

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-003268-22

Case Caption: N.J. DEPT. OF ENV. P ROTECTION VS
FORD MOTOR COM

Case Initiation Date: 06/16/2022

Attorney Name: ALFRED MICHAEL ANTHONY

Firm Name: LOCKS LAW FIRM, LLC

Address: 3 BECKER FARM ROAD STE 105

ROSELAND NJ 07068

Phone: 9736711940

Name of Party: PLAINTIFF : N.J. Dept. of Env. Protection

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: ENVIRONMENTAL/ENVIRONMENTAL COVERAGE
LITIGATION

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: N.J. Dept. of Env. Protection ?
NO

**Are sexual abuse claims alleged by: Commissioner of the NJ
DEP?** NO

Are sexual abuse claims alleged by: Admin'R of the NJ Spill Fund?
NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

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

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

06/16/2022
Dated

/s/ ALFRED MICHAEL ANTHONY
Signed

**MATTHEW J. PLATKIN, ACTING
ATTORNEY GENERAL OF NEW
JERSEY**

R.J. Hughes Justice Complex
25 Market Street, P.O. Box 093
Trenton, New Jersey 08625-0093
By: Thomas Lihan
Carley A. Doyle
Deputy Attorney General
Atty. ID: 020891991, 264712018
Ph: (609) 376-2740
thomas.lihan@law.njoag.gov
carley.doyle@law.njoag.gov

THE LANIER LAW FIRM, P.C.

By: Richard D. Meadow, Esq.
Atty. ID: 034541984
10940 W. Sam Houston Pkwy N.
Suite 100
Houston, TX 77064
Ph: (713) 659-5200
Fax: (713) 659-2204
richard.meadow@lanierlawfirm.com

LOCKS LAW FIRM, LLC

By: Alfred M. Anthony, Esq.
Atty. ID: 028571992
3 Becker Farm Road, Suite 105
Roseland, NJ 07068
Ph: (973) 671-1940
Fax: (973) 419-6466
aanthony@lockslaw.com

HAUSFELD LLP

By: Katie R. Beran, Esq.
Atty. ID: 031262012
325 Chestnut Street, Unit 900,
Philadelphia, PA 19106
Ph: (267) 702-2315
Fax: (215) 985-3271
kberan@hausfeld.com

Attorneys for Plaintiff

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

Plaintiffs,

v.

FORD MOTOR COMPANY, Individually and as
Successor in Interest to Ford International
Services, Inc. and Ringwood Realty Corp.; “ABC
CORPORATIONS” 1-100; “DEF
CORPORATIONS” 1-100 “ABC JOHN AND
JANE DOES” 1-100(fictitious names).

Defendants.

: SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - BERGEN COUNTY

: DOCKET NO.:

: Civil Action

: **COMPLAINT**

: **JURY TRIAL DEMAND**

Plaintiffs New Jersey Department of Environmental Protection (“DEP”), the Commissioner of the New Jersey Department of Environmental Protection (“Commissioner”), and the Administrator of the New Jersey Spill Compensation Fund (“Administrator”) (collectively, the “Plaintiffs” or the “Department”), having their principal offices at 401 East State Street in the City of Trenton, County of Mercer, State of New Jersey, file this Complaint against Ford Motor Company, individually and as successor in interest to Ford International Services, Inc. and Ringwood Realty Corp. (“Ford”); “ABC Corporations” 1-100; “DEF Corporations” 1-100; and “John and Jane Does” 1-100 (collectively, “Defendants”), and allege as follows:

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 through -23.24, Water Pollution Control Act (the “WPCA”), N.J.S.A. 58:10A-1 through -20, Solid Waste Management Act, N.J.S.A. 13:1E-1 through -227, and common law for the extensive and continuing damages to the natural resources of this State that have been, or may be, injured as a result of the discharge of hazardous substances and pollutants at Ringwood Mines, a 500-acre site in northern New Jersey, the Borough of Ringwood (the “Site”).

2. Ford used and generated hazardous substances and pollutants at its 177-acre automobile assembly plant in Mahwah, Bergen County, New Jersey (“Mahwah Assembly”). Ford’s willful and wanton discharge of hazardous substances and pollutants into the environment at the Site caused the contamination of and resulting damages to Ringwood Mines’ groundwater, soils, sediments, surface waters, freshwater wetlands, biota, air and other natural resources with toxic substances, including but not exclusive to lead, arsenic, benzene, 1,4-dioxane, antimony,

vanadium, polychlorinated biphenyls (“PCBs”), semi-volatile organic compounds (“SVOCs”), benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, bis(2-Ethylhexyl)phthalate, chrysene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, naphthalene and pentachlorophenol.

3. On or around January 7, 1965, Ford purchased Ringwood Mines specifically for use as a landfill for Mahwah Assembly’s hazardous waste. Beginning in 1967 and continuing until 1974, Ford disposed or directed the disposal of thousands of tons of toxic paint sludge and drummed waste and other non-liquid hazardous waste onto the ground and in abandoned pits and mineshafts throughout Ringwood Mines.

4. Beginning in or around 1970, Ford divested itself of Ringwood Mines by selling a portion of the property to Public Service Electric and Gas Company and donating other portions to DEP, the Borough of Ringwood, and a New Jersey not-for-profit corporation without fully disclosing the presence or extent of the contamination to the buyers or donees.

5. Significantly, from the time of disposal to the present day, Ford never notified DEP of the full extent of the discharges of hazardous substances at the Site as required by the Spill Act, thus thwarting the prompt containment and removal of the toxic substances.

6. To this day, Ringwood Mines remains contaminated with hazardous substances and pollutants despite repeated and on-going remediation efforts. In 1983, the Site was placed on the National Priorities List (“NPL”), pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9605. Between 1988 and 1994, Ford removed over 7,600 cubic yards of paint sludge. In 1994, based on Ford’s

representations that Ringwood Mines had been adequately remediated, the Environmental Protection Agency (“EPA”) removed the Site from the NPL.

7. Despite Ford’s representations, residents of Upper Ringwood continued to encounter substantial deposits of paint sludge, around their residences and throughout the Site. In 2006, following the discovery of extensive remaining contamination, Ringwood Mines became the first Superfund Site to be restored to the NPL due to Ford’s failure to disclose the full extent of the contamination at the Site. Between December 2004 and May 2019, Ford removed an additional 53,528 tons of paint sludge, drum remnants, and associated soil from Ringwood Mines. Nonetheless, the natural resources of Ringwood Mines remain contaminated with hazardous substances due to Ford’s dumping and discharging at the Site.

8. Ringwood Mines is encompassed by the historic homeland of the Ramapough Lenape Nation (the “Tribe”) Turtle Clan, a Native American tribe recognized by the State of New Jersey. Many of the 200 residents living within the boundaries of Ringwood Mines are members of the Tribe. The cultural and spiritual traditions of the Ramapough Lenape Nation are inextricably interconnected with the land. Members of the Tribe have led a subsistence lifestyle for generations, relying on hunting, fishing, foraging, and farming as sources of food and medicine. A subsistence lifestyle holds deep cultural and spiritual significance for the Ramapough Lenape Nation and constitutes an essential part of their heritage.

9. Pursuant to N.J.S.A. 13:1D-157, enacted in 2020, the New Jersey Legislature declared that “historically, New Jersey’s low-income communities and communities of color have been subject to a disproportionately high number of environmental and public health stressors...” The Legislature went on to define an “overburdened community” as a census block group in which:

1) at least 35% of the households qualify as low-income households (at or below twice the poverty threshold as determined by the United States Census Bureau); 2) at least 40% of the residents identify as minority or as members of a State recognized tribal community; or 3) at least 40% of the households have limited English proficiency (without an adult who speaks English “very well” according to the United States Census Bureau) (*See* N.J.S.A. 13:1D-158). The community living within Ringwood Mines is an “overburdened community” within the meaning of N.J.S.A. 13:1D-158 because at least 40% of the residents identify as minority or as members of a State recognized tribal community. This community is entitled to fair and equitable treatment in matters affecting their environment, community, homes, and health. *See, e.g.*, Exec. Order No. 23 (April 20, 2018), 50 N.J.R. 1241(b) (May 21, 2018).

SCOPE OF ACTION

10. The DEP has assigned the Ringwood Mines Site Program Interest # G000004537 (Block 601, Lots 1.01, 1.02, 12, 13, 14, 14.01, and 15-29 and all lots within Blocks 600, 602, 603, and 604). The Site is approximately one half-mile wide and 1.5 miles long and stretches from the New Jersey-New York border in a south-westerly direction across northern New Jersey. The Site is made up of rugged forested areas, open areas of overgrown vegetation, an abandoned mine shaft and surface pits, an inactive landfill, and an industrial refuse disposal area. Ringwood Mines is accessed via two dead-end roads (Milligan Drive and Peters Mine Road) extending north of Margaret King Avenue, which cuts across the southwestern end of the Site.

