon, manufactured organic pigments at the Miles Property, which activities involved the generation, storage, handling and disposal of "hazardous substances," as defined in N.J.S.A. 58:10-23.11b., certain of which were "discharged" there within the meaning of N.J.S.A. 58:10-23.11b., which substances included PCE, TCE, VOCs, VC, DCB and DCE.

36. On March 27, 1985, plaintiff DEP issued a Spill Act directive (" Directive") to Miles pursuant to N.J.S.A. 58:10-23.11f.a., directing Miles to perform the site investigation for the Miles Site.

37. From 1985 through 1992, Miles performed a remedial investigation to determine the nature and extent of the contamination at the Miles Site, which Miles performed pursuant to N.J.S.A. 58:10-23.11f.a. and N.J.A.C. 7:26E.

38. Phase I of the remedial investigation, which began in March 1985, involved Miles installing and sampling ten monitoring wells to determine the nature and extent of the groundwater contamination, conducting process sewer and underground storage tank investigations, searching for potable wells in the vicinity of the Miles Property, and sampling surface water and surface water body sediments.

39. During Phase II of the remedial investigation, Miles described the groundwater flow in the bedrock aquifer, and described the physical and hydraulic characteristics of the bedrock contact zone beneath the Miles Site.

40. Phase III of the remedial investigation involved Miles delineating the distribution of contaminants in the soils and ground water Miles initially characterized during Phase I of the investigation.

41. Sampling results from the remedial investigation revealed the presence of various hazardous substances at concentrations exceeding plaintiff DEP's cleanup criteria in the ground water, surface water, soils and sediments at the Miles Site, including dense non-aqueous phase liquids ("DNAPL").

42. The remedial action plaintiff DEP has approved for the Miles Site primarily provides for capping of portions of the Miles Property; the construction and operation of 20 soil vapor extraction ("SVE") wells, 40 dual phase vapor extraction ("DPVE") wells, and 11 groundwater extraction wells; the treatment of extracted ground water; hydraulic control of groundwater movement; the implementation of institutional controls to limit access to the Miles Site in the form of a deed notice; continued groundwater monitoring; and the establishment of a Classification Exception Area ("CEA"), which excludes the designated ground water from use as a potable water source.

43. Defendant Bayer submitted its preliminary application for a CEA to plaintiff DEP October 1997.

44. CEA I, as proposed by defendant Bayer, encompasses all areas of the Site induced by the existing groundwater extraction system. The duration of CEA I has yet to be determined, but is anticipated to remain in effect for the life of the groundwater treatment system.

45. CEA II, as proposed by defendant Bayer, encompasses the off-site area where concentrations of hazardous substances above groundwater quality standards exist outside the capture zone of the pumping wells. The duration of CEA II has yet to be determined, but is

anticipated to continue until the off-site contaminants are naturally attenuated to below the relevant groundwater quality standards.

46. Plaintiff DEP has yet to approve either of the CEAs defendant Bayer has proposed for the Miles Site.

47. Since acquiring the Miles Property, defendant Lanxess has assumed responsibility, in part, for the remediation of the Miles Site, including conducting continued groundwater monitoring, and operating the remediation systems.

48. Although defendants Bayer and Lanxess, and their predecessors, including Miles, have initiated the remediation of the Miles Site, the groundwater, soils, surface water and wetlands contamination continues.

FIRST COUNT

Spill Act

49. Plaintiffs DEP and Administrator repeat each allegation of Paragraphs 1 through 48 above as though fully set forth in its entirety herein.

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

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

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

53. 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 Miles Property.

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

55. The Defendants are, or are the successors to, the dischargers of hazardous substances at the Miles 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 Miles Property. N.J.S.A. 58:10-23.11g.c.(1).

56. Defendants Bayer and Lanxess, as knowing purchasers, or as the successors to the knowing purchasers, of the Miles Property, a property at which hazardous substances were previously discharged, are also persons otherwise 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 by the discharge of hazardous substances at the Miles Property. N.J.S.A 58:10-23.11g.c.(3).

57. The Defendants Bayer and Lanxess, as the owners, or as the successors to the owners, of the Miles Property at the time hazardous substances were discharged there, further are persons otherwise 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 Miles Property. N.J.S.A. 58:10-23.11g.c.(1).

