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SUPERIOR COURT
MIDDLESEX COUNTY
RECEIVED & FILED

APR 05 2006

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MIDDLESEX COUNTY
DOCKET NO. *M10-L-2948-06*

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

Plaintiffs,

v.

SEALY CORPORATION, As the Successor-
in-Interest to Stearns and Foster Bedding
Corporation;
LEGGETT AND PLATT, INC.;
L&P TEXPRO, L.L.C.;
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 Stearns and Foster site located in the City of South Brunswick, Middlesex 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 Stearns and Foster 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 Stearns and Foster 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 the 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 Sealy Corporation ("Sealy"), formerly known as the Ohio Mattress Company, is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at One Office Parkway at Sealy Drive, Trinity, North Carolina 27370.

6. During its existence, Stearns and Foster Bedding Company ("Stearns") was a Delaware corporation and a wholly owned subsidiary of defendant Sealy.

7. In 2003, Stearns was merged into its parent Sealy, with defendant Sealy being the surviving entity. Defendant Sealy is the successor-in-interest to Stearns.

8. Defendant Leggett and Platt, Inc. ("Leggett") is a corporation organized and existing under the laws of the State of Missouri, with its principal place of business located at Number 1 Leggett Road, Carthage, Missouri, 4836.

9. In 2003, defendant Leggett acquired certain of Stearns' assets including ownership of the real property in Middlesex County that is the subject of the action.

10. Defendant L&P Texpro L.L.C. ("L&P Texpro"), formerly known as L&P Texpro, Inc. and L&P Acquisitions Company-21, Inc., is a limited liability corporation organized and

existing under the laws of the State of Delaware, with its principal place of business located at Number 1 Leggett Road, Carthage, Missouri 64836.

11. Defendant L&P Texpro is a wholly owned subsidiary of defendant Leggett.

12. During its existence, Stop-Fire, Inc. ("Stop-Fire") was a corporation organized and existing under the laws of the State of New Jersey, with its last known address being Highway U.S. 1 and Blackhorse Lane, South Brunswick, New Jersey 08852.

13. During its existence, Union Parts Manufacturing Co., Inc. ("Union") was a corporation organized and existing under the laws of the State of New Jersey, with its last known address being Highway U.S. 1 and Blackhorse Lane, South Brunswick, New Jersey 08852.

14. During its existence, Ashwill Corporation ("Ashwill") was a corporation organized and existing under the laws of the State of New York, with its last known address being 125 Ashland Place, Brooklyn, New York.

15. During its existence, I.M.P. Company ("IMP") was a general partnership organized and existing under the laws of the State of New Jersey, with its last known address being P.O. Box 9 Monmouth Junction, New Jersey 08852.

16. IMP was formed from the assets of Ashwill upon Ashwill's dissolution, and is the successor-in-interest to Ashwill.

17. 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, predecessors of, or are otherwise related to, Stop-Fire, Union, IMP, Ashwill, defendants Sealy, Leggett, and L&P Texpro, including Stearns.

18. 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, Stop-Fire, Union, IMP, Ashwill, defendants Sealy, Leggett, and L&P Texpro, and one or more of the ABC Corporation defendants, and/or their predecessors, including Stearns.

AFFECTED NATURAL RESOURCES

Ground Water

19. 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.

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

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

22. 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.

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

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

Surface Water

25. Approximately 850 million gallons of surface water per day supplies nearly half

of New Jersey's population with drinking water.

26. Surface water, like ground water, is a unique resource that is used for other commercial and industrial purposes, such as cooling water and electrical generation, commercial fishing, and the transportation of goods and services.

27. The tourist and recreation industries, including boating, fishing and swimming, which are vital to the economy of this State, depend on clean waters and beaches.

Wetlands

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

29. New Jersey wetlands include approximately 730,000 acres of freshwater wetlands, and 250,000 acres of coastal wetlands.

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

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

GENERAL ALLEGATIONS

32. The Stearns and Foster site consists of approximately 20.5 acres of real property located at Route 1 and Blackhorse Lane, City of South Brunswick, Middlesex County, this property being also known and designated as Block 91, Lot 13, on the Tax Map of the City of South Brunswick ("the Stearns and Foster Property"), and all other areas where any hazardous

substance discharged there has become located (collectively, "the Stearns and Foster Site"), which plaintiff DEP has designated as Site Remediation Program Interest No. G000002612.

