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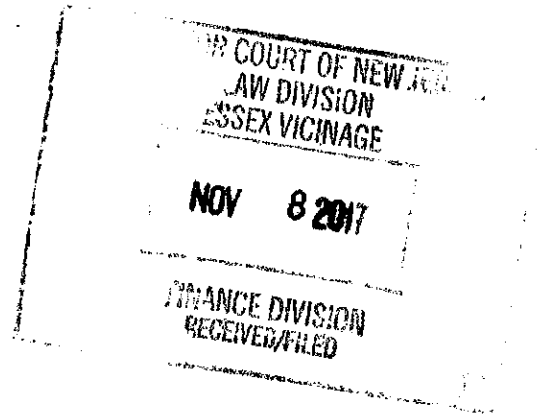
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November 8, 2017

VIA HAND DELIVERY/LAWYER'S SERVICE

Superior Court of New Jersey
Deputy Clerk of the Superior Court
Essex Vicinage
50 West Market Street
Newark, New Jersey 07102



Re: *Jacqueline Sutton, et al. v. Hoffmann-La Roche Inc., et al.; Hoffmann-La Roche Inc., Defendant/Third-Party Plaintiff, v. The Township of Nutley, New Jersey, et al.; The City of Clifton, New Jersey, Third-Party Plaintiff, v. E.I. du Pont de Nemours and Company, et al.; Hoffmann-La Roche Inc., Defendant/Third-Party Plaintiff, v. Lockheed Martin Corporation; Deluxe Corporation, Defendant/Third-Party Defendant/Third-Party Plaintiff v. Louis Berger Group, Inc., et al.*

Docket No. ESX-L-8724-14

Dear Sir or Madam:

We serve as counsel to Plaintiffs in the above-referenced matter. For filing, please find enclosed an original and two copies of Plaintiffs' Third Amended Complaint, with Exhibits, and the Court Order permitting the filing of same. Please return one copy stamped filed in the self-addressed and stamped enclosed Federal Express envelope.

Please charge our Superior Court Account No. 141826 for any applicable filing fee. Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "H. Davis".

Howard P. Davis, Esq.

Enc.

cc: See attached Certification of Service

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Counsel for Plaintiffs

JACQUELINE SUTTON and MELANIE
RYAN, On behalf of Themselves and all
Others Similarly Situated,

Plaintiffs,

v.

HOFFMANN-LA ROCHE INC.; THE CITY
OF CLIFTON, NEW JERSEY; THE
TOWNSHIP OF NUTLEY, NEW JERSEY;
DELUXE CORPORATION; JOHN DOES 1-
100 (names being fictitious and unknown);
and XYZ CORPORATIONS 1-100 (names
being fictitious and unknown),

Defendants.

HOFFMANN-LA ROCHE INC.,

Defendant/Third-Party Plaintiff,

v.

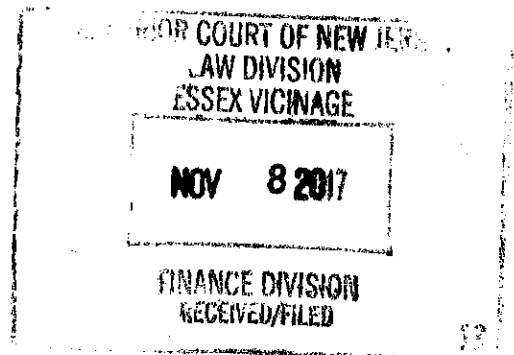
THE TOWNSHIP OF NUTLEY, NEW
JERSEY, DELUXE CORPORATION;
BRIAD GROUP; S&H Ltd.; CLIFTON
LIFESTYLE CENTER, LLC; MERCER
ENGINEERING WORKS; MERCER-
ROBINSON COMPANY; BENNETT

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

DOCKET NO. ESX-L-008724-14

CIVIL ACTION

THIRD AMENDED COMPLAINT



MACHINERY CORPORATION; JOHN DUSENBERY CO., INC.; INTERNATIONAL PAPER COMPANY; NEVINS COMPANY; NEVINS-CHURCH PRESS; UNION BAG-CAMP PAPER CORPORATION; UNION CAMP CORPORATION; LUBRIZOL CORPORATION; LUBRIZOL ADVANCED MATERIAL, INC.; SCHER BROTHERS; SCHER CHEMICAL, INC.; NOVEON, INC.; MAJOR AUTOMOTIVE PRODUCTS COMPANY; MAJOR ENTERPRISES, INC.; SCANDIA PACKAGING MACHINERY COMPANY; MOTIVA ENTERPRISES, LLC; SHELL OIL COMPANY; UTZTI, LLC; UTZ TECHNOLOGIES, INC.; UTZ ENGINEERING, INC.; LYNN HOLDINGS, LLC; DIME REALTY, LLC; and THIRD PARTY DOES 1-50,

Third-Party Defendants.

THE CITY OF CLIFTON, NEW JERSEY,

Third-Party Plaintiff,

v.

E.I. DU PONT DE NEMOURS AND COMPANY; JOHN DOES 1-200 (names being fictitious and unknown; and ABC CORPORATIONS 1-100 (names being fictitious and unknown),

Third-Party Defendants.

HOFFMANN-LA ROCHE INC.,

Defendant/Third-Party Plaintiff,

v.

LOCKHEED MARTIN CORPORATION

Third-Party Defendant.

DELUXE CORPORATION

Defendant /Third-Party Defendant/Third-Party Plaintiff,

v.

LOUIS BERGER GROUP, INC.; LOUIS BERGER & ASSOCIATES, INC.; JOHN DOES 1-100 (names being fictitious and unknown); and ABC CORPORATIONS 1-100 (names being fictitious and unknown)

Third-Party Defendants.

CLASS ACTION COMPLAINT

1. Plaintiffs Jacqueline Sutton and Melanie Ryan, on behalf of themselves and all those similarly situated, bring this action for damages against defendants Hoffmann-La Roche Inc. (also known as and hereinafter referred to as “Roche”), the City of Clifton, New Jersey (“Clifton”), the Township of Nutley, New Jersey (“Nutley), and Deluxe Corporation (“Deluxe”) (collectively, these entities are hereinafter referred to as “Defendants”).

NATURE OF THE CASE

2. This is a class action to recover economic losses on behalf of all residential property owners whose properties are located on, or within 200 feet of, contamination at and emanating from a 118-acre site owned by Roche in Nutley and Clifton, New Jersey (the “Roche Site”).

3. For decades, Roche released abnormally dangerous and hazardous chemicals into the soil and groundwater at the Roche Site as a result of the improper storage, transport, handling and disposal of these chemicals and of Roche’s industrial process wastewater.

4. Roche also failed to take proper steps to remediate the environmental contamination at and emanating from the Roche Site. (This contamination, whether in soils, surface water, groundwater, air, or other media is hereinafter referred to as the “Roche Contamination.”). Thus, for decades pollutants released at and in the vicinity of the Roche Site percolated into groundwater and migrated off-site, forming a plume of contamination extending under and adjacent to the residential properties of Plaintiffs and Class Members. The plume of contamination emanating from the Roche Site, identified on a map prepared by Roche and attached hereto as Exhibit 1, is referred to herein as the “Offsite Contamination.”

5. The Offsite Contamination was facilitated and exacerbated by deep, open-borehole water production wells that Roche constructed and used for its manufacturing operations. These wells pulled in contaminated groundwater from all directions and caused and exacerbated the migration of contamination from shallow to deep depths and into the massive plume shown on Exhibit 1.

6. Roche now projects that the Offsite Contamination will continue to migrate, travel and spread beyond the boundaries shown on Exhibit 1 into the 140-acre Classification Exception Area (“CEA”) shown on Exhibit 2; and that it will take at least 55 years to remediate naturally.

7. Plaintiffs and Class Members bring this action to recover for the economic losses they have suffered as a direct and proximate result of the Roche Contamination.

JURISDICTION

8. Jurisdiction is proper in this Court because the Roche Contamination is located within New Jersey, and Defendants' misconduct resulted in property damage within this State. In addition, Plaintiffs and Members of the Class are domiciled in the State of New Jersey.

PARTIES

9. Plaintiff Jacqueline Sutton, a New Jersey resident, is an owner of the residential property at 95 Brookdale Avenue in Nutley, New Jersey. Ms. Sutton's residence is within 200 feet of the Roche Contamination plume identified in Exhibit 1.

10. Plaintiff Melanie Ryan, a New Jersey resident, is an owner of the residential property at 9 Cottage Place in Nutley, New Jersey. Ms. Ryan's residence is located within the Roche Contamination plume identified in Exhibit 1.

11. Defendant Roche is a New Jersey Corporation that owns the Roche Site, with a principal place of business at 150 Clove Avenue in Little Falls, New Jersey.

12. Defendant City of Clifton, New Jersey ("Clifton") owns and operates a municipal sewer system.

13. One or more of the pipes in the Clifton sewer system run under the Roche Site.

14. Defendant Township of Nutley ("Nutley") is a township in Essex County, New Jersey, incorporated under the laws of the State of New Jersey. At all relevant times, Nutley has owned, and operated a municipal sewer system, and some of the pipes in that system run in the vicinity of the Roche Site (the "Nutley Sewer").