58. 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).

59. 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 Miles 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 Miles Property;

- c. Enter judgment against defendants Bayer and Lanxess, compelling them to perform, under plaintiff DEP's oversight, any further cleanup of hazardous substances discharged at the Miles Property;
- d. Enter judgment against the Defendants, jointly and severally, without regard to fault, compelling the Defendants to compensate the citizens of New Jersey for the injury to their natural resources as a result of the discharge of hazardous substances at the Miles Property, by performing, under plaintiff DEP's oversight, or funding plaintiff DEP's performance of, any further assessment and compensatory restoration of any natural resource injured as a result of the discharge of hazardous substances at the Miles Property;
- e. Award the Plaintiffs their costs and fees in this action; and
- f. Award the Plaintiffs such other relief as this Court deems appropriate.

SECOND COUNT

Public Nuisance

60. Plaintiffs repeat each allegation of Paragraphs 1 through 59 above as though fully set forth in its entirety herein.

61. Ground water, surface water and wetlands are natural resources of the State held in trust by the State.

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

63. The groundwater, surface water and wetlands contamination at the Miles 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 these natural resources.

64. As long as the ground water, surface water and/or wetlands remains contaminated due to the Defendants' and their predecessors' conduct, the public nuisance continues.

65. Until the ground water, surface water and wetlands are restored to their 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, surface water and wetlands.

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 use and reasonable assessment costs, that the Plaintiffs have incurred for any natural resource of this State injured by the discharge of hazardous substances at the Miles 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 use and reasonable assessment costs, that the Plaintiffs will incur for any natural resource of this State injured by the discharge of hazardous substances at the Miles Property;
- c. Enter judgment against the defendants Bayer and Lanxess, compelling them to

abate, under plaintiff DEP's oversight, the nuisance by performing any further cleanup of hazardous substances discharged at the Miles Property;

d. Enter judgment against the Defendants, compelling the Defendants to compensate the citizens of New Jersey for the injury to their natural resources as a result of the discharge of hazardous substances at the Miles Property, by performing, under Plaintiff DEP's oversight, or funding Plaintiff DEP's performance of, any further assessment and compensatory restoration of any natural resource injured by the discharge of hazardous substances at the Miles Property;

e. Award the Plaintiffs their costs and fees in this action; and

f. Award the Plaintiffs such other relief as this Court deems appropriate.

THIRD COUNT

Trespass

66. Plaintiffs repeat each allegation of Paragraphs 1 through 65 above as though fully set forth in its entirety herein.

67. Ground water, surface water and wetlands are natural resources of the State held in trust by the State for the benefit of the public.

68. The Defendants are liable for trespass, and continued trespass, since hazardous substances were discharged at the Miles Property.

69. As long as the ground water, surface water and/or wetlands remains contaminated, the Defendants' trespass continues.


PRAYER FOR RELIEF

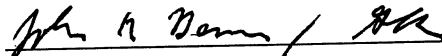
WHEREFORE, plaintiffs DEP and Administrator pray that this Court:

- 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 by the discharge of hazardous substances at the Miles 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 by the discharge of hazardous substances at the Miles Property;
- c. Enter judgment against the defendants Bayer and Lanxess, compelling them to cease, under plaintiff DEP's oversight, the trespass by performing any further cleanup of hazardous substances discharged at the Miles Property;
- d. Enter judgment against the Defendants, compelling the Defendants to compensate the citizens of New Jersey for the injury to their natural resources as a result of the discharge of hazardous substances at the Miles Property, by performing, under Plaintiff DEP's oversight, or funding Plaintiff DEP's performance of, any further assessment and compensatory restoration of any natural resource injured by the discharge of hazardous substances at the Miles Property;
- e. Award the Plaintiffs their costs and fees in this action; and
- f. Award the Plaintiffs such other relief as this Court deems appropriate.