11. Through this action, Plaintiffs seek damages, costs, and other relief for injuries to natural resources of Ringwood Mines, including its groundwater, surface waters, sediments, wetlands, soils, air, and biota, resulting from Ford’s discharges of hazardous substances and

pollutants at and from the Site. Such damages and costs include, but are not limited to: damages for the loss of use and value of natural resources, including loss of services; loss of non-use value; the costs of assessing natural resource injuries and damages; the costs of replacing natural resources; the unreimbursed costs of investigation, oversight, and remediation; litigation fees and costs; applicable statutory penalties; and pre-judgment interest.

12. Plaintiffs also seek punitive damages and penalties, given Ford's wanton and willful disregard for the people of New Jersey in its discharge of hazardous substances directly into the environment, failure to notify DEP of the discharges so as to allow for mitigation of the harm, and Ford's on-going concealment of the full extent of the contamination, all of which have caused substantial harm to the natural resources of this State.

13. EPA is the lead agency on the Site tasked with the responsibility to oversee the remediation efforts. The remediation of Ringwood Mines includes three different phases, or Operable Units ("OUs"), beginning with OU1 in 1983, which was intended to encompass the entire scope of contamination, and later OU2 and OU3 after the discovery of additional contamination.

14. In 1993, the United States of America and Ford entered into a Consent Decree for OU1, for reimbursement of response costs concerning the Ringwood Mines/Landfill Site ("1993 Consent Decree"). The United States of America covenanted not to sue for any liability created by Section 107 of CERCLA or the Resource Conservation and Recovery Act ("RCRA"), Administrative Order Index Number II-3013-40102, to recover past response costs and expressly reserved the right to initiate appropriate action against Ford with respect to all other matters, including but not exclusive to injury to, destruction of, or loss of natural resources.

15. Plaintiffs in this action were not parties to the 1993 Consent Decree and so are not

bound by its terms.

16. Subsequent to the restoration of Ringwood Mines to the NPL in 2006, EPA created OU2 and OU3.

17. OU2 is intended to address waste, fill material, and soil located in the Peters Mine Pit (“PMP”), Cannon Mine Pit (“CMP”) and the O’Connor Disposal Areas (“OCDA”) of Ringwood Mines.

18. OU3 addresses contaminated Site-wide groundwater and mine water in the PMP Airshaft.

19. The OU2 remedy, as detailed in the June 2014 OU2 Record of Decision (“ROD”) and April 2015 Explanation of Significant Differences (“ESD”), includes the excavation, consolidation and containment of fill material at the Site. The design of OU2’s remedy was completed in 2018.

20. In 2020, Ford, DEP, the Administrator, the United States of America, and the Borough of Ringwood entered into the Consent Decree for Remedial Action for Operable Unit 2 Ringwood Mines/Landfill Superfund Site (“2020 Consent Decree”).

21. In the 2020 Consent Decree, DEP explicitly reserved all rights against Ford with respect to natural resource damages.

22. In the 2020 Consent Decree, DEP exclusively covenanted not to sue or take administrative action against Ford for re-imbusement of Site-related costs incurred prior to the 2020 Consent Decree’s effective date or future costs in connection with the remedies selected for OU2 alone.

23. Plaintiffs do not seek the costs addressed by the 2020 Consent Decree, and nothing

alleged in this Complaint should be inferred to the contrary. Plaintiffs plead and seek costs, direct or indirect, incurred after the effective date of the 2020 Consent Decree and unrelated to the remedies selected for OU2.

24. Plaintiffs are not asserting claims arising under or seeking damages pursuant to the CERCLA, 42 U.S.C. §§ 9606 and 9607, or any other claim arising under or pursuant to federal law. Plaintiffs assert claims exclusively under New Jersey state environmental statutes and common law.

THE PARTIES

25. DEP is a principal department within the Executive Branch of the New Jersey 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.

26. Pursuant to the Public Trust Doctrine, the State is the trustee of all natural resources within its jurisdiction for the benefit of its citizens, and 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; N.J.S.A. 13:1D-150(b). DEP brings this action and has standing to sue to protect the sovereign and quasi-sovereign interests of the State, including public resources and the environment, in its *parens patriae* authority as sovereign and protector of its citizens and territory. Here, the State represents interests distinct from those of any particular private party, seeking natural resource damages and related environmental remedies affecting a substantial population of New Jersey residents.

27. The Commissioner is the Commissioner of DEP. N.J.S.A. 58:10-23.11b. and N.J.S.A. 58:10A-3. In this capacity, the Commissioner is vested by law with various powers and authority, including those conferred by DEP's enabling legislation, N.J.S.A. 13:1D-1 through -19.

28. The 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, the Administrator is authorized to approve and pay any cleanup and removal costs 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.

29. Ford Motor Company ("FMC"), individually and as successor to Ford International Services, Inc. ("FISI") and Ringwood Realty Corp. ("RRC") (collectively, "Ford"), is a foreign corporation with its principal place of business located at One American Road, Dearborn, Michigan 48126.

30. Upon information and belief, RRC was a mere instrumentality, conduit or alter ego for its intermediate parent, FISI.

31. At all relevant times, FISI wholly dominated and continues to dominate the workings and decision-making of RRC, so that it became a conduit for FISI.

32. RRC ultimately became FISI.

33. At all relevant times, FISI was a mere instrumentality, conduit or alter ego for its ultimate parent, FMC.

34. At all relevant times, FMC wholly dominated and continues to dominate the workings and decision-making of FISI so that it became a conduit for FMC.

35. At all relevant times, FMC wholly dominated and continues to dominate the workings and decision-making of RRC so that it became a conduit for FMC.

36. Upon information and belief, the workings and decision-making related to RRC and its dumping activities at Ringwood Mines, giving rise to New Jersey statutory, common law and punitive damages claims described herein, were conducted at Mahwah Assembly, located in Bergen County, New Jersey.

37. Upon information and belief, FMC now funds all of FISI's outstanding environmental liabilities arising from the Site and from other locations nearby and has thereby assumed any such liabilities.

38. "ABC Corporations" 1-100, 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, the Ford entity identified in this matter.

39. "DEF Corporations" 1-100, are business entities whose true identities are presently unknown, who are believed to be responsible for or otherwise facilitated, directed, allowed, permitted and/or caused toxic and hazardous industrial and other waste from Mahwah Assembly to be emitted, released, discharged, stored, handled, disposed of or dumped in mine pits and other areas on the Site and in and on other locations nearby. DEF Corporations are also business entities who entered into agreements with Ford or otherwise undertook to: investigate, assess, and determine the extent of contamination both on and off Ringwood Mines, including other locations nearby, resulting from the distribution, dissemination, and discharge of industrial and other waste from Mahwah Assembly. Finally, DEF Corporations are business entities, whose true identities

are presently unknown, who participated in efforts to remediate Ringwood Mines since 1970, and did so negligently, by failing to properly clean up and remediate the Site, by failing to find and remove all toxic waste at the Site, or intentionally failing to remove all toxic waste from the Site, all without advising Plaintiffs of the continued presence at Ringwood Mines of the aforementioned toxic and hazardous industrial waste.

40. “ABC John and Jane Does” 1-100, are responsible corporate officers (“RCO”) who had actual responsibility for and/or were in a position that would have allowed them to prevent the emission, release, discharge, storage, handling, disposal or dumping of hazardous waste from Mahwah Assembly at Ringwood Mines, but failed to do so. “John and Jane Does” include persons whose names and residences cannot be ascertained as of the filing of this Complaint.

DESCRIPTION OF RINGWOOD MINES

41. Ringwood Mines’ terrain is mountainous with peaks of up to 900 feet above sea level and valleys of generally below 500 feet in elevation.

42. The Site is drained by four brooks, the Mine Brook, Peters Mine Brook, Park Brook, and the North Brook. Mine Brook flows into Ringwood Creek, upstream of the Wanaque Reservoir. Park Brook, which flows adjacent to the location of massive deposits of Ford’s industrial waste, and the North Brook each flow into Sally’s Pond and, subsequently, to the Ringwood Creek, about one mile upstream of the Wanaque Reservoir. The Wanaque Reservoir serves as a source of drinking water for over two million New Jersey residents.

43. Portions of Ringwood Mines are currently used as State of New Jersey parkland (Ringwood State Park), utility corridors (Public Service Electric & Gas and Rockland Electric

Company), Borough of Ringwood facilities, including a Recycling Center and a Public Works yard, a power sub-station and open space (Borough of Ringwood property).

44. Approximately 48 residential properties are dispersed throughout Ringwood Mines. At least 200 people are estimated to live in the 48 residences located within the Site boundaries.

45. United States Census Bureau records indicate that 866 people live within one mile of the Site.

HISTORY OF FORD'S TOXIC WASTE DUMPING ACTIVITIES AT RINGWOOD MINES

46. From 1955 until 1980, FMC owned, operated, managed and controlled Mahwah Assembly. When the plant first opened, it was the largest automobile assembly plant in the country. Over the course of its 25 years in operation, Ford manufactured 6 million vehicles at Mahwah Assembly.

47. In January 1965, RRC purchased more than 400 acres at Ringwood Mines.

48. Upon information and belief, RRC was created by Ford specifically for the purchase of Ringwood Mines and to facilitate the disposal of waste from Mahwah Assembly.