15. Upon information and belief, Defendant Deluxe Corporation (“Deluxe”) is a Minnesota corporation licensed to do business in the State of New Jersey. From 1952 to 1993, Deluxe operated a check printing business at 1155 Bloomfield Avenue, Clifton, New Jersey 07012, which abuts the Roche Site.

16. Upon information and belief, at all times relevant hereto, John Does 1-100 (names being fictitious and unknown) are persons and/or entities that may have contributed to the Roche Contamination, whose liability may be revealed during the period of discovery that will occur in this action.

17. Upon information and belief, at all times relevant hereto, XYZ Corporations 1-100 (names being fictitious and unknown) are corporations, companies, and/or entities that may have contributed to the Roche Contamination, whose liability may be revealed during the period of discovery that will occur in this action.

STATEMENT OF FACTS

18. For over 80 years, Roche engaged in research, development and manufacturing of medicines, vitamins, chemicals and diagnostics at facilities and factories that it maintained on the Roche Site. For many decades, the Roche Site served as Roche’s U.S. headquarters.

19. Roche stored, transported, used, processed and disposed of hundreds of millions of pounds of abnormally dangerous substances and toxic chemicals during its operations at the Roche Site. By way of example, and without limitation, between 1960 and 1984 alone, in the course of manufacturing vitamins and pharmaceuticals, Roche facilities on the Roche Site used approximately:

- a. 154 million pounds of acetone, a hazardous substance known to cause respiratory, neurological and cardiovascular impairment and death;
- b. 70.2 million pounds of methylene chloride, a hazardous substance and probable carcinogen;
- c. 17.6 million pounds of toluene, a hazardous substance known to cause liver, kidney and respiratory impairment, neurological damage and death;
- d. 7.7 million pounds of 1,4-dioxane or dioxene, a hazardous chemical known to cause liver and kidney damage, and death, and a probable carcinogen;
- e. 7.1 million pounds of benzene, a hazardous substance and carcinogen known to cause nervous and immune system impairment, death in high doses; and
- f. especially significant here, 107,255 pounds of perchloroethylene, also known as tetrachloroethylene, tetrachloroethene, perchloroethene, "PCE," or "Perc," a toxic chemical and likely carcinogen that is known to cause developmental, neurological and respiratory impairments.

20. Roche was aware that it was using abnormally dangerous chemicals that required special handling. Despite this, Roche's negligent conduct resulted in widespread releases of hazardous chemicals into the soil, surface water and groundwater of the Roche Site and offsite.

21. Since 1992, Roche has identified approximately 200 areas of concern on the Roche Site with known or suspected environmental contamination as a result of its operations. Roche has begun to investigate and remediate some of these areas. However, Roche has failed to thoroughly and properly investigate some areas and completely failed to investigate others.

22. For example, Roche failed to investigate its former incinerator despite the fact that for years it burned hazardous substances and toxic solvents for energy recovery. In addition, Roche failed to investigate or collect any environmental samples at the former structure that Roche designated as "Building No. 41" or along the rail spur connecting that building to the southern portion of the Roche Site, despite the fact that Roche has admitted that it stored drums of hazardous substances and toxic chemicals at its Building No. 41 for decades. Both the former incinerator and Building 41 were located immediately adjacent to the Route 3 entrance to the Roche Site, where Roche has identified high concentrations of hazardous substances, including PCE, in soil and groundwater.

23. Contamination from the Roche Site has spread beyond the Roche Site through the groundwater and now can be found underneath and/or near the residential properties owned by Plaintiffs and Class Members.

24. Roche has projected that the Roche Contamination will continue to spread into additional areas and properties outlined in Roche's proposed CEA, a 140-acre area shown on Exhibit 2.

25. Despite its longstanding awareness of the Roche Contamination, including knowledge about its migration offsite in the groundwater, Roche failed to properly

remediate the pollution or inform Plaintiffs and the Class Members about it. Instead, Roche conducted its industrial operations without interruption. And Roche continued using its production wells after it knew about PCE contamination in the well water, thus continuing to draw contaminated groundwater from all directions into the wells, and facilitating and exacerbating the migration of contamination from shallow to deep depths and into the massive plume shown on Exhibit 1.

26. In or about 2013, Roche ceased all commercial operations at the Roche Site. The discontinuance of Roche's commercial operations triggered certain statutory obligations and regulations promulgated by the New Jersey Department of Environmental Protection (the "DEP") relating to the closure of industrial sites. The DEP has been exercising, and continues to exercise, direct oversight of Roche's environmental investigation and remediation work.

27. Pursuant to its regulatory obligations, Roche ultimately notified the Plaintiffs and some of the putative Class Members about the nature and extent of the Roche Contamination, including Offsite Contamination, in or about November 2013 and May 2014.

NATURE OF THE ROCHE CONTAMINATION

28. The Roche Contamination contains many hazardous and toxic chemicals in excess of the limits allowed by the DEP.

29. Benzene, one of the toxic chemicals Roche used in its operations, has been discovered at the Roche Site. The DEP allowable limit for benzene in groundwater is 1

part per billion (ppb). Benzene in groundwater at the Roche Site exceeds the DEP allowable limit by approximately 266,000 times.

30. Arsenic, a toxic metal known to be carcinogenic and to cause skin, liver, neurological and respiratory impairments, has been detected in groundwater at the Roche Site. The DEP allowable limit for arsenic is 3 ppb. Arsenic concentrations in groundwater at the Roche Site exceed the DEP allowable limit by approximately 65 times.

31. Lead, a toxic metal and probable human carcinogen that is known to cause damage to the kidneys, nervous and reproductive systems, and death, has been detected in groundwater at the Roche Site. The DEP allowable limit for lead in groundwater is 5 ppb. Lead concentrations in groundwater exceed the DEP allowable limit by approximately 330 times.

32. Roche has documented discharges of Mercury, a toxic metal known to cause liver, kidney, brain, and respiratory system damage, as well as birth and developmental defects, in soil and groundwater at the Roche Site. The DEP allowable limit for mercury in groundwater is 2 ppb. Mercury in groundwater at the Roche Site exceeds the DEP allowable limit by approximately 273 times.

33. Chloroform, a hazardous solvent and probable human carcinogenic known to cause liver, kidney, respiratory and nervous system damage, has been detected in groundwater at and/or emanating from the Roche Site. The DEP allowable limit for chloroform is 70 ppb. Chloroform concentrations in groundwater at the Roche Site exceed the DEP allowable limit by approximately 35,857 times.

34. PCE and other hazardous substances, including the various "daughter substances" generated by PCE's chemical breakdown (hereinafter referred to as the

“Chlorinated Volatile Organic Compounds”), are present in the soil and groundwater at the Roche Site and in the Offsite Contamination.

35. PCE is denser than water. Unless it is quickly remediated, a discharge of PCE moves rapidly through most soil types, and readily leaches and/or dissolves into groundwater where it either migrates with the direction of groundwater flow and /or vertically migrates downward into deeper aquifers.

36. Roche has disclosed that from 1960 through 1984, it used approximately 107,255 pounds of PCE in its production facilities. Roche also likely used additional undisclosed amounts of PCE in its research and development activities and maintenance operations at the Roche Site.

SOURCES OF THE ROCHE CONTAMINATION

37. During the course of Roche’s operations at the Roche Site, many of its practices were inappropriate, improper and abnormally dangerous in light of the nature of the abnormally dangerous and hazardous chemicals that it was using and the toxic waste that it was producing.

A. Discharges from Roche’s Wastewater Disposal and Process Sewer System

38. For over a decade after Roche began operations at the Roche Site, it regularly discharged its untreated contaminated wastewater and storm water directly into drainage ditches. Then, during the 1940’s, Roche began installing and operating a “Process Sewer” system to dispose of the enormous quantity of wastewater generated by its own industrial processes.

39. The Process Sewer system, once completed, consisted of approximately four miles of underground sewer lines running throughout the Roche Site. These lines were intended to transport industrial process-contaminated wastewater to the public sewer system.

40. Roche's decision to install the Process Sewer system underground made it difficult to detect and contain leaks and pipe failures. Beyond this, the Process Sewer pipes were inappropriate for their intended use because they were constructed of fragile glass, clay and/or asbestos-lined concrete pipes buried directly underground in unlined trenches. In some instances, Roche's process sewer lines were installed below the water table. These pipes were prone to, and did develop, cracks and leaks as a result of: their inappropriate construction materials; Roche's failure to maintain and inspect them properly; the geography at the Roche Site; Roche's constant development and redevelopment of the Roche Site; and the chemical qualities of Roche's industrial wastewater.

41. Throughout its operations, Roche was discharging millions of gallons of wastewater *per day* into its Process Sewer system, which was then discharged directly into the Passaic Valley Sewerage Commission's system with only minimal pretreatment.