33. The Stearns and Foster Property is bordered on the north by Route 1, to the west by Black Horse Lane, to the east by two natural gas pipelines, and to the south by a lumber storage yard.

34. Oakey's Brook parallels the northeastern property boundary and flows west to east across and within the Stearns and Foster Property.

35. A drainage ditch is located just beyond, and parallel to, the southern boundary of the Stearns & Foster Property ("the Southern Drainage Ditch").

36. The Southern Drainage Ditch flows to the northeast and into Oakey's Brook in the eastern corner of the Stearns and Foster Property.

37. Wetlands are associated with Oakey's Brook on the southern side of Route 1.

38. Plaintiff DEP has delineated other wetlands on or near the Stearns and Foster Property associated with Oakey's Brook and the Southern Drainage Ditch.

39. The ground water system beneath the Stearns and Foster Property consists of two aquifers: an overburden aquifer and a bedrock aquifer (Passaic Formation), and flows to the southeast parallel to Oakey's Brook.

40. Ashwill purchased the Stearns and Foster Property in 1953.

41. In 1970, Ashwill transferred ownership of the Stearns and Foster Property to its successor-in-interest, IMP.

42. IMP sold the Stearns & Foster Property to Stearns on November 14, 1979, which, in turn, sold the Stearns & Foster Property to defendant L&P Texpro on March 25, 1997.

43. On December 10, 2004, defendant L&P Texpro sold the Stearns and Foster Property to K-South Brunswick Associates, L.L.C.

44. As of the filing of this Complaint, K-South Brunswick Associates, L.L.C. remains to owner of record of the Stearns and Foster Property.

45. During the time that Ashwill and IMP owned the Stearns and Foster 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. 58:10-23.11f.b.(2), which substances included several types of volatile organic compounds ("VOCs"), including tetrachloroethene ("PCE"), trichloroethene ("TCE"), vinyl chloride, 1,1-dichloroethene, and trans 1,2-dichloroethene.

46. From approximately 1953 through 1978, Ashwill and IMP controlled and managed the manufacturing operations of Stop-Fire and Union at the Stearns and Foster Property, which entities primarily engaged in metal cutting and fabrication, including manufacturing fire extinguishers, fan blades, and components for sonar equipment.

47. Solvents used in the manufacturing processes at the Stearns and Foster Property were disposed of in an area outside one of the on-site buildings, while other spent solvents, and paint sludge from the painting operations were disposed of on the ground near the solvent disposal area, and outside the exit door to the facility's paint room.

48. Stop-Fire and Union engaged in manufacturing activities at the Stearns and Foster 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 several types of VOCs including PCE, TCE, vinyl chloride, 1,1-dichloroethene, and trans 1,2-dichloroethene.

49. From in or about November 1979 through approximately 1991, Stearns and defendant Sealy operated a mattress and box spring manufacturing and assembly facility at the Stearns & Foster Property.

50. Defendant Leggett continues to manufacture mattresses at the Stearns and Foster Property.

51. The 1989 proposed sale of Stearns' parent company, defendant Sealy, triggered Stearns' obligation under the Environmental Cleanup Responsibility Act ("ECRA"), now known as the Industrial Site Recovery Act ("ISRA"), N.J.S.A. 13:1K-6 to -14, to perform an appropriate investigation of the nature and extent of the contamination at the Stearns & Foster Site.

52. On June 7, 1989, Stearns entered into an Administrative Consent Order ("1989 ACO") with plaintiff DEP, pursuant to which Stearns was required to conduct a remedial investigation of the Stearns and Foster Site.

53. The investigation Stearns performed revealed the presence of 17 Areas of Concern ("AOC"), which are geographic areas and/or a medium of contamination at the Stearns and Foster Site that have been designated for remediation, including a forty-five foot disposal trench extending from the solvent disposal area to Oakey's Brook.

54. Preliminary sampling Stearns performed revealed the presence of various hazardous substances in the ground water at concentrations exceeding plaintiff DEP's cleanup criteria, which substances included TCE and PCE.

55. In 1991 and 1993, defendant Sealy entered into administrative consent orders with plaintiff DEP, pursuant to which defendant Sealy was obligated to further investigate the nature and extent of the contamination at the Stearns and Foster Site.