49. In 1967, RRC entered into a contract with the O'Connor Trucking and Haulage Corporation ("O'Connor Trucking") to transport and dispose of waste from Mahwah Assembly.

50. O'Connor Trucking disposed of trash, paint sludge, drummed waste and other non-liquid wastes from the plant on the ground and in pits and abandoned mine shafts at various locations within Ringwood Mines, including in the PMP and CMP and at what is now designated as the OCDA.

51. The PMP Area is located in the north-central portion of the Site at the end of Peters Mine Road and is bounded to the north by Park Brook. The PMP Area includes approximately 3 acres.

52. From 1967 through 1971, the 375-foot long, 200-foot wide, and 90-foot deep PMP was filled with waste, including paint sludge, from Mahwah Assembly. Aerial photographs from 1973 show that the PMP had been filled to the level of the ground's surface and covered with soil.

53. Since that time, the fill in the PMP Area has settled, and a 300-foot long pond now occupies what was once the deepest part of the mine pit.

54. The groundwater in the overburden and bedrock of the PMP Area flows generally to the southeast. Overburden groundwater discharges into area streams, including the Park Brook.

55. The CMP Area is located in the southwest corner of Ringwood Mines, near a cul-de-sac at the southern end of Van Dunk Lane. The CMP Area encompasses approximately 2 acres of land.

56. The CMP was reported to be 180 feet long, 140 feet wide and 200 feet deep when mining operations ceased. After Ford purchased the property, attempts to blast the pit closed reduced the depth of the pit to approximately 60 feet. Records show that a shaft is located at the base of the pit that connects to other smaller mining pits, and an elevator shaft is located approximately 500 feet east of the CMP.

57. During Ford's ownership, the CMP was filled to the surface level with waste from Mahwah Assembly.

58. As of September 2020, the opening of the CMP 500-foot deep elevator shaft was covered with sections of railroad track and a concrete slab and enclosed by a chain-link fence.

59. Groundwater in the CMP Area is found in shallow and deeper bedrock. Topographic and groundwater elevation data collected at Ringwood Mines shows that groundwater in the shallow bedrock discharges to the Mine Brook, located southwest of the CMP Area.

60. The OCDA is located just south of the PMP Area and extends along the eastern side of Peters Mine Road and covers approximately 12 acres. The terrain slopes to the east toward Park Brook.

61. Groundwater in the OCDA occurs in both the overburden and bedrock. Groundwater in the overburden flows to the southeast and discharges to area streams that ultimately discharge into the Wanaque Reservoir.

62. Ford waste and fill materials can be found at the OCDA as deep as 20-feet below the ground's surface.

63. In effect, Ford turned Ringwood Mines into a toxic waste dump.

FORD'S DIVESTMENT OF RINGWOOD MINES

64. In October 2005, *The Record* (Bergen County, New Jersey) reported that Ford internal memoranda dating back to the early 1970s show Ford's intent to divest itself of Ringwood Mines and other locations nearby while concealing the true extent of the contamination from any prospective owners. Clint Riley and Jan Barry, *How did Ford give away toxic land? A puzzle indeed*, THE RECORD (Oct. 3, 2005).

65. Ford did not remediate the contamination prior to divesting itself of Ringwood Mines.

66. In 1970, RRC donated 290 acres of the Site to the Ringwood Solid Waste Management Authority.

67. In 1970, RRC sold a portion of Ringwood Mines to the Public Service Electric and Gas Company for use as a transmission line right of way.

68. In 1973, RRC donated 109 acres of Ringwood Mines to DEP. The land was added to Ringwood State Park.

69. In 1973, RRC donated over 35 acres of the Site to Housing Operation with Training Opportunity (HOW TO), a New Jersey not-for-profit corporation.

70. By December 21, 1973, RRC no longer owned any land at the Site.

THE CONTAMINATED NATURAL RESOURCES

71. The discharge of hazardous substances and pollutants at Ringwood Mines has injured and harmed the natural resources of this State, including the waters of the State.

72. The “natural resources” of this State include 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.

73. The “waters of the State” are comprised of the ocean and its estuaries, all springs, streams and bodies of surface or groundwater, whether natural or artificial, within the boundaries of this State or subject to its jurisdiction. N.J.S.A. 58:10A-3t.

Groundwater

74. Groundwater is a vital natural resource for the people of New Jersey, supplying more than 900 million gallons of potable water per day, the drinking water for more than half of New Jersey’s population.

75. Groundwater is an integral part of the State's ecosystem.
76. Groundwater provides base flow to streams and other surface water bodies, and influences surface water quality, wetland ecology, and the health of aquatic ecosystems.
77. Groundwater provides cycling and nutrient movement, ground stabilization, and maintenance of critical water levels in freshwater wetland and prevents salt water intrusion and sinkholes.
78. Groundwater is vital to this State's economy. Groundwater is part of the foundation of the State's tourism industry and serves essential commercial, industrial and agricultural purposes.
79. Hazardous substances and pollutants discharged at and from Ringwood Mines have reached and injured the underlying Class II potable groundwater.
80. Ford's use of Ringwood Mines as a dumping ground for toxic and hazardous waste and the ensuing groundwater contamination give rise to Natural Resources Damages and other damages under New Jersey statutes and common law.

Surface Waters

81. Surface waters are an essential resource of the State and include all water in the State's lakes, ponds, rivers, streams, and wetlands.
82. Nearly half of New Jersey's population obtains its drinking water from surface water sources. Approximately 850 million gallons of surface water per day is used for that purpose.
83. Surface water in New Jersey is used for commercial and industrial purposes, such as cooling water and electrical generation, boating, fishing, and transportation of goods and services.

84. Surface waters provide commercial, recreational, aesthetic, and ecological value, including by supporting aquatic ecosystems, nearby communities, and the citizens of the State.

85. All streams in and around the Site are classified as Category 1 waters, which are surface waters protected from any measurable changes in water quality because of their exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

86. The tourism and recreation industries, which are vital to this State's economy, are dependent on clean water and beaches.

87. Hazardous substances and pollutants discharged at the Ringwood Mines have reached and injured the surface waters at Ringwood Mines, which gives rise to claims for Natural Resources Damages and other damages under New Jersey statutes and common law.

88. A July 1982 Site Inspection conducted by DEP identified levels of benzene, ethylbenzene, and xylene in water samples collected from the PMP Airshaft.

89. Antimony was detected at 6.4 $\mu\text{g/L}$, above its Surface Water Quality Standard (SWQS) of 5.6 $\mu\text{g/L}$, during the Park Brook 2005 surface water sampling event.

Wetlands

90. Wetlands are another vital resource in New Jersey, and along with land and aquatic resources comprise unique and complex ecosystems.

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

92. Healthy wetlands sustain a wide diversity of plants and animals that are essential in a healthy food chain, and perform many additional functions, including the improvement of water

quality, sediment trapping, groundwater recharge, shoreline protections, and protection of land from flooding and erosion.

93. There are wetlands at or surrounding the Ringwood Mines, many of which are classified as exceptional wetlands because they provide a habitat for documented threatened and endangered species, including the wood turtle and timber rattlesnake.

94. Within and immediately adjacent to the OCDA, an estimated 6.2 acres of wetlands were damaged as a result of Ford's dumping of hazardous and toxic wastes.

95. Hazardous substances and pollutants discharged at the Ringwood Mines have reached and injured the wetlands at the Site which gives rise to claims for Natural Resources Damages and other damages under New Jersey statutes and common law.

Soils and Sediment

96. New Jersey's land and aquatic resources are comprised of unique and complex ecosystems.

97. Sediments and soils are vital components of New Jersey's ecological resources.

98. Sediments and soils can sustain a wide diversity of plants and animals that are essential in a healthy food chain. Sediments are a vital part of the State's ecosystems that provide a living substrate for submerged and emergent flora, and support diverse invertebrate species, wading birds, and fish and shellfish populations.

99. Hazardous substances and pollutants discharged at Ringwood Mines have reached and injured soils and sediments at the Site which gives rise to claims for Natural Resources Damages and other damages under New Jersey statutes and common law.

100. The EPA required a supplemental remedial investigation¹ (“RI”) of the PMP Area in March 2006. As part of this RI, two test trenches and seven test pits were installed in the fill material which surrounds the PMP pond to characterize the fill material and to define the perimeter of the fill area. The test trenches were excavated from the edge of the water within the pit and continued until the edge of the fill was encountered.

101. Lead was detected in seven of the 38 soil/solid waste samples collected from the borings at levels in excess of the State of New Jersey’s Residential Direct Contact Soil Remediation Standard (RDCSRS) of 400 parts per million (ppm). The concentrations of lead in these seven samples ranged from 463 ppm to 8,300 ppm.

102. Arsenic was detected in 20 of the 38 soil/solid waste samples collected at levels in excess of its Residential Direct Contact Soil Remediation Standards (“RDCSRS”) of 19 ppm. The concentrations of arsenic in these 20 samples ranged from 19.5 ppm to 82.9 ppm.

103. Antimony was detected above its RDCSRS of 31 ppm in four of the soil/solid waste samples at concentrations ranging from 95.9 ppm to 9,800 ppm.

