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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - BURLINGTON COUNTY  
DOCKET NO. L-528-06

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

Civil Action

COMPLAINT

Plaintiffs,

v.

MINESOTA MINING &  
MANUFACTURING COMPANY;  
ROHM & HAAS COMPANY;  
HERCULES, INC.;  
VIAD CORPORATION;  
ABC CORPORATIONS 1-10 (Names  
Fictitious); and  
JOHN DOES 1-10 (Names Fictitious),

Defendants.

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 Woodland Dump site located in the Township of Woodland, Burlington 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 Woodland Dump 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 Woodland Dump 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 Minnesota Mining and Manufacturing Company ("3M") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 3M Center, St. Paul, Minnesota 55144-1000.

6. Defendant Hercules Incorporated ("Hercules") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 1313 North Market Street, Wilmington, Delaware 19894-0001.

7. Defendant Rohm and Haas Company ("Rohm") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 100 Independence Mall West, Philadelphia, Pennsylvania 19106-2399.

8. Defendant Viad Corporation ("Viad") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 1850 North Central Avenue, Phoenix, Arizona 85004-4545.

9. Purex Industries, Inc. ("Purex"), during its existence, was a corporation organized and existing under the laws of the State of Delaware.

10. In 1982, Purex merged into PII Acquisitions, Inc., the assets and liabilities of which were subsequently acquired by PII Holdings, Inc. PII Holdings, Inc. later changed its name back to Purex Industries, Inc.

11. The assets and liabilities of Purex were subsequently acquired by Purex Corporation, which merged into Dial Corporation in 1986.

12. Dial Corporation subsequently merged into defendant Viad in 1992, with Viad being the surviving entity.

13. Defendant Viad is the successor-in-interest to Purex and Dial.

14. 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, defendants 3M, Viad, Hercules and Rohm, and their predecessors, including Purex.

15. 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 officers of defendants 3M, Viad, Hercules, and Rohm and their predecessors, including Purex, and/or one or more of the ABC Corporation defendants.

#### AFFECTED NATURAL RESOURCES

##### Ground Water

16. 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.

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

18. 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.

19. 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.

20. 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.

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

#### Surface Water

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

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

24. 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

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

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

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

28. 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

29. The Woodland Dump site consists of two parcels of real property totaling approximately 32 acres located on Route 532 and Route 72, Woodland Township, Burlington County, these properties being also known and designated as Block 4210, Lot 1, on the Tax Map of the Township of Woodland (“the Route 532 Property”), and Block 5501, Lot 15 and Block 6301, Lot 1, on the Tax Map of the Township of Woodland (“the Route 72 Property”) (collectively “the Woodland Dump Properties”), and all other areas where any hazardous substance discharged there has become located (collectively, “the Woodland Dump Site”), which plaintiff DEP has designated as Site Remediation Program Interest Nos. G0000052 and G0000051, respectively.

30. The Woodland Dump Properties are located within a “special agricultural area” of the Preservation District of the New Jersey Pinelands.

31. The Pinelands Preservation Area District is a contiguous area that represents the most critical ecological region in the Pinelands. The Pinelands supports a variety of mammals, reptiles, fish, and birds; many of which are on the list of endangered or threatened species list of the Pinelands Commission Comprehensive Management Plan.

32. The Route 532 Property is bordered on the east by Goodwater Run, an intermittent stream, and cranberry production bogs are located approximately 1 mile west-southwest of the property.

33. The Pope Branch, an intermittent stream, passes 500 feet to the north and 1000 feet west of the Route 72 Property, and cranberry production bogs are located .5 miles northwest of the property.

34. The Woodland Dump Site is located above the Cohansey Sand Aquifer, which plaintiff DEP has designated as a Class I-PL potable water supply requiring enforcement of stringent groundwater quality criteria.

35. The Woodland Dump Properties were acquired by Sam and Aaron Cohen, Rosalyn Weiss, and Rebecca and Carl Krell, from Sheridan Gardens, Inc. on December 30, 1964.

36. Air Time, Inc. acquired the Woodland Dump Properties in 1973, and as of the date of this Complaint, remains to owner of record of the Woodland Dump Properties.