56. In 1996, defendant Sealy investigated the surface water and sediments in Oakey's Brook and the associated wetlands, the results of which revealed the presence of various hazardous substances at concentrations exceeding plaintiff DEP's cleanup criteria in the surface water and sediments, which substances included TCE and PCE.

57. In August 2005, defendant Sealy completed the Oakey's Brook Sediment Removal Project, which consisted of isolating a VOC contaminated portion of Oakey's Brook and using excavation techniques to remove that VOC contaminated sediment and bank soil.

58. Defendant Sealy submitted the results of the Oakey's Brook Sediment Removal Project to plaintiff DEP in a January 2006 report, which report plaintiff DEP is reviewing as of the filing of this Complaint.

59. In 1999, defendant Sealy proposed a groundwater remedial strategy (Interim Remedial Measure ("IRM")) to address the groundwater contamination in the shallow and bedrock aquifers for the Stearns and Foster Site.

60. The proposed groundwater remedial strategy consists of three main elements: source removal, the hydraulic containment of VOCs within source areas using a partially penetrating containment system, and natural attenuation of dissolved VOCs outside the capture zone.

61. Plaintiff DEP subsequently approved the construction and operation of the groundwater containment system that defendant Sealy proposed, which remains operational.

63. Defendant Sealy's investigation of the nature and extent of the contamination at the Stearns and Foster Site is ongoing as of the filing of this Complaint.

64. Defendant Sealy is currently in the process of evaluating the feasibility of using Soil Vapor Extraction ("SVE") to address VOC impacted soils beneath and adjacent to the

northeast section of the original paint room at the Stearns and Foster Property.

65. As of the filing of this Complaint, plaintiff DEP has not approved defendant Sealy's proposal, specifically the natural attenuation of dissolved VOCs outside the capture zone, because the delineation of the groundwater contamination beyond the boundaries of the Stearns and Foster Property itself remains incomplete.

66. A Classification Exception Area ("CEA") has yet to be established for the Stearns and Foster Site because the off-site delineation of the ground water contamination remains incomplete.

67. Although Stearns and defendant Sealy have initiated the remediation of the Stearns and Foster Site, the ground water, soils, surface water, sediments, and wetlands remain contaminated.

FIRST COUNT

Spill Act

68. Plaintiffs repeat each allegation of paragraph nos.1 through 67 above as though fully set forth in its entirety herein.

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

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

71. 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 Stearns and Foster Site.

72. Plaintiffs 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 by the discharge of hazardous substances at the Stearns and Foster Property.

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

74. Defendants Sealy, Leggett and L&P Texpro, one or more of the ABC Corporation and/or John Doe defendants, as knowing purchasers, or the parents of, or successors-in-interest to, the knowing purchasers of, the Stearns and Foster Property, a property at which hazardous substances were previously discharged, are persons in any way 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 Stearns and Foster Property. N.J.S.A. 58:10-23.11g.c.(3).

75. One or more of the ABC Corporation and/or John Doe defendants are successors to Stop-Fire, Union, IMP, and Ashwill, which are dischargers of hazardous substances at the Stearns and Foster Property, and/or were the owners of the Stearns and Foster Property at time hazardous substances were discharged there, and are 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 Stearns and Foster Property. N.J.S.A. 58:10-23.11g.c.(1).

76. 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); for 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).

77. 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 by the discharge of hazardous substances at the Stearns and Foster 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 by the discharge of hazardous substances at the Stearns and Foster Property;
- c. Enter judgment against defendant Sealy, compelling defendant Sealy to perform, under plaintiff DEP's oversight, any further cleanup of the hazardous substances discharged at the Stearns and Foster 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

Stearns and Foster 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 Stearns and Foster 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

78. Plaintiffs repeat each allegation of paragraph nos. 1 through 77 above as though fully set forth in its entirety herein.

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

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

81. The contamination of ground water, surface water, and wetlands at the Stearns and Foster 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.

82. As long as ground water, wetlands, and/or surface water remain contaminated due to the Defendants' conduct, the public nuisance continues.

83. 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, wetlands and

surface 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, 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 Stearns and Foster 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 Stearns and Foster Property;
- c. Enter judgment against defendant Sealy, compelling defendant Sealy to abate, the nuisance by performing any further cleanup of hazardous substances discharged at the Stearns and Foster Property under plaintiff DEP's oversight;
- 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 Stearns and Foster 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 Stearns and Foster 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

84. Plaintiffs repeat each allegation of paragraph nos. 1 through 83 above as though fully set forth in its entirety herein.