104. Vanadium was present above its RDCSRS of 78 ppm in five of the soil/solid waste samples at concentrations from 86 ppm to 194 ppm.

105. PCBs were detected at concentrations at or above their RDCSRS of 0.2 ppm in 15 of the 38 soil/solid waste samples. Total PCB concentrations in these samples ranged from 0.2 ppm to 6.4 ppm.

¹A remedial investigation serves as the mechanism for collecting data to characterize site conditions, determine the nature of the waste, assess risk to human health and the environment, and conduct treatability testing to evaluate the potential performance and cost of the treatment technologies that are being considered.

106. SVOCs were also detected at concentrations, indicated in the paragraphs below, above their respective RDCSRSs in 14 of the 38 soil/solid waste samples.

107. Benzo(a)anthracene was detected above its RDCSRS of 0.6 ppm at concentrations ranging from 0.613 ppm to 69.1 ppm in the soil/solid waste.

108. Benzo(a)pyrene was detected above its RDCSRS of 0.2 ppm at concentrations from 0.254 ppm to 65.2 ppm in the soil/solid waste.

109. Benzo(b)fluoranthene was detected above its RDCSRS of 0.6 ppm at concentrations from 1.44 ppm to 53 ppm.

110. Benzo(k)fluoranthene was detected above its RDCSRS of 6 ppm in one soil/solid waste sample at a concentration of 49.9 ppm.

111. Bis(2-Ethylhexyl)phthalate was detected above its RDCSRS of 35 ppm at concentrations from 37.9 ppm to 4260 ppm in soil/solid waste samples.

112. Chrysene was detected in one soil/solid waste sample at a concentration of 65.3 ppm, which exceeds its RDCSRS of 62 ppm.

113. Dibenzo(a,h)anthracene was present in soil/solid waste samples at concentrations ranging from 0.405 ppm to 10.5 ppm, which exceed the RDCSRS of 0.2 ppm. Indeno(1,2,3-cd)pyrene exceeded its RDCSRS of 0.6 ppm in three soil/solid waste samples at concentrations ranging from 0.887 ppm to 36.3 ppm.

114. Naphthalene was detected above its RDCSRS of 6 ppm in one soil/solid waste sample at a concentration of 40.2 ppm.

115. Pentachlorophenol was detected above its RDCSRS of 3 ppm in one soil/solid waste sample at a concentration of 8.15 ppm.

Biota

116. Biota, including the flora and fauna of the State, are another category of vital ecological resources. New Jersey is home to more than 2,000 plant species, which include entire communities of rare flora that cannot be found anywhere else in the world. Approximately 15% of the native plant species in New Jersey, however, are now at risk of extinction, with a total of 331 vascular plant species listed as endangered and an additional 32 that have already been wiped out.

117. New Jersey wildlife includes approximately 900 species, including 90 mammal species, 79 reptile and amphibian species, more than 400 fish species, and approximately 325 species of birds. Approximately 1.5 million shorebirds and as many as 80,000 raptors make migratory stopovers here each year.

118. At least 17% of New Jersey's native vertebrate species and 24% of its native invertebrate species are at risk of extinction.

119. New Jersey's biodiversity provides a wealth of ecological, social, and economic goods and services that are an integral part of the ecological infrastructure for cultural and economic activity in the State.

120. New Jersey's ecosystems, however, are vulnerable to pollution, degradation, and destruction from the discharge of hazardous substances and pollutants. Contamination from the discharge of hazardous substances and pollutants is one of the major causes of biodiversity loss.

121. Natural resource injuries to biota in New Jersey negatively impact not only the individual species directly involved, but the capacity of the injured ecosystems to regenerate and sustain such life into the future.

122. Sampling of biota at Ringwood Mines in 2006-2007 and 2009 collected from the PMP Area, the OCDA, and the CMP showed that contaminants had migrated into the food chain, including biota consumed by the local community.

123. Lead was detected in small mammals' tissue sampled from the OCDA at levels of up to 64.8 ppm.

124. To illustrate the significance of this level, the United States Food and Drug Administration ("FDA") limits the amount of lead in candy to 0.1 ppm and in juice to .05 ppm.

125. Lead was also detected in plant root samples taken from the OCDA, including wild carrot, at levels up to 48.4 ppm.

126. Frog tissue sampled from the PMP Area contained lead at a concentration of 4.59 ppm.

127. Tissue of Eastern gray squirrels sampled from the OCDA had lead levels of up to 0.79 ppm.

128. Low levels of lead were detected in a sample of white-tailed deer.

129. SVOCs were found in plant tissue samples from the OCDA.

130. SVOCs were found in a sample of white-tailed deer.

131. PCBs were detected in a turkey tissue sample collected from the OCDA at the report limit of 182 ppb.

132. The contamination has adversely impacted the ability of New Jersey residents to utilize streams, hunting, and foraging grounds on and around Ringwood Mines.

133. Unacceptable excess lifetime health and cancer risks are associated with the consumption of game and plants collected from the Site due to the contamination, including specifically but not exclusively due to exposure to arsenic and lead.

Air

134. Air resources are vital to life. Pollution of air resources can injure human health and welfare, flora and fauna, and property, and can unreasonably interfere with the enjoyment of life and property in areas affected by such pollution. Air deposition (i.e., air contaminants deposited on the earth's surface) can also be a source of contamination to other types of natural resources, including groundwater, surface water, sediments and soils, wetlands, forests, and biota.

135. During Ford's use of the Site as a dumping ground and continuing thereafter, vapors and fumes emanating from Ford's hazardous waste contaminated the air at the Ringwood Mines and surrounding areas.

136. Upon information and belief, Ford and its agents deliberately set fire to the hazardous waste, and the hazardous waste would spontaneously combust.

137. Upon information and belief, these fires further released toxins into the air.

138. Ford's hazardous waste and its reckless disposal of the hazardous waste injured the air quality at Ringwood Mines and surrounding areas.

139. Ford failed to timely notify DEP of the toxins it emitted, released, discharged, stored, handled, processed, and/or disposed of at the Site and other locations nearby.

140. Furthermore, Ford failed to take appropriate steps to clean up the Site and locations nearby or to mitigate the dangers created by their dumping.

Recreational Uses

141. DEP is entrusted with the care, management, and operation of New Jersey's 39 state parks and 11 forests, an essential part of the state's natural legacy. New Jersey's parks are an important source of enjoyment, education, and inspiration for the public.

142. In 2005, paint sludge was discovered along the Hasenclever Iron Trail and on adjacent properties inside Ringwood State Park.

143. Due to Ford's contamination, the public was deprived of the use of the Hasenclever Iron Trail from 2005 until 2020 when the trail was reopened through the creation of a reroute.

ON-GOING REMEDIATION EFFORTS

144. In 1983, EPA placed Ringwood Mines on the NPL, pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605.

145. In March 1984, Ford entered into an Administrative Order on Consent (AOC) with EPA which required the performance of an RI to determine the nature and extent of contamination at the Site.

146. From 1984 through 1988, Ford implemented an RI and Feasibility Study ("RI/FS") at the Site.

147. In June 1987, EPA issued Unilateral Administrative Orders (UAOs) to Ford which required the removal and off-site disposal of paint sludge and associated soil, and the performance of a Feasibility Study (FS) to evaluate potential cleanup options for any contamination remaining at the Site.

148. Pursuant to these UAOs, Ford completed a FS and removed over 7,000 cubic yards of paint sludge and associated soil from the Site in 1988.

149. As part of this removal, superficial deposits of paint sludge were removed from the northern portion of the Site near the PMP and the OCDA, and from an area near the CMP Area.

150. The Site was originally intended to be addressed as a single Operable Unit (“OU”) complemented by removal actions. In September 1988, EPA issued an ROD, now designated as OUI, for the entire Site. The ROD selected long-term monitoring of groundwater and surface water as the remedy for the Site.

151. Additional paint sludge deposits and drums were identified in the OCDA in 1989, prompting the removal of 600 cubic yards of paint sludge and 54 drum remnants in 1990.

152. Some of the drum contents were reported to have contained PCBs at concentrations in excess of 50 ppm. The soil RDCSRS cleanup standard for PCBs is .2 ppm.

153. In 1994, EPA deleted the Site from the NPL believing that all paint sludge and drums of hazardous substances had been removed from the Site.

154. Ford failed to investigate and remediate the true extent and magnitude of contamination at the Site notwithstanding the specific knowledge they possessed concerning the extent of the contamination. Ford knew or should have known of the potential for far more extensive contamination, and employed inappropriate, subjective criteria for the identification of contaminated locations on the Site. In addition, Ford knew or should have known of extensive contamination on and in other locations nearby, and failed to investigate and appropriately address such contamination.

155. Ford concealed the full extent of the contamination of the Site, and the extent of migration of toxic and hazardous waste from the Site. Ford also concealed the full extent of the

contamination in and on other locations nearby, and the extent of migration of toxic and hazardous waste from such locations.

156. From 1990 through 1995, Ford conducted a five-year Environmental Monitoring Program which provided for the sampling of monitoring wells and potable wells in the area of the Site.

157. In 1995, EPA was notified by a local resident of additional paint sludge located in a utility right-of-way near the CMP Area, prompting the removal of an additional five cubic yards of paint sludge.