42. As a result of Roche's operations and negligence, for years, if not decades, the Process Sewer system leaked PCE, volatile organic compounds, and other hazardous substances into the soil and groundwater throughout the Roche site. Thus, PCE contamination exists in the soil and groundwater all along the four miles of Process Sewer pipes, which traverse the Roche Site. For example, leaks and discharges from the Process Sewer System resulted in extremely high levels of PCE and other Chlorinated

Volatile Organic Compound contamination in the groundwater in the vicinity of the former structure that Roche designated as "Building 73."

43. Beginning in the 1960's until 2005, Roche conducted full-scale large pharmaceutical and vitamin manufacturing at the facility known as Building 73, which Roche demolished in 2005. Roche recently revealed that it has found extraordinarily high concentrations of PCE and other Chlorinated Volatile Organic Compound contamination in the vicinity of former Building 73.

44. Numerous soil samples collected at and around former Building 73 had PCE concentrations as high as 7,630 parts per million (ppm), which is approximately 3,815 times the DEP's residential standard of 2 ppm.

45. The PCE and Volatile Organic Compound soil contamination in the vicinity of Building 73 migrated into the groundwater. In one monitoring well near the Building 73 site, MW-170, Roche detected PCE in groundwater at concentrations as high as 54,300 parts per billion in April 2013, and 35,200 ppb in September 2013. These concentrations are 54,300 and 35,200 times, respectively, the DEP's PCE groundwater remediation standard of 1 ppb, and some of the highest concentrations of PCE anywhere at or in the vicinity of the Roche Site.

46. In addition to the PCE contamination identified in the vicinity of Building 73, PCE and Chlorinated Volatile Organic Compound soil contamination has been detected throughout the Roche Site, indicating discharges from Roche's operations in, without limitation, the areas around:

- a. Former Building 11;
- b. Former Building 15;

- c. Former Building 17;
- d. Former Building 29;
- e. Former Building 30;
- f. Former Building 44;
- g. Former Building 45;
- h. Former Building 47;
- i. Former Building 55;
- j. Former Building 58;
- k. Former Building 59;
- l. Former Building 63;
- m. Former Building 65;
- n. Former Building 66 and 66A;
- o. Building 70;
- p. Former Building 104;
- q. Former Building 112;
- r. Building 115;
- s. Building 116;
- t. Building 123; and
- u. Building 123A.

B. Discharges from Roche's Chemical Transfer Pipelines

47. In addition to its Process Sewer system, Roche installed and operated a network of approximately 4.4 miles of above-ground and underground chemical transfer

pipes to transport hazardous substances and chemicals from storage areas, including numerous above-ground and underground storage tanks, to Roche's production and development facilities.

48. Over the years, hazardous substances and chemicals were spilled or otherwise released from these chemical transfer pipes onto the Roche Site, contributing to the Roche Contamination. Roche's own records reveal that between 1985 and 1995 alone, there were at least 20 distinct events resulting in the spill and/or release of over 3,300 gallons of hazardous substances and chemicals from Roche's chemical transfer pipes.

C. **Discharges from Roche's Hazardous Substance Storage Tanks and Process Wastewater Dumpsters**

49. Throughout its operations at the Roche Site, Roche stored millions of gallons of hazardous substances in approximately 88 underground storage tanks (USTs) and 68 aboveground storage tanks (ASTs). Many of these tanks were first installed in the 1950's or earlier; and virtually none of them had any leak detection or release controls until the 1980s and 1990s.

50. For certain hazardous substances, Roche also used drums.

51. Roche has documented numerous discharges from its drums and ASTs due to operator error and/or equipment failure.

52. Roche also failed to properly maintain, test, and inspect its USTs. Accordingly, many USTs developed long-term leaks, releasing hazardous chemicals directly into the ground. In some instances, Roche continued using leaking storage USTs

and/or failed to remove USTs for many years even after it discovered that they were leaking hazardous chemicals.

53. In addition, for decades Roche used numerous 1,000-gallon process wastewater dumpsters for the collection and temporary storage of "waste solvents," which likely included PCE. Many of these portable wastewater dumpsters had little or no secondary containment or spill protection mechanisms. During its operations, Roche documented numerous discharges of hazardous substances and "waste solvents" from these wastewater dumpsters due to operator error and/or mechanical failures.

D. Discharges from the Clifton Sewer

54. The City of Clifton operates municipal sewer pipes that run under the Roche facility. Upon information and belief, cracks and leaks in those pipes have contributed to the Roche Contamination, including the Offsite Contamination.

E. Discharges from the Nutley Sewer

55. Upon information and belief, during the last several decades, Nutley has owned, operated and/or been responsible for the maintenance and repair of various sewer lines that run under and near the Roche Site.

56. Upon information and belief, cracks and leaks in sewer lines that Nutley has owned, operated or been responsible for maintaining and repairing have contributed to the Roche Contamination, including the Offsite Contamination.

F. Discharges from Deluxe Corporation

57. Upon information and belief, from 1952 to 1993, Deluxe operated a check printing business near the Roche Site at 1155 Bloomfield Avenue, Clifton, New Jersey 07012 (the “former Deluxe Site”). During its time of operation, Deluxe disposed of waste PCE and other chlorinated solvents in dry wells and a waste oil underground storage tank located on the eastern portion of the former Deluxe Site.

58. The former Deluxe Site has been the subject of groundwater investigation and remediation since the late 1980s. Elevated PCE and other chlorinated solvent concentrations (collectively, the “Deluxe Releases”) were detected in groundwater in the immediate area of Deluxe’s dry well(s) and storage tank(s) and elsewhere on the former Deluxe Site.

59. Upon information and belief, the Deluxe Releases have contributed to the Roche Contamination, including the Offsite Contamination.

G. Roche’s Production Wells Caused and Exacerbated the Distribution and Depth of the Roche Contamination

60. Roche required millions of gallons of water per day for its research, development, and manufacturing operations. In order to meet its water supply needs at minimal cost, Roche installed at least six deep bedrock water production wells at the Roche Site. These wells ranged in depth from 402 to 748 feet below ground surface (“bgs”) and were constructed with open boreholes through the bedrock underneath the Roche Site.

61. Roche constructed the production wells with open boreholes, rather than installing steel casings that would have segregated shallow and deeper aquifers. This

caused and exacerbated the migration of PCE and other contaminants because it created direct conduits between shallow and deep aquifers, which otherwise would have been isolated or only minimally connected through bedrock fractures.

62. The unnatural connection created by the open boreholes allowed and facilitated contaminants to migrate vertically to unusually deep levels.

63. These wells also distorted natural groundwater flow patterns, by pulling huge amounts of shallow contaminated groundwater from all directions into the deep groundwater aquifers. The known combined capacity for just four of the six wells was over 1.5 million gallons per day. This profoundly affected the movement and distribution of PCE, Chlorinated Volatile Organic Compounds, and other hazardous substances located in the groundwater at the Roche Site.

64. Historic sampling of the production wells identified elevated levels of contamination, including PCE, evidencing that the wells were responsible for transport of PCE contamination to the deepwater aquifer. The extreme depth of the Roche Contamination, facilitated by Roche's own production wells, significantly impedes Roche's ability to remediate the pollution.

65. When Roche stopped using the production wells, contaminants that had been drawn down into the deep aquifer by the operation of the production wells continued to migrate off-site with the natural flow and direction of groundwater. Additionally, the open borehole construction of the wells continued to provide for the vertical migration of contamination, allowing shallow contamination to continue migrating deeper even when the wells were not operating.

66. In addition to the production wells, Roche's historic and/or current operation of a pump-and-treat groundwater treatment system, as well as over 60 subsurface sump pumps in the basements of buildings and Roche's utility tunnel, have collectively and profoundly altered the natural flow of groundwater underneath the Roche Site and thus the movement and distribution offsite of the Roche Contamination.

H. The Extent and Continued Spread of Offsite Contamination

67. The Roche Contamination now spans over a mile across the Roche Site and off-site in the plume shown on Exhibit 1, extending underneath Plaintiff Melanie Ryan's and other Class Members' properties, extending as deep as 730 feet bgs.

68. Even though Roche recently has discontinued operations at the Roche Site and is taking steps to remediate some of its on-site pollution, the Roche Contamination continues to flow with the groundwater, so that the Offsite Contamination is continuing to spread beyond the area shown on Exhibit 1. In this regard, Roche has admitted that the delineation of Offsite Contamination is not yet complete.

69. In fact, Roche has projected that the Offsite Contamination will continue to spread through the CEA shown on Exhibit 2 and that it will persist for 55 years. In fact, the Contamination may continue to exist beyond Roche's projections.

THE ROCHE CONTAMINATION DIMINISHES PROPERTY VALUES

70. DEP policy and New Jersey's statutes, common law and administrative regulations all require notice and disclosure of material latent defects to prospective buyers of real property.

71. In addition, news media has reported about the Roche Contamination.

72. Potential buyers will avoid, or pay less for, the properties owned by Plaintiffs and the putative Class Members because of the Roche Contamination.

73. Plaintiffs and the Class Members have been damaged as a result of the Roche Contamination to the extent that their property values have been diminished.