RICHARDSON, PATRICK, WESTBROOK
& BRICKMAN, L.L.C.
Attorneys for Plaintiffs

LAW OFFICES OF JOHN K. DEMA, P.C.
Attorneys for Plaintiffs

By: 
Gordon C. Rhea, Esq.
Special Counsel to the Attorney General

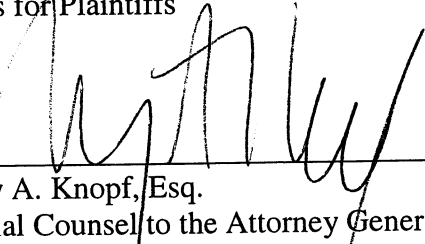
By: 
John K. Dema, Esq.
Special Counsel to the Attorney General


Dated: 2/16/06

Dated: 2/16/06

COHN LIFLAND PEARLMAN
HERRMANN & KNOPF LLP
Attorneys for Plaintiffs

ZULIMA V. FARBER
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: 
Barry A. Knopf, Esq.
Special Counsel to the Attorney General

By: 
Brendan Ruane
Deputy Attorney General

Dated:

Dated: 2/16/06

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, the Court is advised that Gordon C. Rhea, John K. Dema, Barry A. Knopf, Leonard Kaufmann, Matthew Thiesing, and Scott E. Kauff, Special Counsel to the Attorney General, are hereby designated as trial counsel for the Plaintiffs in this action.

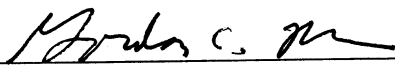
CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES

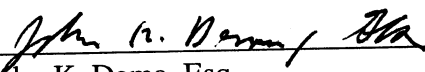
Undersigned counsel hereby certifies, in accordance with R. 4:5-1(b)(2), that the matters in controversy in this action are not the subject of any other pending or contemplated action in any court or arbitration proceeding known to the Plaintiffs at this time, nor is any non-party

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 or new issue, including claims to recover other cleanup and removal costs, 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).

RICHARDSON, PATRICK, WESTBROOK
& BRICKMAN, L.L.C.
Attorneys for Plaintiffs

LAW OFFICES OF JOHN K. DEMA, P.C.
Attorneys for Plaintiffs

By: 
Gordon C. Rhea, Esq.
Special Counsel to the Attorney General

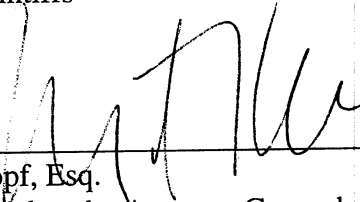
By: 
John K. Dema, Esq.
Special Counsel to the Attorney General

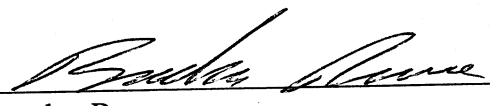
Dated: 2/9/06

Dated: 2/9/06

COHN LIFLAND PEARLMAN
HERRMANN & KNOPF LLP
Attorneys for Plaintiffs

ZULIMA V. FARBER
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: 
Barry A. Knopf, Esq.
Special Counsel to the Attorney General

By: 
Brendan Ruane
Deputy Attorney General

Dated:

Dated: 2/16/06

CIVIL CASE INFORMATION STATEMENT

(CIS)

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.

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: CK CG CA

CHG/CK NO.:

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:

ATTORNEY/PRO SE NAME: Brendan Ruane,
Deputy Attorney General

TELEPHONE NO.:
(609) 984-5016

COUNTY OF VENUE: Passaic

FIRM NAME (If Applicable): NEW JERSEY ATTORNEY GENERAL

DOCKET NUMBER (When Available): N/A

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

DOCUMENT TYPE: Complaint

L-903-06

JURY DEMAND: YES X NO

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

CAPTION: New Jersey Department of Environmental Protection,
et al. v. Bayer Corp., et al.

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)?

X YES NO

NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN

NONE X UNKNOWN

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

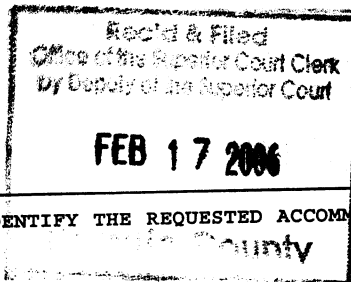
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

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

X YES NO FAMILIAL BUSINESS

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

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?

YES X NO

IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:

Passaic County

WILL AN INTERPRETER BE NEEDED? YES X NO

IF YES, FOR WHAT LANGUAGE:

ATTORNEY SIGNATURE:

Brendan Ruane