158. In 1998, another resident notified EPA of the presence of paint sludge in the OCDA, prompting the removal of an additional 100 cubic yards of paint sludge and soil.

159. In September 2003, representatives of the Upper Ringwood residents wrote to EPA voicing their concern over past exposures and paint sludge remaining at the Site, but provided no details regarding the location of remaining paint sludge at that time.

160. Additional paint sludge areas were subsequently identified during an April 2004 Site visit arranged by the residents' representatives.

161. In December 2004, Ford began the voluntary removal of surficial pockets of paint sludge identified at the Site.

162. In September 2005, Ford signed an AOC which required the performance of an additional RI and risk assessment for the Site.

163. The discoveries of additional significant quantities of paint sludge at the Site prompted EPA to restore the Site to the NPL in September 2006.

164. Subsequent to the restoration of the Site to the NPL, EPA created two additional operable units, OU2 and OU3.

165. OU2 addresses waste, fill material, and soil located in the PMP, CMP, and OCDA. The FSs for these areas of concern evaluated a range of remedial options to limit direct exposure to contaminated soil and fill material and to mitigate their potential to serve as a source of contamination to groundwater and surface water.

166. OU3 addresses site-wide groundwater and mine water contamination.

167. In May 2010, Ford signed an AOC which requires the performance of FSs for the PMP, CMP and OCDA of the Site, as well as Site-Related Groundwater Contamination.

168. In 2010, DEP obtained access to 18 residential properties at the Site in order to conduct investigations for Site-related contamination. DEP conducted soil investigations on these properties in 2010 and 2011. The results of these investigations revealed elevated levels of lead on some properties.

169. In the fall of 2011, EPA initiated a removal action to delineate any contamination on additional residential properties at the Site, and to remove any lead-contaminated soils and paint sludge identified on the residential properties. A total of 37 residential properties were assessed by EPA as part of this removal action, and lead-contaminated soil or paint sludge was removed from 23 of these properties.

170. Final RI and FS Reports for the PMP, CMP and OCDA were submitted to EPA in 2012 and 2013.

171. On June 30, 2014, EPA selected a remedy for OU2 embodied in the ROD.

172. The selected remedy for the PMP Area requires dewatering a pond; excavating waste and fill material down to the water table; filling in the excavated area with clean materials; installing geotextile fabric and an engineered soil cap over the clean fill; long-term monitoring of the cap; and monitoring of groundwater until the OU3 remedy was selected.

173. The selected remedy for the CMP Area requires the consolidation of shallow fill; excavation and off-site disposal of any discovered drums of hazardous waste; capping with a permeable engineered soil cap stabilized with restored vegetation; long-term monitoring of the cap; and monitoring of groundwater until the OU3 remedy was selected.

174. The selected remedy for the OCDA required excavation of waste/fill to the top layer of mine tailings and placement of topsoil to promote revegetation, restoration of disturbed wetlands, and monitoring of groundwater until the OU3 remedy was selected.

175. The OU2 ROD also noted that an engineered cap over the consolidated waste/fill would be similarly protective of the OCDA. Thus, the OU2 ROD also included a contingency remedy of installation of an engineered cap over the consolidated waste/fill within the OCDA if certain prerequisites were met, based on the Borough of Ringwood's desire to build a new recycling center on the OCDA.

176. The contingency capping remedy requires consolidation of waste/fill to the center of the OCDA; installation of a permeable soil cap on this center area; placement of fill in other areas of the OCDA not under the cap; installation of fencing and/or boulders to prevent access to the cap; long-term monitoring of the cap; and monitoring of groundwater until the OU3 remedy was selected.

177. On April 15, 2015, EPA issued an ESD that selected the contingency capping remedy to allow the Borough of Ringwood to build a new recycling center on the OCDA.

178. The ROD for OU3 was executed on September 29, 2020.

179. Wells must be installed in the PMP Area/OCDA of Ringwood Mines to allow for the in-situ treatment of groundwater contaminants.

180. Long-term groundwater and surface water monitoring will be conducted in and downstream of Ringwood Mines to monitor the threat of contaminants migrating downstream, including to the Wanaque Reservoir.

181. A Classification Exception Area/Well Restriction Area (“CEA/WRA”) must be implemented as an institutional control (“IC”) to restrict the future withdrawal and use of Site groundwater that contains contaminants at concentrations in excess of New Jersey Groundwater Quality Standards, which, upon information and belief, will not be returned to its pre-discharge conditions following the completion of remediation.

182. The PMP Airshaft must be permanently closed, and granular activated carbon (“GAC”) and resin must be introduced at the base of the airshaft prior to permanent closure to absorb organic contaminants.

183. Displaced water must be treated through filtration and GAC before discharging the water into the surrounding groundwater.

184. Ford has removed over 53,500 tons of paint sludge and associated soil from 15 distinct areas of the Site, in addition to the OCDA and the PMP Area, since December 2004.

185. While remediation efforts are ongoing, natural resources at and surrounding Ringwood Mines remain contaminated with hazardous substances, as defined in N.J.S.A. 58:10-23.11b.

186. The “natural resources” of this State, as defined in N.J.S.A. 58:10-23.11b, including the waters of the State, have been injured as a result of the discharges of hazardous substances at the Ringwood Mines.

187. Plaintiffs have incurred, and will likely continue to incur, costs and damages including lost value and reasonable assessment costs, for the natural resources of this State that have been, or may be, injured as a result of the discharge of hazardous substances at Ringwood Mines.

FIRST COUNT
Spill Act

188. Plaintiffs repeat each allegation of the preceding paragraphs above as though fully set forth in its entirety herein.

189. Pursuant to N.J.S.A. 58:10-23.11e, “[a]ny person who may be subject to liability for a discharge which occurred prior to or after the effective date of the act of which this act is amendatory shall immediately notify [DEP].”

190. Pursuant to N.J.S.A. 58:10-23.11u.b, “[t]he department may commence a civil action in Superior Court for, singly or in combination ... (2) the costs of any investigation, cleanup or removal, and for the reasonable costs of preparing and successfully litigating an action under this subsection; (3) the cost of restoring, repairing, or replacing real or personal property damaged or destroyed by a discharge, any income lost from the time the property is damaged to the time it

is restored, repaired or replaced, and any reduction in value of the property caused by the discharge by comparison with its value prior thereto; (4) the cost of restoration and replacement, where practicable, of any natural resource damaged or destroyed by a discharge; (5) any other costs incurred by the department pursuant to P.L. 1976, c.141.”

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

192. Except as otherwise provided in N.J.S.A. 58:10-23.11g.12, which is not applicable here, 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).

193. Plaintiffs have incurred, and will continue to incur, damages, including lost value and reasonable assessment costs, for the natural resource of this State and State Park that have been, or may be, injured as a result of the discharge of hazardous substances at the Ringwood Mines.

194. The Administrator has certified, and may continue to certify, for payment, valid claims made against the Spill Fund concerning the Site, and, further, has approved, and may continue to approve, other appropriations for the Site.

195. As a result of the discharge of hazardous substances at the Ringwood Mines, Plaintiffs have incurred, and may continue to incur, costs.

196. The costs and damages 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.

197. Plaintiffs have not recouped any cleanup and removal costs resulting from the discharge of hazardous substances at Ringwood Mines incurred after the effective date of the 2020 Consent Decree beyond those in connection with OU2.

198. Pursuant to N.J.S.A. 58:10-23.11u.a.(1)(a) and N.J.S.A. 58:10-23.11u.b., 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 DEP incurs under the Spill Act, N.J.S.A. 58:10-23.11u.b.(5).

199. Pursuant to N.J.S.A. 58:10-23.11q., the Administrator is authorized to bring an action in the Superior Court for any unreimbursed costs or damages paid from the Spill Fund.

200. Pursuant to N.J.S.A. 58:10-23.11e, -23.11u, DEP may assess a civil penalty of up to \$50,000 for each violation of the Spill Act, and each day's continuance of the violation constitutes a separate violation.

201. Defendants began discharging or causing to be discharged hazardous substances at Ringwood Mines in or around 1967.

202. Defendants continued discharging or causing to be discharged hazardous substances at Ringwood Mines until in or around 1971.

203. On April 1, 1977, the Spill Act was enacted.

204. To this day, it remains unknown whether Defendants have disclosed every discharge of hazardous waste at Ringwood Mines to DEP.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

- a. Order Defendants to reimburse Plaintiffs, jointly and severally, without regard to fault, for all cleanup and removal costs and damages they have incurred and not yet recouped or settled, including lost value and reasonable assessment costs for any natural resource of this State and State Park injured as a result of the discharge of hazardous substances at Ringwood Mines, with applicable interest;
- b. Enter declaratory judgment against each Defendant, jointly and severally, without regard to fault, for all cleanup and removal costs and damages Plaintiffs will incur, and have not yet recouped or settled, including primary restoration damages and lost value and reasonable assessment costs, for any natural resource of this State and State Park injured as a result of the discharge of hazardous substances at Ringwood Mines;
- c. Enter judgment against Defendants, jointly and severally, without regard to fault, compelling each Defendant to perform, under Plaintiffs' oversight, or to fund Plaintiffs' performance of any further assessment of any natural resource of the State and State Park that has been or may be injured as a result of the discharge of hazardous substances at the Ringwood Mines, and compelling each Defendant to compensate the citizens of New Jersey for the lost value of any injured natural resource of the State and State Park, including primary restoration damages;
- d. Award Plaintiffs their costs and fees in this action;

- e. Enter an order awarding civil penalties of up to \$50,000 for each unreported discharge for every day that the discharge remained unreported; and
- f. Award Plaintiffs such other relief as this Court deems appropriate.