CLASS ALLEGATIONS

74. Plaintiffs Jacqueline Sutton and Melanie Ryan bring this action pursuant to *Rule 4:32* of the New Jersey Rules of Civil Procedure on behalf of themselves and all other similarly situated property owners (“Class Members”). The “Class” is defined as:

All residential property owners whose property is located on or within 200 feet of the Roche Contamination or within the area of Roche’s proposed CEA. Excluded from the Class are Roche, its parents, subsidiaries, and controlled entities, and government entities.

75. On information and belief, there are over 400 members of the Class, making it so numerous that joinder of all Class Members is impracticable.

76. Plaintiffs’ claims are typical of the claims of Class Members and Plaintiffs will fairly and adequately protect the interests of the Class. Each of the named Plaintiffs has suffered economic harm as a direct and proximate result of the Roche Contamination.

77. The Plaintiffs’ interests are consistent with, and not antagonistic to, those of the other members of the Class. In addition, Plaintiffs are represented by counsel who are competent and experienced in the prosecution of class action and environmental pollution litigation.

78. Questions of law and fact common to the Class (including Plaintiffs) include:

- a. Whether Roche is responsible for the Roche Contamination;
- b. Whether Roche is strictly liable for the Roche Contamination;
- c. Whether Roche's conduct was negligent;
- d. Whether the City of Clifton contributed to the Roche Contamination, and if so, to what extent;
- e. Whether the Township of Nutley contributed to the Roche Contamination, and if so, to what extent;
- f. Whether Deluxe Corporation contributed to the Roche Contamination, and if so, to what extent;
- g. Whether Plaintiffs' and Class Members' properties have been contaminated;
- h. Whether Plaintiffs and Class Members have lost use and enjoyment of their property;
- i. Whether Plaintiffs' and Class Members' properties have diminished in value as a result of the Roche Contamination.

79. These questions of law and fact common to the members of the Class predominate over any questions affecting only individual members.

80. A class action is superior to other methods for the fair and efficient adjudication of this controversy. Treatment as a class action will permit a large number of similarly situated residential property owners to adjudicate their common claims in a single forum simultaneously, effectively, and without the duplication of effort and expense that numerous individual actions would engender. Class treatment also will

enable the adjudication of claims by Class Members who would not be able to justify or afford separate litigation.

81. This class action presents no difficulties in management that would preclude its maintenance as a class action.

COUNTS

COUNT I – NEGLIGENCE AGAINST ROCHE

82. Paragraphs 1 through 81 are incorporated by reference as if fully set forth herein.

83. Roche, at all times material hereto, acted through its respective officers, employees and agents, who in turn were acting within the scope of their authority, and in furtherance of the business of Roche.

84. Roche negligently caused, or negligently allowed, hazardous toxic substances, including but not limited to PCE, Chlorinated Volatile Organic Compounds, benzene, arsenic, lead, mercury and chloroform to be discharged on its property and/or from its property.

85. As a result of Roche's negligence, the Roche Contamination exists in soil and groundwater throughout the Roche Site and in the Offsite Contamination on properties adjacent to and near the Roche Site as shown on Exhibit 1; and it continues to spread and will ultimately cover the areas additionally indicated on Exhibit 2.

86. Roche failed to prevent the release or discharge of contaminants at the Roche Site and caused and/or allowed those contaminants to spread out beyond the Roche Site, in the following manner:

- a. Failure to properly handle, transport, store and/or dispose of abnormally dangerous hazardous and other hazardous substances so as to prevent their release and discharge;
- b. Failure to promptly and properly contain, investigate, delineate, remove and/or remediate spills, leaks and/or other discharges of abnormally dangerous substances and other hazardous substances; and
- c. Construction, use and negligent operation of open-borehole deepwater production wells on the Roche Site.

87. As a direct and proximate result of Roche's acts and omissions, Plaintiffs and Class Members have suffered damages including, but not limited to, the following:

- a. Decline in property value as a result of the current and future expected Roche Contamination;
- b. Property damage, economic loss and inconvenience as a result of the Roche Contamination; and
- c. Loss of the beneficial use, enjoyment, and exclusive possession of their properties;

WHEREFORE, Plaintiffs and Class Members pray for relief as set forth below:

- a. Certification of this action as a class action pursuant to *R.* 4:32-1, and appointment of Plaintiffs as Class Representatives and their counsel of record as Class Counsel;
- b. Actual damages, punitive or treble damages, and such other relief as provided by applicable statutes;

- c. Pre-judgment and post-judgment interest on such monetary relief;
- d. The costs of bringing this suit, including reasonable attorneys' fees; and
- e. All other relief to which Plaintiffs and Class Members may be entitled at law or in equity.

COUNT II – STRICT LIABILITY AGAINST ROCHE

88. Paragraphs 1 through 87 are incorporated by reference as if fully set forth herein.

89. Roche handled abnormally dangerous substances and engaged in abnormally dangerous activities whereby it discharged and released and caused the spread of abnormally dangerous and hazardous substances on the Roche Site, and onto and within 200 feet of the Plaintiffs' and Class Members' properties.

90. As a direct and proximate result of Roche's abnormally dangerous activities, including both acts and omissions, Plaintiffs and Class Members have suffered damages for which Roche is strictly liable, including, but not limited to, the following:

- a. Decline in property value as a result of the current and future expected Roche Contamination;
- b. Property damage, economic loss and inconvenience as a result of the Roche Contamination; and
- c. Loss of the beneficial use, enjoyment, and exclusive possession of their properties;

WHEREFORE, Plaintiffs and Class Members pray for relief as set forth below:

- a. Certification of the action as a class action pursuant to R. 4:32-1, and appointment of Plaintiffs as Class Representatives and their counsel of record as Class Counsel;
- b. Actual damages, punitive or treble damages, and such other relief as provided by applicable statutes;
- c. Pre-judgment and post-judgment interest on such monetary relief;
- d. The costs of bringing this suit, including reasonable attorneys' fees; and
- e. All other relief to which Plaintiffs and Class Members may be entitled at law or in equity.

COUNT III – TRESPASS AGAINST ROCHE

91. Paragraphs 1 through 90 are incorporated by reference as if fully set forth herein.

92. Roche's wrongful conduct, as set forth above, has resulted in the current and expected future direct physical invasion of Plaintiffs' and Class Members' properties, as shown on Exhibits 1 and 2.

93. The current and expected future direct physical invasion of Plaintiffs' and Class Members' properties by the Offsite Contamination is ongoing and will last for at least 55 years.

94. Roche never sought nor obtained the consent of Plaintiffs or any Class Members to allow the Offsite Contamination onto their properties, and the presence of the Offsite Contamination thereon is unauthorized and unreasonable.

95. The unauthorized and continuing presence of the Offsite Contamination on the Plaintiffs' and Class Members' properties is depriving and/or will deprive them of the right to exclusive possession of their properties, thereby constituting a trespass.

96. As a direct and proximate result of Roche's conduct, including acts and omissions, Plaintiffs and Class Members have suffered damages including, but not limited to, the following:

- a. Loss of the beneficial use, enjoyment, and exclusive possession of their properties;
- b. Decline in property value as a result of the current and future expected Roche Contamination; and
- c. Property damage, economic loss and inconvenience as a result of the Roche Contamination;

WHEREFORE, Plaintiffs and Class Members pray for relief as set forth below:

- a. Certification of the action as a class action pursuant to *R. 4:32-1*, and appointment of Plaintiffs as Class Representatives and their counsel of record as Class Counsel;
- b. Actual damages, punitive or treble damages, and such other relief as provided by applicable statutes;
- c. Pre-judgment and post-judgment interest on such monetary relief;
- d. The costs of bringing this suit, including reasonable attorneys' fees; and
- d. All other relief to which Plaintiffs and Class Members may be entitled at law or in equity.

COUNT IV – PRIVATE NUISANCE AGAINST ROCHE

97. Paragraphs 1 through 96 are incorporated by reference as if fully set forth herein.

98. Roche's wrongful conduct has resulted in the Roche Contamination.

99. The Roche Contamination will persist for at least 55 years.

100. The Roche Contamination constitutes a private nuisance because it is an unreasonable interference and continuing burden on the Plaintiffs' and Class Members' rights to the exclusive use and enjoyment of their properties.

101. As a direct and proximate result of Roche's acts and omissions, Plaintiffs and Class Members have suffered damages including, but not limited to, the following:

- a. Loss of the beneficial use, and enjoyment, and exclusive possession of their properties;
- b. Decline in property value as a result of the current and future expected Roche Contamination; and
- c. Property damage, economic loss and inconvenience as a result of the Roche Contamination.

WHEREFORE, Plaintiffs and Class Members pray for relief as set forth below:

- a. Certification of the action as a class action pursuant to *R.* 4:32-1, and appointment of Plaintiffs as Class Representatives and their counsel of record as Class Counsel;
- b. Actual damages, punitive or treble damages, and such other relief as provided by applicable statutes;

- c. Pre-judgment and post-judgment interest on such monetary relief;
- d. The costs of bringing this suit, including reasonable attorneys' fees; and
- e. All other relief to which Plaintiffs and Class Members may be entitled at law or in equity.