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

86. The Defendants are liable for trespass, and continued trespass, since the time hazardous substances were first discharged at the Stearns and Foster Property.

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

PRAYER FOR RELIEF

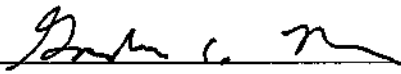
WHEREFORE, Plaintiffs DEP and Administrator pray that this Court:

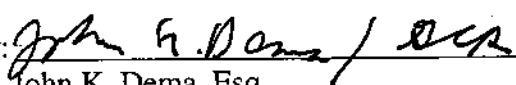
- a. Order the Defendants to reimburse the Plaintiffs for all cleanup and removal costs and damages, including restitution for unjust enrichment, lost value and reasonable assessment costs, that the Plaintiffs have incurred for any natural resource of this State injured by the discharge of hazardous substances at the Stearns and Foster 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 Stearns and Foster Property;

- c. Enter judgment against defendant Sealy, compelling defendant Sealy to cease, , the trespass by performing any further cleanup of hazardous substances discharged at the Stearns and Foster Property under plaintiff DEP's oversight;
- 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 Stearns and Foster 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 Stearns and Foster 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 &
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Attorneys for Plaintiffs

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

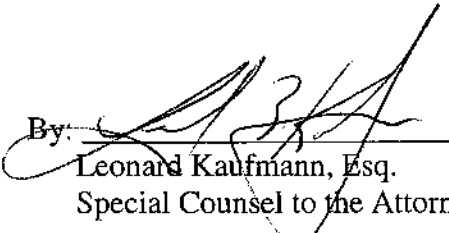
By: 
John K. Dema, Esq.
Special Counsel to the Attorney General


Dated:

Dated:

COHN LIFLAND PEARLMAN HERRMANN &
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Attorneys for Plaintiffs

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

By: 
Leonard Kaufmann, Esq.
Special Counsel to the Attorney General

By: 
Brendan Ruane
Deputy Attorney General

Dated: March 28, 2006

Dated: 3/29/06

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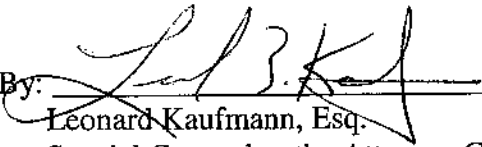
By: Gordon C. Rhea
Gordon C. Rhea, Esq.
Special Counsel to the Attorney General

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

Dated:

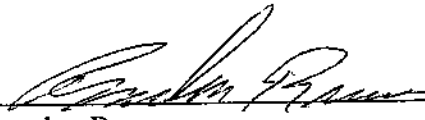
Dated:

COHN LIFLAND PEARLMAN HERRMANN &
KNOFF LLP
Attorneys for Plaintiffs

By: 
Leonard Kaufmann, Esq.
Special Counsel to the Attorney General

Dated: March 23, 2006

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

By: 
Brendan Ruane
Deputy Attorney General

Dated: 3/27/06

CIVIL CASE INFORMATION STATEMENT
(CIS)

FOR USE BY CLERK'S OFFICE ONLY

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.

PAYMENT TYPE: CK CG CA

CHG/CK NO.:

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:

ATTORNEY/PRO SE NAME: Brendan Ruane, DAG TELEPHONE NO.: (609) 984-5016

COUNTY OF VENUE: Middlesex
1710-L-2948-06

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

JURY DEMAND: YES X NO

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

CAPTION: New Jersey Department of Environmental Protection, et al. v. Sealy Corporation, 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)?

NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN

X YES NO

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: RECURRENT RELATIONSHIP? Regulatory

X YES NO FAMILIAL BUSINESS

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

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION.

SUPERIOR COURT
MIDDLESEX COUNTY
RECEIVED & FILED
APR 05 2006
GREGORY EDWARDS
DEPUTY CLERK
OF SUPERIOR COURT

DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS?

IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:

YES X NO

WILL AN INTERPRETER BE NEEDED? YES NO

IF YES, FOR WHAT LANGUAGE:

ATTORNEY SIGNATURE: