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

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NEW JERSEY DEPARTMENT OF :  
ENVIRONMENTAL PROTECTION and : Civil Action  
THE ADMINISTRATOR OF THE NEW :  
JERSEY SPILL COMPENSATION : COMPLAINT  
FUND, :  
 :  
Plaintiffs, :  
 :  
v. :  
NOVARTIS CORPORATION; CURTIS- :  
WRIGHT CORPORATION; KETCHAM :  
AND McDOUGALL, INC.; PFIZER, :  
INC.; OCCIDENTAL CHEMICAL :  
CORPORATION; BEAZER EAST, :  
INC.; VEOLIA Es SOLID WASTE OF :  
NEW JERSEY, INC.; C.W.M. :  
CHEMICAL SERVICES, INC.; :  
C.W.M. CONSOLIDATION SUB, :  
INC.; HONEYWELL INTERNATIONAL, :  
INC.; and "ABC CORPORATIONS" :  
1-10 (Names Fictitious), :  
 :  
Defendants. :  
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Plaintiffs New Jersey Department of Environmental Protection  
("DEP") and the Administrator of the New Jersey Spill Compensation

Fund ("Administrator") ("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. The 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 costs and damages they have incurred, and will incur, as a result of the discharge of hazardous substances at the Sharkey Landfill Superfund site in Parsippany-Troy Hills and East Hanover Townships, Morris 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 Sharkey Landfill Superfund 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 Sharkey Landfill Superfund site, [including restoring any injured resource to its pre-discharge condition], and to compensate the citizens of New Jersey for the lost value of any injured natural resource.

### 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 Novartis Corporation ("Novartis") is a corporation organized and existing under the laws of the State of New York, with a principal place of business located at 608 Fifth Avenue, New York, New York 10020.

6. In 1970, Toms River Chemical Corporation ("TRC") was acquired by Ciba-Geigy Corporation ("Ciba-Geigy"), with the surviving entity being Ciba-Geigy Corporation.

7. In December 1996, Ciba-Geigy merged with Sandoz Corporation, with the surviving entity being defendant Novartis.

8. Defendant Novartis is the successor-in-interest to TRC and Ciba-Geigy.

9. Defendant Curtis-Wright Corporation is a corporation organized and existing under the laws of the State of New Jersey, with a principal place of business located at 4 Becker Farm Road, Roseland, New Jersey 07068.

10. Defendant Ketcham and McDougall, Inc., is a corporation organized and existing under the laws of the State of New Jersey, with a principal place of business located at 111 West Patent Road, Mt. Kisco, New York 10549.

11. Defendant Pfizer, Inc. is a corporation organized and existing under the laws of the State of New Jersey, with a principal place of business located at 150 East 42nd Street, New York, New York 10017.

12. Defendant Occidental Chemical Corporation is a corporation organized and existing under the laws of the State of New York, with a principal place of business located at Occidental Tower, 5005 LBJ Parkway, Dallas, Texas 75244.

13. Defendant Beazer East, Inc. ("Beazer") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at One Oxford Center, Suite 3000, Pittsburgh, Pennsylvania 15219.

14. Koppers Company, Inc. was purchased by BNS, Inc. in 1988, which by merger became Beazer Materials and Services, Inc. in 1989.

15. In 1990, Beazer Materials and Services, Inc. changed its name to Beazer East, Inc., the defendant herein.

16. Defendant Beazer is the successor-in-interest to Koppers Company, Inc.

17. Defendant Veolia Es Solid Waste of New Jersey, Inc. ("Veolia"), is a corporation organized and existing under the laws of the State of New Jersey, with a principal place of business located at One Center Court, Suite C, Totawa, New Jersey 07512.

18. On or about December 28, 2000, Nicholas Enterprises, Inc. merged into defendant Veolia, with defendant Veolia being the surviving entity.

19. Defendant Veolia is the successor-in-interest to Nicholas Enterprises, Inc.

20. C.W.M. Chemical Services, Inc. ("CWM Chemical") is a corporation organized and existing under the laws of the State of New Jersey, with a principal place of business located at 1001 Finnan Street, Suite 4000, Houston, Texas 77002.

21. Defendant C.W.M. Consolidated Sub, Inc. ("CWM Consolidated") is a corporation organized and existing under the laws of the State of New Jersey, with a principal place of business located at 1001 Finnan Street, Suite 4000, Houston, Texas 77002.

22. On or about October 13, 1994, Carl Gulick, Inc., merged into defendant CWM Consolidated, with defendant CWM Consolidated being the surviving entity.