**COUNT V - NEGLIGENCE AGAINST THE CITY OF CLIFTON,
TOWNSHIP OF NUTLEY, DELUXE CORPORATION, JOHN DOES 1-
100, AND XYZ CORPORATIONS 1-100**

102. Paragraphs 1 through 101 are incorporated by reference as if fully set forth herein.

103. Clifton had a duty to exercise care and reasonable diligence in its operation, maintenance and repair of its sewer pipes under the Roche Site, in order to avoid leaks and discharges such as those that occurred on the Roche Site, and the resulting harm and damages suffered by the Plaintiffs as described herein.

104. Clifton breached that duty to exercise care and reasonable diligence by failing to properly operate, maintain, and repair its sewer pipes that ran under the Roche Site.

105. Clifton's breach of the duty to exercise care and reasonable diligence in its operation, maintenance and repair of its sewer pipes under the Roche Site caused and/or allowed PCE to be discharged onto the Roche Site and contribute to the Roche Contamination.

106. Therefore, as a result of Clifton's negligent acts and omissions, Clifton is responsible for some of the Offsite Contamination.

107. Nutley had a duty to exercise care and reasonable diligence in its ownership, operation, maintenance and repair of sewer pipes near and under the Roche Site, in order to avoid the kind of leaks and discharges that have occurred in those pipes, and the resulting harm and damages suffered by the Plaintiffs as described herein.

108. Nutley breached its duty to exercise care and reasonable diligence to the extent that it failed to properly operate, maintain, repair and/or replace various sewer pipes.

109. Nutley's breach of the duty to exercise care and reasonable diligence caused and/or allowed contaminants to be discharged onto the Roche Site and to contribute to the Roche Contamination.

110. Therefore, as a result of Nutley's negligent acts and omissions, Nutley is responsible for some of the Offsite Contamination.

111. Deluxe had a duty to exercise care and reasonable diligence in its operations at the former Deluxe Site, including the duty to avoid improper disposals, discharges, and releases of contaminants such as those that occurred on the former Deluxe Site, and the resulting harm and damages suffered by the Plaintiffs as described herein.

112. Deluxe breached that duty to exercise care and reasonable diligence by failing to prevent the Deluxe Releases, and contributed to the Roche Contamination in the following manner:

- a. Failure to properly handle, transport, store, and/or dispose of abnormally dangerous hazardous and other hazardous substances,

including but not limited to PCE, so as to prevent their release and discharge;

- b. Failure to promptly and properly contain, investigate, delineate, remove, and/or remediate spills, leaks and/or other discharges of abnormally dangerous substances and other hazardous substances, including but not limited to PCE; and
- c. Construction, use, and negligent operation of dry-well and waste storage tanks on the former Deluxe Site.

113. Deluxe's breach of the duty to exercise care and reasonable diligence in its operations caused and/or allowed contaminants including but not limited to PCE to be discharged into groundwater and contribute to the Roche Contamination and Offsite Contamination.

114. Therefore, as a result of Deluxe's negligent acts and omissions, Deluxe is responsible for some of the Offsite Contamination.

115. John Does 1-100 and XYZ Corporations 1-100 had a duty to exercise care and reasonable diligence in their conduct near the Roche Site, in order to avoid leaks and discharges such as those that occurred, and the resulting harm and damages suffered by the Plaintiffs as described herein, but John Does 1-100 and XYZ Corporations 1-100 breached that duty.

116. John Does 1-100 and XYZ Corporations 1-100's breach of the duty to exercise care and reasonable diligence caused and/or allowed PCE to be discharged onto the Roche Site and contribute to the Roche Contamination.

117. Therefore, as a result of John Does 1-100 and XYZ Corporations 1-100's negligence, they are responsible for some of the Offsite Contamination.

118. As a direct and proximate result of Clifton, John Does 1-100, and XYZ Corporations' negligence, Plaintiffs and Class Members have suffered damages including, but not limited to, the following:

- a. Decline in property value as a result of the current and future expected Roche Contamination;
- b. Property damage, economic loss and inconvenience as a result of the Roche Contamination; and
- c. Loss of the beneficial use, enjoyment, and exclusive possession of their properties;

WHEREFORE, Plaintiffs and Class Members pray for relief as set forth below:

- a. Certification of the action as a class action pursuant to *R. 4:32-1*, and appointment of Plaintiffs as Class Representatives and their counsel of record as Class Counsel;
- b. Actual damages, punitive or treble damages, and such other relief as provided by applicable statutes;
- c. Pre-judgment and post-judgment interest on such monetary relief;
- d. The costs of bringing this suit, including reasonable attorneys' fees; and
- e. All other relief to which Plaintiffs and Class Members may be entitled at law or in equity.

**COUNT VI - TRESPASS AGAINST THE CITY OF CLIFTON,
TOWNSHIP OF NUTLEY, DELUXE CORPORATION, JOHN DOES 1-
100, AND XYZ CORPORATIONS 1-100**

119. Paragraphs 1 through 118 are incorporated by reference as if fully set forth herein.

120. Clifton's wrongful conduct, as set forth above, has resulted in the current and expected future direct physical invasion of Plaintiffs' and Class Members' properties, at least to the extent shown on Exhibits 1 and 2.

121. Nutley's wrongful conduct, as set forth above, has resulted in the current and expected future direct physical invasion of Plaintiffs' and Class Members' properties.

122. Deluxe's wrongful conduct, as set forth above, has resulted in the current and expected future direct physical invasion of Plaintiffs' and Class Members' properties.

123. John Does 1-100 and XYZ Corporations 1-100's wrongful conduct, as set forth above, has resulted in the current and expected future direct physical invasion of Plaintiffs' and Class Members' properties, at least to the extent shown on Exhibits 1 and 2.

124. The current and expected future direct physical invasion of Plaintiffs' and Class Members' properties by the Offsite Contamination is ongoing and will last for at least 55 years.

125. Clifton never sought nor obtained the consent of Plaintiffs or any Class Members to allow the Offsite Contamination onto their properties, and the presence of the Offsite Contamination thereon is unauthorized and unreasonable.

126. Nutley never sought nor obtained the consent of Plaintiffs or any Class Members to allow the Offsite Contamination onto their properties, and the presence of the Offsite Contamination thereon is unauthorized and unreasonable.

127. Deluxe never sought nor obtained the consent of Plaintiffs or any Class Members to allow the Offsite Contamination onto their properties, and the presence of the Offsite Contamination thereon is unauthorized and unreasonable.

128. John Does 1-100 and XYZ Corporations 1-100 never sought nor obtained the consent of Plaintiffs or any Class Members to allow the Offsite Contamination onto their properties, and the presence of the Offsite Contamination thereon is unauthorized and unreasonable.

129. The unauthorized and continuing presence of the Offsite Contamination on the Plaintiffs' and Class Members' properties is depriving and/or will deprive them of the right to exclusive possession of their properties, thereby constituting a trespass.

130. As a direct and proximate result of Clifton, Nutley, Deluxe, John Does 1-100, and XYZ Corporations' conduct, including acts and omissions, Plaintiffs and Class Members have suffered damages including, but not limited to, the following:

- a. Loss of the beneficial use, enjoyment, and exclusive possession of their properties;
- b. Decline in property value as a result of the current and future expected Roche Contamination; and
- c. Property damage, economic loss and inconvenience as a result of the Roche Contamination.

WHEREFORE, Plaintiffs and Class Members pray for relief as set forth below:

- a. Certification of the action as a class action pursuant to R. 4:32-1, and appointment of Plaintiffs as Class Representatives and their counsel of record as Class Counsel;
- b. Actual damages, punitive or treble damages, and such other relief as provided by applicable statutes;
- c. Pre-judgment and post-judgment interest on such monetary relief;
- d. The costs of bringing this suit, including reasonable attorneys' fees; and
- d. All other relief to which Plaintiffs and Class Members may be entitled at law or in equity.

COUNT VII – PRIVATE NUISANCE AGAINST THE CITY OF CLIFTON, TOWNSHIP OF NUTLEY, DELUXE CORPORATION, JOHN DOES 1-100, AND XYZ CORPORATIONS 1-100

131. Paragraphs 1 through 130 are incorporated by reference as if fully set forth herein.

132. Clifton's failure to properly operate, maintain and repair its sewer pipes under the Roche Property has been palpably unreasonable.

133. As a result of its palpably unreasonable conduct, Clifton has contributed to the Roche Contamination.

134. Nutley's failure to properly operate, maintain and repair various sewer pipes has been palpably unreasonable.

135. As a result of its palpably unreasonable conduct, Nutley has contributed to the Roche Contamination.

136. Deluxe's failure to prevent, contain and/or properly remediate the Deluxe Releases has been unreasonable.

137. As a result of its unreasonable conduct, Deluxe has contributed to the Roche Contamination.

138. John Does 1-100 and XYZ Corporations 1-100's wrongful conduct has caused discharges, which have contributed to the Roche Contamination.

139. The Roche Contamination will persist for at least 55 years.

140. The Roche Contamination constitutes a private nuisance because it is an unreasonable interference and continuing burden on the Plaintiffs' and Class Members' rights to the exclusive use and enjoyment of their properties.