SECOND COUNT
Water Pollution Control Act

205. Plaintiffs repeats each allegation of the preceding paragraphs above as though fully set forth in its entirety herein.

206. Each defendant is a “person” within the meaning of N.J.S.A. 58:10A-3.

207. Except as otherwise exempted pursuant to N.J.S.A. 58:10A-6d. and p., which are not applicable here, it is unlawful for any person to discharge any pollutant except to the extent the discharge conforms with a valid New Jersey Pollutant Discharge Elimination System permit issued by the Commissioner pursuant to the WPCA, or pursuant to a valid National Pollutant Discharge Elimination System permit issued pursuant to the federal Water Pollution Control Act, 33 U.S.C.A. §§1251 to - 1387. N.J.S.A. 58:10A-6a.

208. The unauthorized discharge of pollutants is a violation of the WPCA for which any person who is the discharger is strictly liable, without regard to fault. N.J.S.A. 58:10A-6a.

209. Plaintiffs have incurred, and will continue to incur, costs that have not yet been recouped or settled, as a result of the discharge of pollutants at Ringwood Mines.

210. Plaintiffs also have incurred, and will continue to incur, costs and damages not yet recouped or settled, including compensatory damages and other damages for the natural resources of this State and State Park that have been, or may be, injured, lost or destroyed as a result of the discharge of pollutants at Ringwood Mines.

211. The costs and damages Plaintiffs have incurred and will incur, that have not yet been recouped or settled, for Ringwood Mines are recoverable within the meaning of N.J.S.A. 58:10A-10c.(2)-(4).

212. Defendants and/or their respective predecessors discharged pollutants at Ringwood Mines, and the discharges were neither permitted pursuant to N.J.S.A. 58:10A-6a., nor exempted pursuant to N.J.S.A. 58:10A-6d. or N.J.S.A. 58:10A-6p., and so Defendants are liable, without regard to fault, for all costs and damages, not yet recouped or settled, including compensatory damages and any other damages for the natural resources of this State and State Park that have been, or may be, injured, lost or destroyed as a result of the discharge of pollutants at Ringwood Mines. N.J.S.A.58:10A-6a.

213. Pursuant to N.J.S.A. 58:10A-10c., the Commissioner may bring an action in the Superior Court for injunctive relief, N.J.S.A. 58:10A-10c.(1); for the reasonable costs of any investigation, inspection, or monitoring survey which led to establishment of the violation, including the costs of preparing and litigating the case, N.J.S.A. 58:10c.(2); any reasonable cost incurred by the State in removing, correcting, or terminating the adverse effects upon the quality of its natural resources resulting from any unauthorized discharge of pollutants for which action under this subsection may have been brought, N.J.S.A. 58:10A-10c.(3); compensatory damages and any other damages for any natural resource of this State that has been, or may be, lost or destroyed as a result of the unauthorized discharge of pollutants at Ringwood Mines, N.J.S.A. 58:10A-10c.(4); and the amount of any economic benefits accruing to the violator from any violation, including savings realized from avoided capital or noncapital costs resulting from the violation, the return earned or that may be earned on the amount of avoided costs, any benefits

accruing as a result of a competitive market advantage enjoyed by reason of the violation, or any other benefit resulting from the violation, N.J.S.A. 58:10A-10c.(5).

214. Pursuant to N.J.S.A. 10A-10(e) a person who violates the act is subject to a civil penalty not to exceed \$50,000.00 per day of such violation, and each day's continuance of the violation shall constitute a separate violation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

- a. Enter an order assessing Defendants, without regard to fault, the reasonable costs for any investigation, inspection, or monitoring survey, which led to establishment of the violation, including the costs of preparing and litigating the case;
- b. Enter declaratory judgment against Defendants, without regard to fault, assessing all reasonable costs that will be incurred for any investigation, inspection, or monitoring survey, which led, or will lead, to establishment of the violation, including the costs of preparing and litigating the case;
- c. Enter an order assessing against Defendants, without regard to fault, all compensatory damages and other damages, including primary restoration damages, incurred for any natural resources of this State and State Park that has been, or may be, injured, lost or destroyed as a result of the unauthorized discharge of pollutants at Ringwood Mines, with applicable interest;
- d. Enter declaratory judgment against Defendants, without regard to fault, assessing all compensatory damages and other damages, including primary

restoration damages, for any natural resource of this State and State Park that has been, or may be, injured, lost or destroyed as a result of the unauthorized discharge of pollutants at Ringwood Mines;

e. Enter an order assessing Defendants, without regard to fault, the amount of any economic benefits they have accrued, including any savings realized from avoided capital or noncapital costs, the return they have earned on the amount of avoided costs, any benefits that Defendants have enjoyed as a result of a competitive market advantage, or any other benefit they have received as a result of having violated the WPCA;

f. Enter an order assessing a civil penalty against Defendants for violation of the Act;

g. Enter declaratory judgment against Defendants, without regard to fault, assessing the amount of any economic benefits that will accrue to them, including any savings to be realized from avoided capital or noncapital costs, the return to be earned on the amount of avoided costs, any benefits that will accrue as a result of a competitive market advantage those Defendants have enjoyed, or any other benefit that will accrue to them as a result of having violated the WPCA;

h. Award Plaintiffs' costs and fees in this action; and

i. Award Plaintiffs such other relief as this Court deems appropriate.

THIRD COUNT
Solid Waste Management Act

215. The Commissioner repeats each allegation of the preceding paragraphs above as though fully set forth in its entirety herein.

216. Defendants each constitute a “person” within the meaning of the Solid Waste Management Act (“SWMA”) and its implementing regulations. N.J.A.C. 7:26-1.4.

217. Defendants disposed of and/or stored solid wastes, and operated sludge disposal at Ringwood Mines, among other actions, in violation of the SWMA.

218. Defendants disposed of and/or stored solid wastes without, *inter alia*, filing an application for a registration statement or engineering design approval and obtaining approval from DEP. N.J.S.A. 13:1E-3, 13:1E-5.

219. Pursuant to N.J.A.C. 7:26-1.1, -1.7, and -1.8, unless subject to exemptions that do not apply here, it is unlawful for any person to construct or operate a solid waste facility without first obtaining a solid waste facility permit within the meaning of N.J.A.C. 7:26-1.4. N.J.S.A. 13:1E-9(d).

220. The SWMA also makes unlawful the intra-plant transport, temporary storage, or other handling of plant-generated waste materials where those materials (1) are deposited on or in the lands of the State for periods exceeding six months, or (2) will cause pollution—whether through transport, storage, or other handling—of the surface or groundwater of the State or may pose a substantial or material threat to the public health, safety, or welfare. N.J.A.C. 7:26-1.1(a)(6).

221. Plaintiffs have incurred, and will continue to incur, costs and damages, not yet recouped or settled, including compensatory damages and any other damages, for natural resources

of this State that have been, or may be, lost or destroyed as a result of, *inter alia*, Defendants' unlawful disposal and/or storage of solid waste at Ringwood Mines, and operation of solid waste facilities at Ringwood Mines, and other actions.

222. Defendants' unlawfully operated solid waste facilities at Ringwood Mines, the operation of which was neither permitted pursuant to a valid solid waste facility permit issued pursuant to N.J.A.C. 7:26-1.1 et seq., nor exempted pursuant to N.J.A.C. 7:26-1.1, -1.7, and/or -1.8, and is liable for all costs and damages, including compensatory damages and any other damages for natural resources of this State and State Park that have been, or may be, lost or destroyed as a result.