37. During the time that Sam and Aaron Cohen, Rosalyn Weiss, and Rebecca and Carl Krell owned the Woodland Dump Properties, "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 1,2 dichloroethane, trichloroethene, tetrachloroethene, benzene, acetone, xylene, phenol, naphthalene, cadmium, chromium, lead, and mercury.

38. The Woodland Dump Properties were operated jointly from the 1950's through the mid-1960s as an unpermitted disposal facility by Francis Estlow and Rudolf Kraus, and were used extensively by several major chemical companies, including defendants 3M, Rohm, Hercules and Viad, and their predecessors, including Purex, and one or more of the ABC Corporation defendants, for the disposal of hazardous wastes.

39. Hazardous substances were disposed of at both Woodland Dump Properties in drums or as bulk liquids, and were either burned or buried in open pits and trenches.

40. As early as 1956 through the mid-1960s, defendants Hercules, Rohm, 3M and Viad, and/or their predecessors, including Purex, and certain of the ABC Corporation Defendants, arranged for Industrial Trucking Company ("Industrial") and/or others, to transport to, and dispose of, vast quantities of hazardous substances at the Woodland Dump Properties.

41. When disposal began, the western half of the Route 532 Property was organized into a series of bermed lagoons. The presence of black liquid waste in these lagoons and along an on-site road having been observed as early as 1956.

42. By 1962, most of the disposal area at the Route 532 Property had been regraded, with black liquid wastes flowing from the bermed lagoon areas into the nearby pine forest.

43. The Route 532 Property remained essentially unchanged between 1962 and 1984, though by 1984, denuded areas could be observed where liquid wastes from the lagoon areas had migrated.

44. By the mid-1950s, the Route 72 Property contained several disposal trenches, certain of which had been deepened by 1962 and contained standing, light-colored liquids.

45. Further, the central portion of the Route 72 Property was covered with general refuse and stained soils, with depressions containing standing liquids on the western half of the property.

46. As recently as the late 1980's, evidence of the disposal practices at the Route 532 Property and the Route 72 Property is seen throughout the Woodland Dump Site, and is characterized by the absence of vegetation, the presence of black, tar-like or asphalt-like materials, and areas of corroded drums, broken glass, and other debris.



47. Defendants Hercules, Rohm, 3M and Viad and/or their predecessors, including Purex, and certain of the ABC Corporation defendants, disposed of, or arranged for the disposal of, "hazardous substances," as defined in N.J.S.A. 58:10-23.11b., at the Woodland Dump Properties, certain of which were "discharged" there within the meaning of N.J.S.A. 58:10-23.11b., which substances included 1,2 dichloroethane trichloroethene, tetrachloroethene, benzene, acetone, xylene, phenol, naphthalene, cadmium, chromium, lead, and mercury.

48. In 1979, the Burlington County Health Department advised plaintiff DEP of the environmental problems at the Woodland Dump Properties, and plaintiff DEP subsequently referred the information to the United States Environmental Protection Agency ("EPA").

49. In 1983, EPA proposed listing the Woodland Dump Site on the National Priorities List ("NPL"), 40 C.F.R. Part 300, Appendix B, which is the list EPA promulgates of hazardous waste sites that pose the greatest threat to the human health and safety, and the environment.

50. On September 24 1983, EPA added the Woodland Dump Site to the NPL.

51. Plaintiff DEP is the lead agency in charge of the remediation of the Woodland Dump Site, with the EPA serving as the support agency.

52. On May 4, 1985, plaintiff DEP issued a Spill Act directive ("Directive") to various parties, including defendants 3M, Hercules and Rohm, pursuant to N.J.S.A. 58:10-23.11f.a., directing the respondents to fund plaintiff DEP's remediation of the Woodland Dump Site.

53. On March 27, 1985, plaintiff DEP entered into an Administrative Consent Order ("ACO") with defendant Hercules, pursuant to which defendant Hercules agreed to partially fund plaintiff DEP's investigation into the nature and extent of the contamination at the Woodland Dump Site.