141. As a direct and proximate result of Clifton's palpably unreasonable acts and omissions, Plaintiffs and Class Members have suffered damages including, but not limited to, the following:

- a. Loss of the beneficial use, and enjoyment, and exclusive possession of their properties;
- b. Decline in property value as a result of the current and future expected Roche Contamination; and
- c. Property damage, economic loss and inconvenience as a result of the Roche Contamination.

142. As a direct and proximate result of Nutley's palpably unreasonable acts and omissions, Plaintiffs and Class Members have suffered damages including, but not limited to, the following:

- a. Loss of the beneficial use, and enjoyment, and exclusive possession of their properties;
- b. Decline in property value as a result of the current and future expected Roche Contamination; and
- c. Property damage, economic loss and inconvenience as a result of the Roche Contamination.

143. As a direct and proximate result of Deluxe's unreasonable acts and omissions, Plaintiffs and Class Members have suffered damages including, but not limited to, the following:

- a. Loss of the beneficial use, and enjoyment, and exclusive possession of their properties;
- b. Decline in property value as a result of the current and future expected Roche Contamination; and
- c. Property damage, economic loss and inconvenience as a result of the Roche Contamination.

144. As a direct and proximate result of John Does 1-100 and XYZ Corporations 1-100's acts and omissions, Plaintiffs and Class Members have suffered damages including, but not limited to, the following:

- a. Loss of the beneficial use, and enjoyment, and exclusive possession of their properties;
- b. Decline in property value as a result of the current and future expected Roche Contamination; and

- c. Property damage, economic loss and inconvenience as a result of the Roche Contamination.

WHEREFORE, Plaintiffs and Class Members pray for relief as set forth below:

- a. Certification of the action as a class action pursuant to R. 4:32-1, and appointment of Plaintiffs as Class Representatives and their counsel of record as Class Counsel;
- b. Actual damages, punitive or treble damages, and such other relief as provided by applicable statutes;
- c. Pre-judgment and post-judgment interest on such monetary relief;
- d. The costs of bringing this suit, including reasonable attorneys' fees; and
- e. All other relief to which Plaintiffs and Class Members may be entitled at law or in equity.

COUNT VIII – STRICT LIABILITY AGAINST JOHN DOES 1-100 AND XYZ CORPORATIONS 1-100

145. Paragraphs 1 through 144 are incorporated by reference as if fully set forth herein.

146. John Does 1-100 and XYZ Corporations 1-100 handled abnormally dangerous substances and engaged in abnormally dangerous activities whereby they discharged and released abnormally dangerous substances and contributed to the spread of abnormally dangerous and hazardous substances on the Roche Site, and onto and within 200 feet of the Plaintiffs' and Class Members' properties.

147. As a direct and proximate result of John Does 1-100 and XYZ Corporations 1-100's abnormally dangerous activities, including both acts and omissions, Plaintiffs and Class Members have suffered damages for which John Does 1-100 and XYZ Corporations 1-100 are strictly liable, including, but not limited to, the following:

- a. Decline in property value as a result of the current and future expected Roche Contamination;
- b. Property damage, economic loss and inconvenience as a result of the Roche Contamination; and
- c. Loss of the beneficial use, enjoyment, and exclusive possession of their properties;

WHEREFORE, Plaintiffs and Class Members pray for relief as set forth below:

- a. Certification of the action as a class action pursuant to *R. 4:32-1*, and appointment of Plaintiffs as Class Representatives and their counsel of record as Class Counsel;
- b. Actual damages, punitive or treble damages, and such other relief as provided by applicable statutes;
- c. Pre-judgment and post-judgment interest on such monetary relief;
- d. The costs of bringing this suit, including reasonable attorneys' fees; and
- e. All other relief to which Plaintiffs and Class Members may be entitled at law or in equity.

COUNT IX – STRICT LIABILITY AGAINST DELUXE CORPORATION

148. Paragraphs 1 through 147 are incorporated by reference as if fully set forth herein.

149. Deluxe handled abnormally dangerous substances and engaged in abnormally dangerous activities on the former Deluxe Site whereby it discharged and released abnormally dangerous and hazardous substances and contributed to the Roche Contamination, and Offsite Contamination.

150. As a direct and proximate result of Deluxe's abnormally dangerous activities, including both acts and omissions, Plaintiffs and Class Members have suffered damages for which Deluxe is strictly liable, including, but not limited to, the following:

- a. Decline in property value as a result of the current and future expected Roche Contamination;
- b. Property damage, economic loss and inconvenience as a result of the Roche Contamination; and
- c. Loss of the beneficial use, enjoyment, and exclusive possession of their properties;

WHEREFORE, Plaintiffs and Class Members pray for relief as set forth below:

- a. Certification of the action as a class action pursuant to *R. 4:32-1*, and appointment of Plaintiffs as Class Representatives and their counsel of record as Class Counsel;
- b. Actual damages, punitive or treble damages, and such other relief as provided by applicable statutes;
- c. Pre-judgment and post-judgment interest on such monetary relief;

- d. The costs of bringing this suit, including reasonable attorneys' fees; and
- e. All other relief to which Plaintiffs and Class Members may be entitled at law or in equity.

DEMAND FOR TRIAL BY JURY

Plaintiffs hereby demand a trial by jury on all issues in the above-entitled cause of action.


CERTIFICATION PURSUANT TO RULE 4:5-1

THE UNDERSIGNED HEREBY CERTIFY that the matter in controversy is not the subject of any other action pending in any other court or of any arbitration proceeding.

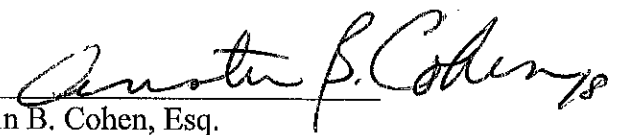
THE UNDERSIGNED FURTHER CERTIFY that to the best of their knowledge there are no other parties who should be joined in this action at this time.

Dated: November 8, 2017

LAW OFFICE OF HOWARD DAVIS, P.C.

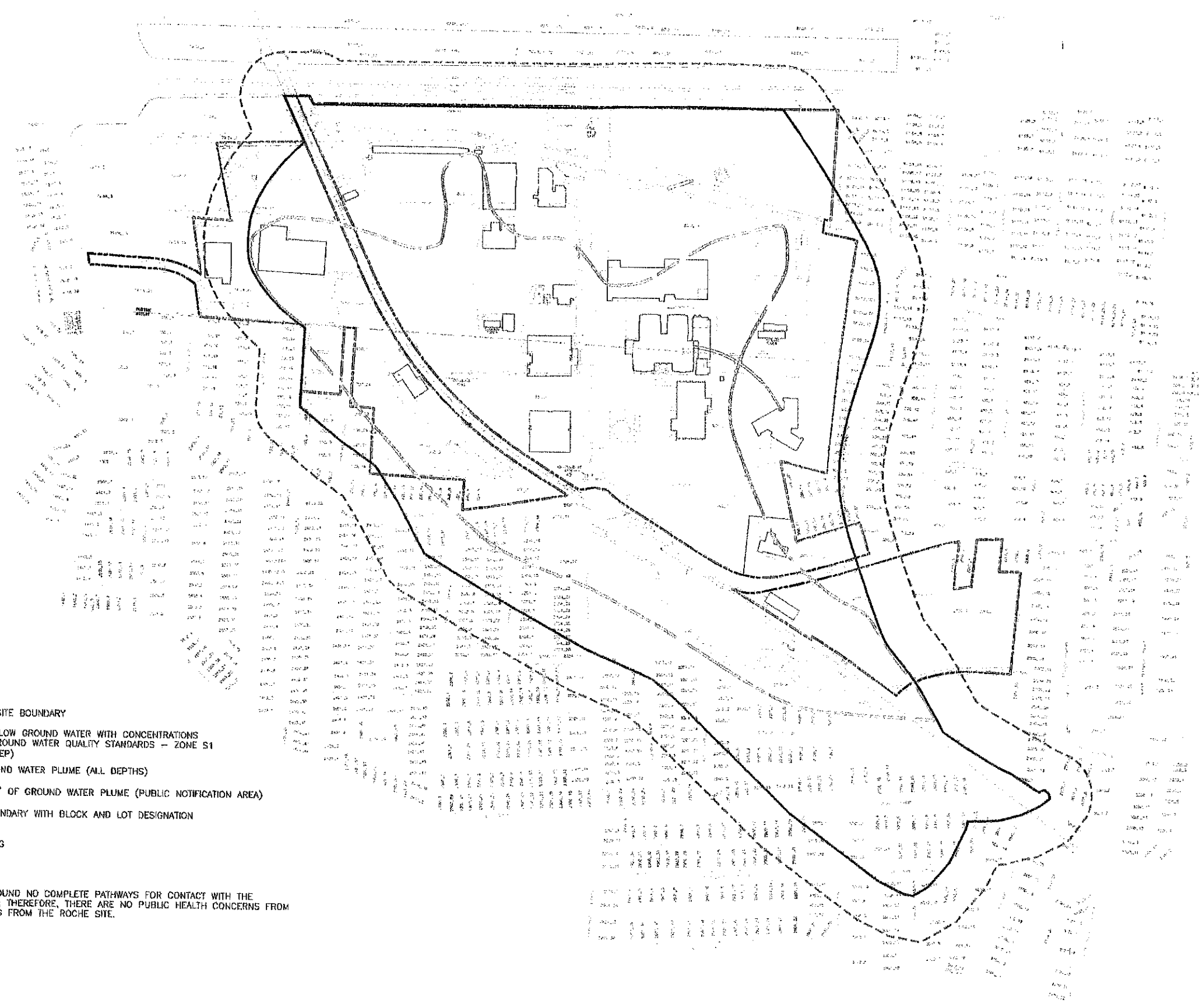
By: 
Howard P. Davis, Esq.