223. Pursuant to N.J.S.A. 13:1E-9(d), the Commissioner may bring an action in the Superior Court for the costs of any investigation, inspection, or monitoring survey which led to establishment of the violation, including the costs of preparing and litigating the case, N.J.S.A. 13:1E-9(d)(2); for any cost incurred by the State in removing, correcting, or terminating the adverse effects upon water and air quality resulting from any violation of any provision of the SWMA or any rule, regulation, or condition of approval for which an action under this subsection is brought, N.J.S.A. 13:1E-9(d)(3); for compensatory damages for any loss or destruction of wildlife, fish, or aquatic life, and any other damages caused by any violation of any provision of the SWMA or any rule, regulation, or condition of approval for which an action under this subsection is brought, N.J.S.A. 13:1E-9(d)(4); and for civil penalties of up to \$50,000.00 per day, N.J.S.A. 13:1E-9(f).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

- a. Order Defendants to pay the costs of any investigation, inspection, or monitoring survey, which led to establishment of the violation, including the costs of preparing and litigating the case;
- b. Find Defendants liable, jointly and severally, for all costs that will be incurred for any investigation, inspection, or monitoring survey, which led, or will lead, to establishment of the violation, including the costs of preparing and litigating the case;
- c. Order Defendants to pay all costs, not otherwise recouped or settled, that have been incurred, or will be incurred, by the State in removing, correcting, or terminating the adverse effects of a violation of any provision of the SWMA or any rule, regulation, or condition of approval for which the action has been brought, including primary restoration damages, upon the natural resources of this State and any State Park;
- d. Order Defendants to pay all compensatory damages and other damages, not otherwise recouped or settled, that have been incurred or will be incurred, including primary restoration damages, with applicable interest, for natural resources of this State and any State Park that have been, or may be, injured, lost or destroyed as a result of Defendants' violation of the SWMA;
- e. Find Defendants liable, jointly and severally, for any injury, loss or destruction of natural resources and any State Park, including primary restoration

damages, and any other damages resulting from Defendants' violation of the SWMA;

- f. Enter an order awarding civil penalties of up to \$50,000.00 per day;
- g. Award Plaintiffs the costs and fees in this action, including attorneys' fees, incurred in prosecuting this action, together with prejudgment interest, to the full extent permitted by law; and
- h. Award Plaintiffs such other monetary relief as this Court deems appropriate.

FOURTH COUNT
Public Nuisance

224. Plaintiffs repeat each allegation of the preceding paragraphs above as though fully set forth in its entirety herein.

225. The State has a quasi-sovereign interest in the integrity of its natural resources and the well-being of its residents.

226. The contamination at Ringwood Mines constitutes a physical invasion of public property and an unreasonable and substantial interference, both actual and potential, with the integrity of the natural resources of the State.

227. The State holds its groundwater, sediments, land, fish, wildlife, biota, air, and water in trust for the benefit of the public.

228. The State owns State Parks for the use and enjoyment of the public.

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

230. The natural resource contamination at Ringwood Mines 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.

231. As long as the groundwater, sediments, land, fish, wildlife, biota, air, and/or water remain contaminated due to Defendants' conduct, the public nuisance continues.

232. Until the groundwater, sediments, land, fish, wildlife, biota, air, and water is restored to its pre-injury quality, Defendants are liable for the creation, and continued maintenance, of a public nuisance in contravention of the public's common right to clean and healthy natural resources.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray that this Court:

- a. Order Defendants to reimburse the Plaintiffs for all cleanup and removal costs that the Plaintiffs have incurred but have not yet been recouped or settled, including reasonable assessment costs for any natural resource of this State and State Park injured as a result of the discharge of hazardous substances and pollutants at Ringwood Mines, with applicable interest;
- b. Enter declaratory judgment against Defendants for all cleanup and removal costs, including reasonable assessment costs, that the Plaintiffs will incur, including primary restoration damages, for any natural resource of this State and State Park injured as a result of the discharge of hazardous substances and pollutants at Ringwood Mines;

- c. Enter declaratory judgment against each Defendant, compelling each Defendant to perform, under Plaintiffs' oversight, or to fund Plaintiffs' performance of any further assessment of any natural resource and State Park that has been or may be injured as a result of the discharge of hazardous substances and pollutants at Ringwood Mines, including primary restoration damages, compelling Defendants to compensate the citizens of New Jersey for the lost value of any injured natural resource of the State and any State Park;
- d. Award Plaintiffs their costs and fees in this action; and
- e. Award Plaintiffs such other relief as this Court deems appropriate.

FIFTH COUNT
Trespass

233. Plaintiffs repeat each allegation of the preceding paragraphs above as though fully set forth in its entirety herein.

234. The State has a quasi-sovereign interest in the integrity of its natural resources and the well-being of its residents.

235. Groundwater, sediments, land, fish, wildlife, biota, air, and water are natural resources of the State held in trust by the State for the people of New Jersey.

236. The State owns State Parks for the use and enjoyment of the public.

237. Block 601, Lot 14.01 of Ringwood Mines makes up a portion of state-owned Ringwood State Park.

238. The hazardous substances in the natural resources constitute a physical invasion of the public's property without permission or license.

239. Each Defendant is liable for trespass, and continued trespass, because the hazardous substances and pollutants in the natural resources at Ringwood Mines resulted from discharges of hazardous substances and pollutants at Ringwood Mines.

240. As long as the natural resources remain contaminated due to Defendants' conduct, the trespass continues.

241. Until the natural resources are restored to their pre-discharge condition, Defendants are liable for trespass, and continued trespass, upon public property.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray that this Court:

- a. Order Defendants to reimburse the Plaintiffs for all cleanup and removal costs and damages that the Plaintiffs have incurred that have not yet been recouped or settled, including the lost value and reasonable assessment costs for any natural resource of this State and State Park injured as a result of the discharge of hazardous substances and pollutants at Ringwood Mines, with applicable interest;
- b. Enter declaratory judgment against Defendants for all cleanup and removal costs and damages that the Plaintiffs may incur, that have not yet been recouped or settled, including primary restoration damages and the lost value and reasonable assessment costs for any natural resource of this State and State Park injured as a result of the discharge of hazardous substances and pollutants at Ringwood Mines;

- c. Enter judgment against Defendants, compelling Defendants to perform, under Plaintiffs' oversight, or to fund Plaintiffs' performance of any further assessment of any natural resource and State Park that has been or may be injured as a result of the discharge of hazardous substances and pollutants at Ringwood Mines, and compelling Defendants to compensate the citizens of New Jersey for the lost value of any injured natural resource of the State;
- d. Award Plaintiffs their costs and fees in this action;
- e. Award Plaintiffs such other relief as this Court deems appropriate.

SIXTH COUNT
Negligence

242. Plaintiffs repeat each allegation of the preceding paragraphs above as though fully set forth in their entirety herein.

243. Defendants and/or their predecessors owed a duty to Plaintiffs and the public to exercise reasonable care to avoid creating an unreasonable risk of harm to the natural resources of the State and the public health.

244. Defendants and/or their predecessors owed a duty to Plaintiffs and the public to refrain from discharging hazardous substances and pollutants.

245. Defendants and/or their predecessors had a non-delegable duty to use due care in maintaining, monitoring, and operating the Site, and/or in removing and transporting the waste from Mahwah Assembly and disposing of it in a safe and lawful manner.

246. Defendants' conduct and/or the conduct of their predecessors breached their duty to the Plaintiffs and the public.

247. Defendants breached their duty by, among other things, disposing of the waste in a negligent, careless, and reckless manner.

248. Beginning in or around 1965 and continuing thereafter, Defendants facilitated, directed, allowed, permitted, and/or caused industrial and other waste from Mahwah Assembly to be emitted, released, discharged, stored, handled, processed, disposed of and/or dumped in mine pits and other areas in Ringwood Mines, as well as on and in other locations nearby.

249. The toxic and hazardous waste dumped by Defendants on the Site included paint sludge, heavy metals, lead, arsenic, benzene, SVOCs, solvents, PCBs, and other toxins.

250. Defendants' dumping of toxic and hazardous waste at Ringwood Mines violated then existing laws, regulations and guidelines, such as prohibition of incineration or burning applicable to persons generating, managing, storing, using, transporting and disposing of hazardous and toxic substances.

251. Defendants' breach of their duty foreseeably caused the contamination of the natural resources of Ringwood Mines, including groundwater, sediments, land, fish, wildlife, biota, air, and water, and created a public health risk, as more particularly described in this Complaint.

252. As a result of the negligence of Defendants and/or their predecessors at and from Ringwood Mines, the Plaintiffs have incurred and will continue to incur costs and natural resource damages due to injuries to the natural resources of the State; all of which was proximately caused by Defendants and/or their predecessors.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray that this Court:

- a. Order Defendants to reimburse the Plaintiffs for all cleanup and removal costs and damages that the Plaintiffs have incurred, that have not yet been recouped or settled, including the lost value and reasonable assessment costs for any natural resource of this State and State Park injured as a result of the discharge of hazardous substances and pollutants at Ringwood Mines, with applicable interest;
- b. Enter declaratory judgment against Defendants for all cleanup and removal costs and damages that the Plaintiffs may incur, that have not yet been recouped or settled, including primary restoration damages and the lost value and reasonable assessment costs for any natural resource of this State and State Park injured as a result of the discharge of hazardous substances and pollutants at Ringwood Mines;
- c. Enter judgment against Defendants, compelling Defendants to perform, under the Plaintiffs' oversight, or to fund the Plaintiffs' performance of, any further assessment of any natural resource and State Park that has been, or may be, injured as a result of the discharge of hazardous substances and pollutants at Ringwood Mines, and compelling Defendants to compensate the citizens of New Jersey for the lost value of any injured natural resource of the State;
- d. Award the Plaintiffs their costs and fees in this action;
- e. Award the Plaintiffs such other relief as this Court deems appropriate.

SEVENTH COUNT
Strict Liability

253. The Plaintiffs repeat each allegation of the preceding paragraphs above as though fully set forth in their entirety herein.