23. Defendant CWM Consolidated is the successor-in-interest to Carl Gulick, Inc.

24. Defendant Honeywell International, Inc. ("Honeywell") is a corporation organized and existing under the laws of the State of Delaware, with a principal place of business located at 101 Columbia Turnpike, Morris Township, New Jersey 07962.

25. In 1983, the Allied Company purchased the Bendix Corporation, with the surviving entity being the Allied Company.

26. In 1986, the Allied Company merged with The Signal Companies, with the surviving entity being AlliedSignal Corporation.

27. In 1999, defendant Honeywell merged with AlliedSignal Corporation, with defendant Honeywell being the surviving entity.

28. Defendant Honeywell is the successor-in-interest to the Allied Company, Bendix Corporation, The Signal Companies and AlliedSignal Corporation.

29. 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 entities are, or are successors-in-interest to, entities that discharged hazardous substances at the Sharkey Landfill Superfund site, or are in any way responsible for the hazardous substances discharged there.

#### NATURAL RESOURCES

30. The "natural resources" of this State are all land, fish, shellfish, wildlife, biota, air, water and other such resources owned, managed, held in trust or otherwise controlled by the State. N.J.S.A. 58:10-23.11b.

31. The natural resources of this State, including the waters of the State, have been injured as a result of the discharge of hazardous substances at the Sharkey Landfill Superfund site.

#### AFFECTED NATURAL RESOURCE

##### Ground Water

32. 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.

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

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

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

36. Ground water is a unique resource that supports the State's tourism industry, and is also used for commercial, industrial and agricultural purposes, all of which help sustain the State's economy.

37. There are thousands of sites in New Jersey confirmed as having ground water contaminated with hazardous substances.

#### GENERAL ALLEGATIONS

38. The Sharkey Landfill Superfund site consists of approximately 90 acres of real property located mainly in Parsippany-Troy Hills, Morris County, this property being also known and designated as Block 765, Lots 88 and 89; Block 768, Lots 1, 2.01 and 3.01; Block 769, Lot 1; Block 770, Lot 7; and Block 771, Lots 1 and 2, on the Tax Map of Parsippany-Troy Hills; and Block 5, Lots 1 and 2, on the Tax Map of East Hanover Township ("the Sharkey Landfill Property"), and all other areas where any hazardous substance discharged there has become located



(collectively, "the Site"), which plaintiff DEP has designated as Site Remediation Program Interest No. G00000443.

39. The Sharkey Landfill Property contains five separate fill areas: the North Fill, the South Fill, the Northwest-South Fill, the Northwest-North Fill, and the Southwest Fill.

40. The North Fill is a 26-acre island in the Rockaway River, while the South Fill is a 32-acre area adjacent to the Rockaway and Whippany Rivers and the Parsippany-Troy Hills wastewater treatment plant.

41. The Northwest Fill was split by the construction of Route 280 into the Northwest-North Fill, which is approximately 11 acres, and the Northwest-South Fill, which is approximately 15 acres. The Southwest Fill, which is approximately 9 acres, is located along the Whippany River in East Hanover.

42. From 1945 through 1979, Conrad Ringlieb, now deceased, owned the Sharkey Landfill Property.

43. Mr. Ringlieb died on December 18, 1979, leaving the East Hanover portion of the Sharkey Landfill Property to his wife, Helen Ringlieb.

44. As of the filing of this Complaint, Helen Ringlieb was the owner of record of the East Hanover portion of the Sharkey Landfill Property, while various persons own the Parsippany-Troy Hills portions of the Sharkey Landfill Property.

45. During the time that Conrad Ringlieb owned the Sharkey Landfill Property, "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 benzene, chloroform, dichloroethylene, and methylene chloride.

46. From in or about 1945 through September 1972, Mr. Ringlieb operated a sanitary landfill facility on approximately 36 acres of the Sharkey Landfill Property, during which time Mr. Ringlieb accepted municipal solid wastes, as well as industrial, commercial and hazardous wastes.

47. Although unpermitted landfilling is alleged to have continued at the Sharkey Landfill Property after 1972, the landfill was essentially inactive until 1979, [when construction related to the expansion of the Parsippany-Troy Hills wastewater treatment plant began.]

48. During the time Mr. Ringlieb operated a sanitary landfill facility at the Sharkey Landfill Property, hazardous substances were discharged there, which substances included benzene, chloroform, dichloroethylene, and methylene chloride.

49. From December 1978 through 1984, plaintiff DEP's personnel investigated the Site on various occasions.

50. Sampling performed during these investigations revealed the presence of various hazardous substances at concentrations exceeding DEP's cleanup criteria in the ground water, which

substances included benzene, cadmium, chloroform, chromium, dichloroethelene, ethylene dichloride, lead, methylene chloride, methane, toulene, and xylenes.