LEVIN SEDRAN & BERMAN

By: 
Austin B. Cohen, Esq.

Attorneys for Plaintiffs and the proposed Class

EXHIBIT 1



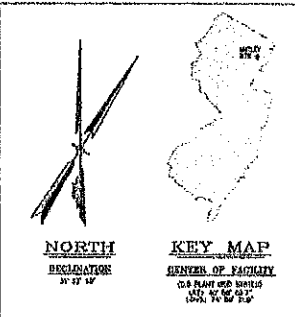
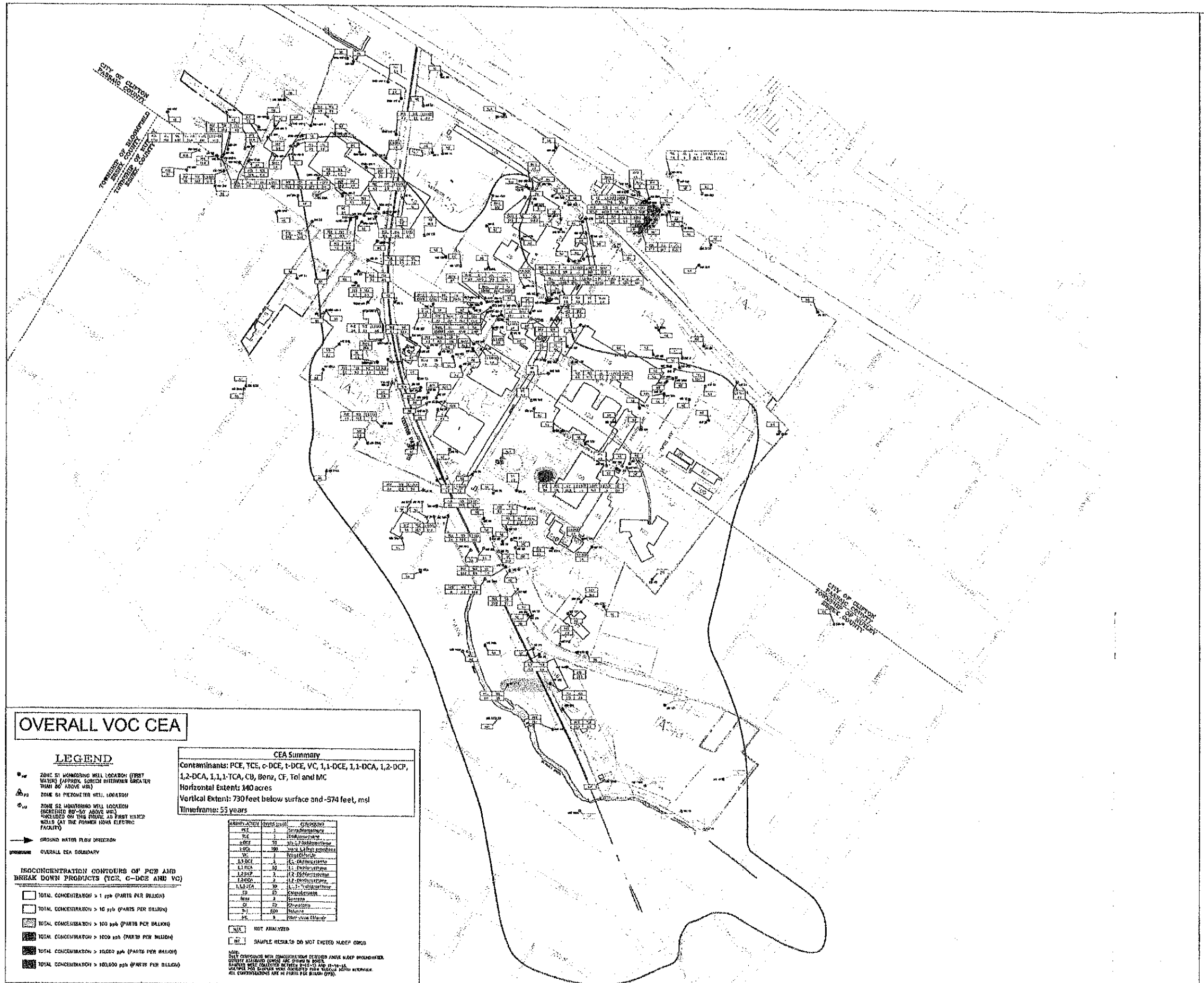
EXPLANATION

- ROCHE NUTLEY SITE BOUNDARY
- EXTENT OF SHALLOW GROUND WATER WITH CONCENTRATIONS ABOVE NJDEP GROUND WATER QUALITY STANDARDS - ZONE S1 (10-30 FEET DEEP)
- EXTENT OF GROUND WATER PLUME (ALL DEPTHS)
- AREA WITHIN 200' OF GROUND WATER PLUME (PUBLIC NOTIFICATION AREA)
- TAX PARCEL BOUNDARY WITH BLOCK AND LOT DESIGNATION (BLOCK_LOT)
- ON-SITE BUILDING

NOTES:
 1. OUR INVESTIGATION FOUND NO COMPLETE PATHWAYS FOR CONTACT WITH THE GROUNDWATER PLUME; THEREFORE, THERE ARE NO PUBLIC HEALTH CONCERNS FROM GROUNDWATER COMING FROM THE ROCHE SITE.

ENGINEER IN CHARGE OF THE WORK SIGN ON THIS DRAWING 	 TRC ENVIRONMENTAL CORP. 41 SPRING STREET NEW PROVIDENCE, NJ 07974 908-688-1700	 NORTH	GRAPHIC SCALE 1 INCH = 100 FEET	PROJECT TITLE NUTLEY SITE REMEDIATION PROJECT		FIGURE # FIGURE B ROCHE NUTLEY - EXTENT OF ZONE S1 GROUND WATER PLUME AND PUBLIC NOTIFICATION AREA		SHEET 1 OF 1
				DATE 12/20/78		DRAWN BY J. G. ROY		CHECKED BY J. G. ROY
THE STATE OF NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS REVIEWED THIS DRAWING AND HAS GRANTED A LIMITED TERM PERMIT TO THE ABOVE NAMED ENGINEER TO SIGN AND SEAL THIS DRAWING.				REGISTERED PROFESSIONAL ENGINEER 		Hoffmann-La Roche Inc. 350 WASHINGTON STREET ADDS. NEW JERSEY 07093-0001		PROJECT NO. NR-STE-S29215-C1187

EXHIBIT 2



OVERALL VOC CEA

- LEGEND**
- ZONE 51 MONITORING WELL LOCATION (FIRST WATER) (APPROX. SECTION BETWEEN GREATER THAN 80' ABOVE MSL)
 - ▲ ZONE 52 MONITORING WELL LOCATION (SCREENED 80'-50' ABOVE MSL) INCLUDED ON THIS FIGURE AS FIRST WATER WELLS AT THE FORMER NOVA ELECTRIC FACILITY
 - ZONE 53 MONITORING WELL LOCATION
 - GROUND WATER FLOW DIRECTION
 - OVERALL CEA BOUNDARY
- ISOCENTRATION CONTOURS OF PCB AND BREAK DOWN PRODUCTS (TCE, C-DCE AND VC)**
- TOTAL CONCENTRATION > 1 ppb (PARTS PER BILLION)
 - TOTAL CONCENTRATION > 10 ppb (PARTS PER BILLION)
 - TOTAL CONCENTRATION > 100 ppb (PARTS PER BILLION)
 - TOTAL CONCENTRATION > 1000 ppb (PARTS PER BILLION)
 - TOTAL CONCENTRATION > 10000 ppb (PARTS PER BILLION)
 - TOTAL CONCENTRATION > 100000 ppb (PARTS PER BILLION)

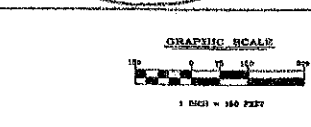
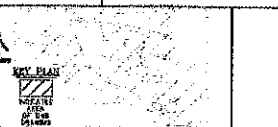
CEA Summary
 Contaminants: PCE, TCE, c-DCE, t-DCE, VC, 1,1-DCE, 1,1-DCA, 1,2-DCA, 1,2-DCA, 1,1,1-TCA, CB, Benz, CF, Tol and MC
 Horizontal Extent: 140 acres
 Vertical Extent: 730 feet below surface and -574 feet, msl
 Timeframe: 55 years

ANALYST	DATE	CONCENTRATION	UNITS
11	11/11/92	1.0	ppb
12	11/11/92	1.0	ppb
13	11/11/92	1.0	ppb
14	11/11/92	1.0	ppb
15	11/11/92	1.0	ppb
16	11/11/92	1.0	ppb
17	11/11/92	1.0	ppb
18	11/11/92	1.0	ppb
19	11/11/92	1.0	ppb
20	11/11/92	1.0	ppb
21	11/11/92	1.0	ppb
22	11/11/92	1.0	ppb
23	11/11/92	1.0	ppb
24	11/11/92	1.0	ppb
25	11/11/92	1.0	ppb
26	11/11/92	1.0	ppb
27	11/11/92	1.0	ppb
28	11/11/92	1.0	ppb
29	11/11/92	1.0	ppb
30	11/11/92	1.0	ppb

NOTE:
 ONLY CONCENTRATIONS WITH CONCENTRATIONS EXCEEDED HAVE BEEN BOUNDARIED.
 CONCENTRATIONS SHOWN ARE FROM 1992-1993.
 SAMPLES WERE COLLECTED ON 11/11/92 AND 11/11/93.
 ALL CONCENTRATIONS ARE IN PARTS PER BILLION (PPB).