254. Hazardous substances, as defined in N.J.S.A 58:10-23.11b, were emitted, released, discharged, stored, handled, processed, disposed of and/or dumped at Ringwood Mines.

255. During the time that Ford and their predecessors owned and operated Ringwood Mines, the hazardous substances were discharged at and from Ringwood Mines into the natural resources of the State, thereby causing damages to and destruction of the natural resources and private property and creating a public health hazard.

256. The manner in which Defendants emitted, released, discharged, stored, handled, processed, disposed of, and/or dumped the hazardous substances posed a high risk of harm to the public and natural resources of the State on and surrounding Ringwood Mines.

257. The manner in which Defendants emitted, released, discharged, stored, handled, processed, disposed of, and/or dumped the hazardous substances at Ringwood Mines could not have been carried out more safely through the exercise of due care.

258. The manner in which Defendants emitted, released, discharged, stored, handled, processed, disposed of, and/or dumped the hazardous substances at Ringwood Mines is and was not common practice.

259. Defendant's emission, release, discharge, storage, handling, processing, disposal, and/or dumping of hazardous substances at Ringwood Mines was inappropriate.

260. The manner in which Defendants emitted, released, discharged, stored, handled, processed, disposed of, and/or dumped the hazardous substances outweighed the related products' utility.

261. By emitting, releasing, discharging, storing, handling, processing, disposing of, and/or dumping hazardous substances and pollutants as more specifically noted above, at and from Ringwood Mines and within the State's natural resources in such a manner as to cause damage and destruction, Defendants and/or their predecessors engaged in an abnormally dangerous activity for which they are strictly liable.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray that this Court:

- a. Order Defendants to reimburse the Plaintiffs for all cleanup and removal costs and damages that the Plaintiffs have incurred or will incur, but have not yet recouped or settled, including the lost value and reasonable assessment costs for any natural resource of this State and State Park injured as a result of the discharge of hazardous substances and pollutants at Ringwood Mines, with applicable interest;
- b. Enter declaratory judgment against Defendants for all cleanup and removal costs and damages that the Plaintiffs may incur, that have not yet been recouped or settled, including primary restoration damages and the lost value and reasonable assessment costs for any natural resource of this State and State Park injured as a result of the discharge of hazardous substances and pollutants at Ringwood Mines;

- c. Enter judgment against Defendants, compelling Defendants to perform, under Plaintiffs' oversight, or to fund Plaintiffs' performance of, any further assessment of any natural resource and State Park that has been, or may be, injured as a result of the discharge of hazardous substances and pollutants at Ringwood Mines, and compelling Defendants to compensate the citizens of New Jersey for the lost value of any injured natural resource of the State;
- d. Award the Plaintiffs their costs and fees in this action;
- e. Award the Plaintiffs such other relief as this Court deems appropriate.

EIGHTH COUNT
Punitive Damages

262. The Plaintiffs repeat each allegation of the preceding paragraphs above as though fully set forth in its entirety herein.

263. Defendants' acts, as set forth above, were reckless and accompanied by wanton and willful disregard for the rights, welfare, safety, and health of the citizens and residents of New Jersey, persons who foreseeably might be harmed by their acts and omissions.

264. Defendants intentionally released, discharged, stored, handled, processed, disposed of, and dumped industrial and hazardous waste from Mahwah Assembly in mine pits and other areas of Ringwood Mines and on or in other locations nearby, while failing to warn residents about the dangers such activities posed.

265. Defendants were aware of the extent of the contamination of the Site resulting from the company's release, discharge, storage, handling, processing, disposal and dumping of hazardous and toxic waste.

266. Ford divested itself of the Site by selling and donating portions of the property without fully disclosing the presence of the contamination to the buyers or donees in an attempt to escape responsibility for the clean-up of and liability for the contamination at Ringwood Mines.

267. During Defendants' first remediation of the Site between 1983 and 1994, Defendants concealed the full extent of the contamination, thereby enabling Ford to avoid taking all appropriate steps to clean up the contamination and mitigate the harm caused by their dumping.

268. At all times pertinent hereto, the conduct of Defendants in the use, disposal, release, discharge, transportation, storage, disposal, and/or handling of hazardous and toxic substances, or concealment of knowledge of same, that have caused, or threaten to cause bodily injury and/or death, and damage to the natural resources of this State and a State Park, were deliberate acts or omissions taken with a wanton and willful disregard for the welfare of the residents of New Jersey.

269. Defendants failed to timely notify DEP of all discharges at Ringwood Mines.

270. As a direct and proximate result of Defendants' wanton and willful conduct, groundwater, surface water, sediments, soils, biota, air, and other natural resources at and around Ringwood Mines and a State Park have become contaminated and injured.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs pray that this Court:

- a. Find that Defendants engaged in willful and wanton conduct;
- b. Award Plaintiffs punitive damages in an amount to be determined by the trier of fact;

- c. Award the Plaintiffs their costs and fees in this action, including attorneys' fees, incurred in prosecuting this action, together with prejudgment interest, to the full extent permitted by law; and
- d. Award Plaintiffs such other monetary relief as this Court deems appropriate.

MATTHEW J. PLATKIN, ACTING
ATTORNEY GENERAL OF NEW
JERSEY
Attorney for Plaintiffs

By: /s/ Thomas Lihan
Thomas Lihan
Deputy Attorney General

By: /s/ Carley A. Doyle
Carley A. Doyle
Deputy Attorney General

LOCKS LAW FIRM
3 Becker Farm Road, Suite 105
Roseland, NJ 07068
Special Counsel to the Attorney General

By: /s/ Alfred M. Anthony
Alfred M. Anthony, Esq.

THE LANIER LAW FIRM, P.C.
10940 W. Sam Houston Pkwy N., Suite 100
Houston, TX 77064
Special Counsel to the Attorney General

By: /s/ Richard D. Meadow
Richard D. Meadow, Esq.

HAUSFELD LLP
325 Chestnut Street, Suite 900
Philadelphia, PA 19106
Special Counsel to the Attorney General

By: /s/ Katie R. Beran
Katie R. Beran, Esq.

Dated: July 16, 2022

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, the Court is advised that Richard D. Meadow, Esq. 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).

JURY DEMAND

Plaintiffs demand a trial by jury on all issues so triable.

MATTHEW J. PLATKIN, ACTING
ATTORNEY GENERAL OF NEW
JERSEY
Attorney for Plaintiffs

By: /s/ Thomas Lihan
Thomas Lihan
Deputy Attorney General

By: /s/ Carley A. Doyle
Carley A. Doyle
Deputy Attorney General

LOCKS LAW FIRM
3 Becker Farm Road, Suite 105
Roseland, NJ 07068
Special Counsel to the Attorney General

By: /s/ Alfred M. Anthony
Alfred M. Anthony, Esq.

THE LANIER LAW FIRM, P.C.
10940 W. Sam Houston Pkwy N., Suite 100
Houston, TX 77064
Special Counsel to the Attorney General

By: /s/ Richard D. Meadow
Richard D. Meadow, Esq.

HAUSFELD LLP
325 Chestnut Street, Suite 900
Philadelphia, PA 19106
Special Counsel to the Attorney General

By: /s/ Katie R. Beran
Katie R. Beran, Esq.

Dated: July 16, 2022



New Jersey Judiciary
Civil Practice Division

Civil Case Information Statement (CIS)

Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1. Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed, or attorney’s signature is not affixed.

For Use by Clerk’s Office Only

Payment type <input type="checkbox"/> check <input type="checkbox"/> charge <input type="checkbox"/> cash	Charge/Check Number	Amount \$	Overpayment \$	Batch Number
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Attorney/Pro Se Name Alfred M. Anthony, Esq.	Telephone Number (973) 671-1940 ext.	County of Venue Bergen <input type="button" value="v"/>
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Firm Name (if applicable) Locks Law Firm	Docket Number (when available)
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Office Address - Street 3 Becker Farm Road	City Roseland	State NJ	Zip 07068
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Document Type Complaint and Jury Demand	Jury Demand <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Name of Party (e.g., John Doe, Plaintiff) Nj Dept. of Env. Protection, et al., Plaintiffs	Caption Nj Dept. of Env. Protection, et al. v. Ford Motor Company, et al.
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Case Type Number (See page 3 for listing) 156

Are sexual abuse claims alleged? Yes No

Does this case involve claims related to COVID-19? Yes No

Is this a professional malpractice case? Yes No

If “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? If “Yes,” list docket numbers	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	---

Do you anticipate adding any parties (arising out of same transaction or occurrence)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	---

Name of defendant’s primary insurance company (if known)	<input type="checkbox"/> None <input checked="" type="checkbox"/> Unknown
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The Information Provided on This Form Cannot be Introduced into Evidence.

Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation

Do parties have a current, past or recurrent relationship? Yes No

If "Yes," is that relationship:

- Employer/Employee Friend/Neighbor Familial Business
 Other (explain) _____

Does the statute governing this case provide for payment of fees by the losing party? Yes No

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition.



Do you or your client need any disability accommodations? Yes No

If yes, please identify the requested accommodation:

Will an interpreter be needed? Yes No

If yes, for what language?

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Attorney/Self-Represented Litigant Signature: /s/ Alfred M. Anthony