51. On September 1, 1983, the federal Environmental Protection Agency ("EPA") placed the Site on the National Priorities List ("NPL") pursuant to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C.A. §§9601 to -9675.

52. The NPL, which was established pursuant to Section 105(a) of CERCLA, 42 U.S.C.A. §9605(a), is a list EPA promulgates of hazardous waste sites that pose the greatest threat to human health and safety and the environment.

53. From 1984 to 1986, EPA conducted a remedial investigation and feasibility study of the Site pursuant to Section 104 of CERCLA, 42 U.S.C.A. §9604, during which EPA investigated the nature and extent of the contamination at the Site, and evaluated various remediation alternatives.

54. Sampling results from the remedial investigation revealed the presence of various hazardous substances exceeding the applicable cleanup criteria in the ground water at the Site, which substances included volatile organic compounds, including benzene; semi-volatile compounds; and heavy metals, including cadmium, chromium and lead. The soils also were found to be contaminated with heavy metals.

55. Based upon the findings from the remedial investigation and feasibility study, EPA, with DEP's concurrence, signed a Record of Decision ("1986 ROD") on September 29, 1986, in which EPA documented and explained the preferred remedy to address the contaminated soils and ground water at the Site.

56. The remedy EPA selected for the Site primarily provided for capping the landfill; installation of a venting system for landfill gases and extraction and treatment of shallow groundwater and leachate; surface water controls to handle rainfall, storm runoff and the erosion of river banks; long-term groundwater monitoring; and the installation of fencing to restrict access to the Sharkey Landfill Property.

57. In 1989, EPA and plaintiff DEP filed suit against the Defendants herein, or their predecessors-in-interest, other than the ABC Corporation defendants, seeking to recover their unreimbursed remediation costs, which action was later consolidated with several other EPA cost recovery actions involving the Site, which actions were titled United States of America, et al. v. CDMG Realty, et al., Dkt. No. 89-4246 (D.N.J. 1989) and New Jersey Department of Environmental Protection v. Ciba-Geigy Corporation, et al., Dkt. No. 89-4281 (D.N.J. 1989).

58. In September 1993, EPA issued an Explanation of Significant Differences ("September 1993 ESD"), in which EPA explained that a reevaluation of the Site conditions justified more

limited capping and groundwater extraction than originally provided for in the 1986 ROD.

59. Specifically, the September 1993 ESD limited capping to portions of the North and South Fills, with the other landfill areas being covered with soil and vegetation, as necessary.

60. Further, the September 1993 ESD provided for limiting the extraction system to the North Fill and South Fill areas unless data derived during the remediation warranted extraction elsewhere on the Sharkey Landfill Property.

61. In July 1994, EPA, DEP, the Defendants herein or their predecessors-in-interest, other than the ABC Corporation defendants, and others, entered into a consent decree ("1994 Consent Decree"), which the United States District Court entered on December 12, 1994.

62. Pursuant to the 1994 Consent Decree, EPA and plaintiffs DEP and Administrator recovered a portion of their respective remediation costs from the Defendants herein, other than the ABC Corporation defendants. Plaintiffs DEP and the Administrator, however, expressly reserved their right to seek natural resource damages from these Defendants and any other party, including the ABC Corporation defendants.

63. To the extent the Defendants, other than the ABC Corporation defendants, resolved their liability for Plaintiff DEP and the Administrator's unreimbursed cleanup and removal costs

under the 1994 Consent Decree, no such relief is being sought in this Complaint against them.

64. Under the 1994 Consent Decree, the Defendants, other than the ABC Corporation defendants, also agreed to design and implement the remedy EPA selected for the Site.

65. EPA, with DEP's concurrence, approved the Defendants' remedial design on May 9, 2000.

66. The Defendants began the remedial construction phase in September 2000, which they completed in May 2004.

67. EPA subsequently certified the remedial action as being complete on September 29, 2004, and, as of the filing of this Complaint, the Defendants were performing the operation and maintenance activities prescribed in the 1986 ROD, as amended.

68. Although the Defendants, other than the ABC Corporation defendants, have undertaken the remediation of the Site, the ground water remains contaminated.

#### FIRST COUNT

##### Spill Act

69. The Plaintiffs repeat each allegation of paragraph nos. 1 through 68 above as though fully set forth in its entirety herein.

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

71. Except as otherwise provided in N.J.S.A. 58:10-23.11g.12, any person who discharges a hazardous substance, or is in any way responsible for any hazardous substance that is discharged, shall be liable, jointly and severally, without regard to fault for all cleanup and removal costs no matter by whom incurred. N.J.S.A. 58:10-23.11g.(c).