54. On July 6, 1987, plaintiff DEP entered into an ACO with defendants 3M and Rohm, pursuant to which defendants 3M and Rohm agreed to partially fund plaintiff DEP's investigation into the nature and extent of the contamination at the Woodland Dump Site.

55. On January 2, 1990, plaintiff DEP entered into a second ACO with defendants Hercules, Rohm, and 3M, pursuant to which defendants Hercules, Rohm and 3M agreed to remove liquids and sludge from various locations throughout the Woodland Dump Site.

56. From 1985 through 1989, plaintiff DEP performed a remedial investigation and feasibility study ("RI/FS") of the Woodland Dump Site pursuant to Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C.A. §§9601 to -9675, specifically Section 104 of CERCLA, 42 U.S.C.A. §9604, to determine the nature and extent of the contamination, and to evaluate various ways to remediate it.

57. Sampling results obtained during the remedial investigation revealed the presence of various hazardous substances exceeding plaintiff DEP's cleanup criteria in soils and ground water at the Woodland Dump Site, which substances included various volatile organic compounds ("VOCs") and semi-volatile compounds ("SVOCs").

58. Further, groundwater contaminant plumes originating from the Woodland Dump Properties appear to discharge completely to a marsh and supply reservoir near the downgradient cranberry bogs, and hazardous substances were also found in the sediments of the marsh and reservoir.

59. In 1990, EPA, with plaintiff DEP's concurrence, issued a Record of Decision for the Woodland Dump Site ("1990 ROD"), in which EPA and DEP documented and explained the preferred remedy to address the contaminated soils and ground water.

60. The remedy EPA selected in the 1990 ROD primarily provides for excavating all contaminated soils and disposing of them at an approved off-site facility, installing and operating a groundwater extraction and treatment system, and reinjecting the treated water back to the aquifer.

61. By January 1991, defendants Rohm, 3M and Hercules removed a combined amount of approximately 100,000 cubic yards of contaminated waste materials were removed from the Woodland Dump Properties.

62. Defendants Rohm, Hercules and 3M subsequently performed a series of remediation activities, including a 1997 study analyzing and comparing the groundwater remedy selected in the 1990 ROD with a proposed alternative groundwater remedy involving air-sparging / soil vapor extraction with natural attenuation.

63. In April 2000, plaintiff DEP approved defendants Rohm, Hercules and 3M's proposed use of the natural attenuation portion of the groundwater remedy, and, in June 2000, approved the design for the first phase of a multiphase air-sparging / soil vapor extraction system designed to remove and treat contamination in the ground water.

64. Defendants Rohm, Hercules and 3M completed construction of the first phase of the air-sparging / soil vapor extraction system in April 2001, which system is expected to continue operating until at least 2026.

65. As of the filing of this Complaint, the groundwater contamination plume emanating from the Route 532 Property is approximately 114.8 acres, while the groundwater contamination plume emanating from the Route 72 Property is approximately 309.9 acres.

66. In October 1999, plaintiff DEP approved a Classification Exception Area ("CEA"), which excludes designated ground water from use as a potable water source, for the Woodland Dump Site.

67. The CEA plaintiff DEP approved for the Woodland Dump Site extends to a vertical depth of 90 feet for the Route 532 Property and 160 feet for the Route 72 Property, and is to last for 25 years.

68. Although defendants Rohm, Hercules and 3M have initiated the remediation of the Woodland Dump Site, the groundwater, soils, wetlands and surface water contamination continues.

#### FIRST COUNT

##### Spill Act

69. Plaintiffs repeat each allegation of Paragraphs 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. Plaintiff DEP has incurred, and will continue to incur, costs as a result of the discharge of hazardous substances at the Woodland Dump Properties.

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

73. 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 Woodland Dump Properties.

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

75. Defendants Industrial, one or more of the ABC Corporation defendants and/or one or more of the John Doe defendants, are, or are the successors-in-interest to, the dischargers of hazardous substances at the Woodland Dump Properties, 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 Woodland Dump Properties. N.J.S.A. 58:10-23.11g.c.(1).

76. Defendants 3M, Hercules Rohm, Viad, one or more of the ABC Corporation defendants and/or one or more of the John Doe defendants, are, or are the successors-in-interest to, the persons who generated hazardous substances and arranged for defendant Industrial and others to transport to, and dispose of, hazardous substances at the Woodland Dump Properties, certain of which were discharged there, are 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 Woodland Dump Properties. N.J.S.A. 58:10-23.11g.c.(1).

77. One or more of the ABC Corporation and/or John Doe defendants are, or are the successors-in-interest to, persons who owned one or both of the Woodland Dump Properties at the time hazardous substances were discharged there, 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 Woodland Dump Properties. 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); 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).

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, 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

Woodland Dump Properties, 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 Woodland Dump Properties;
- c. Enter judgment against defendants 3M, Rohm and Hercules, compelling them to perform, under plaintiff DEP's oversight, any further cleanup of hazardous substances discharged at the Woodland Properties.
- 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 Woodland Dump Properties, 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 Woodland Dump Properties;
- e. Award 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

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

81. Ground water, surface water and wetlands are natural resources 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, surface water and wetlands 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 these natural resources.

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

85. 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 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 Woodland Dump Properties, with applicable interest;

- b. Enter declaratory judgment against the Defendants for all cleanup and removal costs and damages, including 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 Woodland Dump Properties;
- c. Enter judgment against defendants 3M, Rohm and Hercules, compelling them to abate, under plaintiff DEP's oversight, the nuisance by performing any further cleanup of hazardous substances discharged at the Woodland Dump Properties;
- 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 Woodland Dump Properties, 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 Woodland Dump Properties;
- e. Award Plaintiffs their costs and fees in this action; and
- f. Award the Plaintiffs such other relief as this Court deems appropriate.

### THIRD COUNT

#### Trespass

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

87. Ground water, surface water and wetlands are natural resources 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 Woodland Dump Site.

89. As long as the 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:

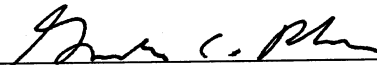
- a. Order the Defendants to reimburse the Plaintiffs for all cleanup and removal costs and damages, including unjust enrichment, lost value and reasonable assessment costs, that the Plaintiffs have incurred for any natural resource of this State injured by the discharge of hazardous substances at the Woodland Dump Properties, with applicable interest;
- b. Enter declaratory judgment against the Defendants for all cleanup and removal costs and damages, including 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 Woodland Dump Properties;
- c. Enter judgment against defendants 3M, Rohm and Hercules, compelling them to cease, under plaintiff DEP's oversight, the trespass by performing any further cleanup of hazardous substances discharged at the Woodland Dump Properties;
- 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 Woodland Dump Properties, 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 Woodland Dump Properties;

- e. Award 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:   
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Special Counsel to the Attorney General

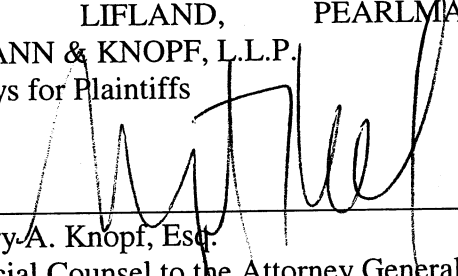
By:   
John K. Dema, Esq.  
Special Counsel to the Attorney General


Dated: 2/07/06

Dated: 2/07/06

COHN, LIFLAND, PEARLMAN,  
HERMANN & KNOPF, L.L.P.  
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

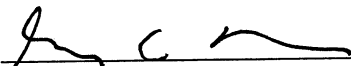
Pursuant to R. 4:25-4, the Court is advised that Gordon C. Rhea, John K. Dema, Barry A. Knopf, Scott E. Kauff, Matthew Thiesing, and Leonard Z. Kaufmann, Special Counsel to the Attorney General, are hereby designated as trial counsel for the Plaintiffs in this action.

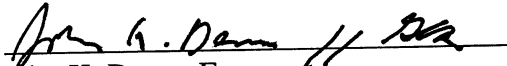
CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES

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

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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: 2/07/06

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COHN, LIFLAND, PEARLMAN,  
HERMANN & KNOPF, L.L.P.  
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