72. Except as otherwise exempted under N.J.S.A. 58:10-23.11g.12, the discharge of hazardous substances is a violation of the Spill Act, for which any person who is the discharger of, or is in any way responsible for, any hazardous substance that is discharged, is strictly liable, jointly and severally, without regard to fault. N.J.S.A. 58:10-23.11g.c.(1).

73. Plaintiff DEP has incurred, and may continue to incur, costs as a result of the discharge of hazardous substances at the Sharkey Landfill Property.

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

75. 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 Sharkey Landfill Property.

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

77. The Defendants are, or are the successors-in-interest to, the dischargers of hazardous substances at the Sharkey Landfill Property, or are in any way responsible for certain of the hazardous substances discharged there, and, thus, 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 Sharkey Landfill Property. N.J.S.A. 58:10-23.11g.c.(1).

78. 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).



79. 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, other than as provided under the 1994 Consent Decree, 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 Sharkey Landfill 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, other than as provided under the 1994 Consent Decree, 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 Sharkey Landfill Property;

- c. Enter judgment against the Defendants, jointly and severally, without regard to fault, compelling the Defendants to perform, under plaintiff DEP's oversight, or to fund plaintiff DEP's performance of, any further assessment of any natural resource that has been, or may be, injured as a result of the discharge of hazardous substances at the Sharkey Landfill Property and compelling the Defendants to compensate the citizens of New Jersey for the lost value of any injured natural resource;
- d. Award the Plaintiffs their costs and fees in this action;  
and
- e. Award the Plaintiffs such other relief as this Court deems appropriate.

SECOND COUNT

Public Nuisance

80. The Plaintiffs repeat each allegation of paragraph nos. 1 through 79 above as though fully set forth in its entirety herein.

81. Ground water is a natural resource of the State held in trust by the State for the benefit of the public.

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

83. The groundwater contamination at the 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 this natural resource.

84. As long as the ground water remains contaminated due to the Defendants' conduct, and that of their predecessors-in-interest, the public nuisance continues.

85. Until the ground water is restored to its 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.

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, other than as provided in the 1994 Consent Decree, including restitution for unjust enrichment, 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 Sharkey Landfill Property, with applicable interest;
- b. Enter declaratory judgment against the Defendants for all cleanup and removal costs and damages, other than as provided in the 1994 Consent Decree, including restitution for unjust enrichment, 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 Sharkey Landfill Property;
- c. Enter judgment against the Defendants, compelling the Defendants to perform, under plaintiff DEP's oversight, or to fund plaintiff DEP's performance of, any further assessment of any natural resource that has been, or may be, injured as a result of the discharge of hazardous substances at the Sharkey Landfill Property and compelling the Defendants to compensate the citizens of

New Jersey for the lost value of any injured natural resource;

- d. Award the Plaintiffs their costs and fees in this action; and
- e. Award the Plaintiffs such other relief as this Court deems appropriate.

### THIRD COUNT

#### Trespass

86. The Plaintiffs repeat each allegation of paragraph nos. 1 through 85 above as though fully set forth in its entirety herein.

87. Ground water is a natural resource of the State held in trust by the State for the benefit of the public.

88. The Defendants are liable for trespass, and continued trespass, since hazardous substances were discharged at the Sharkey Landfill Property.

89. As long as the ground water 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, other than as

- provided in the 1994 Consent Decree, including restitution for unjust enrichment, 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 Sharkey Landfill Property, with applicable interest;
- b. Enter declaratory judgment against the Defendants for all cleanup and removal costs and damages, other than as provided in the 1994 Consent Decree, including restitution for unjust enrichment, 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 Sharkey Landfill Property;
- c. Enter judgment against the Defendants, compelling the Defendants to perform, under plaintiff DEP's oversight, or to fund plaintiff DEP's performance of, any further assessment of any natural resource that has been, or may be, injured as a result of the discharge of hazardous substances at the Sharkey Landfill Property and compelling the Defendants to compensate the citizens of New Jersey for the lost value of any injured natural resource;

- d. Award the Plaintiffs their costs and fees in this action;  
and
- e. Award the Plaintiffs such other relief as this Court  
deems appropriate.

ANNE MILGRAM  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Plaintiffs

By: Edward Devine  
Edward Devine  
Deputy Attorney General

Dated: 6/26/07

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, the Court is advised that Edward Devine, Deputy Attorney General, is 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 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).

ANNE MILGRAM  
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Attorney for Plaintiffs

By: Edward Devine  
Edward Devine  
Deputy Attorney General

Dated: 6/26/07