ENGINEER IN RESPONSIBLE CHARGE OF THE WORK SHOWN ON THIS DRAWING

PROFESSIONAL ENGINEER



NO.	DATE	DESCRIPTION
1	11/11/92	CEA FOR 51-53 MONITORING WELLS
2	11/11/93	CEA FOR 51-53 MONITORING WELLS

PROJECT: NUTLEY SITE REMEDIATION PROJECT

DATE: 11/11/93

FIGURE V-1
 OVERALL VOC CEA

SCALE: 1" = 150'

Hoffmann-La Roche Inc.

NR-STE-S29215-C909

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LEVIN, SEDRAN & BERMAN
Austin Cohen, Esq.
(Attorney ID # 035221996)
510 Walnut Street, Suite 500
Philadelphia, Pennsylvania 19106
(215) 592-1500 (ph)
(215) 592-4663 (fax)

Counsel for Plaintiffs

EZZEDIN BAUTISTA and MELANIE
RYAN, On behalf of Themselves and all
Others Similarly Situated,

Plaintiffs,

v.

HOFFMANN-LA ROCHE INC.; THE CITY
OF CLIFTON, NEW JERSEY; THE
TOWNSHIP OF NUTLEY, NEW JERSEY;
DELUXE CORPORATION; JOHN DOES 1-
100 (names being fictitious and unknown); and
XYZ CORPORATIONS 1-100 (names being
fictitious and unknown),

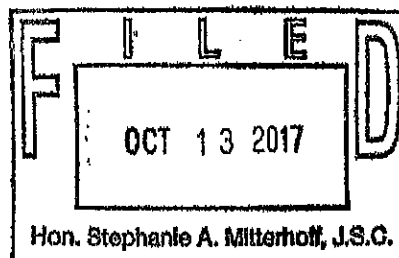
Defendants.

HOFFMANN-LA ROCHE INC.,

Defendant/Third-Party Plaintiff,

v.

THE TOWNSHIP OF NUTLEY, NEW
JERSEY, DELUXE CORPORATION;
BRIAD GROUP; S&H Ltd.; CLIFTON
LIFESTYLE CENTER, LLC; MERCER
ENGINEERING WORKS; MERCER-
ROBINSON COMPANY; BENNETT



OCT 16 2017

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

DOCKET NO. ESX-L-008724-14

CIVIL ACTION

ORDER

MACHINERY CORPORATION; JOHN DUSENBERY CO., INC.; INTERNATIONAL PAPER COMPANY; NEVINS COMPANY; NEVINS-CHURCH PRESS; UNION BAG-CAMP PAPER CORPORATION; UNION CAMP CORPORATION; LUBRIZOL CORPORATION; LUBRIZOL ADVANCED MATERIAL, INC.; SCHER BROTHERS; SCHER CHEMICAL, INC.; NOVEON, INC.; MAJOR AUTOMOTIVE PRODUCTS COMPANY; MAJOR ENTERPRISES, INC.; SCANDIA PACKAGING MACHINERY COMPANY; MOTIVA ENTERPRISES, LLC; SHELL OIL COMPANY; UTZ, LLC; UTZTI, LLC; UTZ TECHNOLOGIES, INC.; UTZ ENGINEERING, INC.; LYNN HOLDINGS, LLC; DIME REALTY, LLC; and THIRD PARTY DOES 1-50,

Third-Party Defendants.

THE CITY OF CLIFTON, NEW JERSEY,

Third-Party Plaintiff,

v.

E.I. DU PONT DE NEMOURS AND COMPANY; JOHN DOES 1-200 (names being fictitious and unknown; and ABC CORPORATIONS 1-100 (names being fictitious and unknown),

Third-Party Defendants.

HOFFMANN-LA ROCHE INC.,

Defendant/Third-Party Plaintiff,

v.

LOCKHEED MARTIN CORPORATION

Third-Party Defendant.

DELUXE CORPORATION

Defendant /Third-Party Defendant/Third-Party
Plaintiff,

v.

LOUIS BERGER GROUP, INC.; LOUIS
BERGER & ASSOCIATES, INC.; JOHN
DOES 1-100 (names being fictitious
and unknown); and ABC CORPORATIONS
1-100 (names being fictitious and unknown)

Third-Party Defendants.

THIS MATTER being opened to the Court by Plaintiffs Ezzedin Bautista and Melaine Ryan, On Behalf of Themselves and all Others Similarly Situated, on a Motion for Leave to File a Third Amended Complaint, after the Court having read and considered the motion and other documents filed in this matter, including the letter brief and certifications submitted in support of this motion, and other good cause appearing;

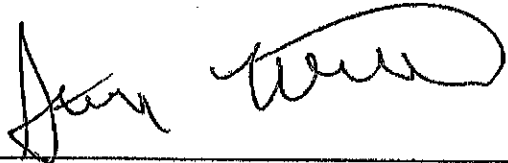
IT IS on this 12th day of the month of Oct., 2017, **ORDERED AS FOLLOWS:**

1. That Plaintiffs' Motion for Leave to File a Third Amended Complaint is hereby GRANTED; and

2. That Plaintiffs shall have 30 days to simultaneously file and serve upon all named Defendants herein their Amended Complaint in the form of the proposed Third Amended Complaint attached as **Exhibit A** to the Attorney Certification of Howard P. Davis, Esq. submitted in support of this motion; and

3. That a copy of this Order shall be served upon all Parties within 7 days from its receipt hereof by Plaintiffs' counsel.

Dated: 10/3/17



Honorable Stephanie Mitterhoff, J.S.C.

Opposed

Unopposed

w Jersey
Courthouse
r King, Jr. Blvd
07102

ie A. Mitterhoff, J.S.C.

COURT OF DISABILITY
DATION NEEDS



U.S. POSTAGE >>> PITNEY BOWES

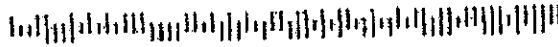


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JACQUELINE SUTTON and MELANIE
RYAN, On behalf of Themselves and all
Others Similarly Situated,

Plaintiffs,

v.

HOFFMANN-LA ROCHE INC.; THE CITY
OF CLIFTON, NEW JERSEY; THE
TOWNSHIP OF NUTLEY, NEW JERSEY;
DELUXE CORPORATION; JOHN DOES 1-
100 (names being fictitious and unknown); and
XYZ CORPORATIONS 1-100 (names being
fictitious and unknown),

Defendants.

HOFFMANN-LA ROCHE INC.,

Defendant/Third-Party Plaintiff,

v.

THE TOWNSHIP OF NUTLEY, NEW
JERSEY, DELUXE CORPORATION;
BRIAD GROUP; S&H Ltd.; CLIFTON
LIFESTYLE CENTER, LLC; MERCER
ENGINEERING WORKS; MERCER-
ROBINSON COMPANY; BENNETT
MACHINERY CORPORATION; JOHN
DUSENBERY CO., INC.;
INTERNATIONAL PAPER COMPANY;

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

DOCKET NO. ESX-L-008724-14

CIVIL ACTION

Certification of Service

NEVINS COMPANY; NEVINS-CHURCH PRESS; UNION BAG-CAMP PAPER CORPORATION; UNION CAMP CORPORATION; LUBRIZOL CORPORATION; LUBRIZOL ADVANCED MATERIAL, INC.; SCHER BROTHERS; SCHER CHEMICAL, INC.; NOVEON, INC.; MAJOR AUTOMOTIVE PRODUCTS COMPANY; MAJOR ENTERPRISES, INC.; SCANDIA PACKAGING MACHINERY COMPANY; MOTIVA ENTERPRISES, LLC; SHELL OIL COMPANY; UTZTI, LLC; UTZ TECHNOLOGIES, INC.; UTZ ENGINEERING, INC.; LYNN HOLDINGS, LLC; DIME REALTY, LLC; and THIRD PARTY DOES 1-50,

Third-Party Defendants.

THE CITY OF CLIFTON, NEW JERSEY,

Third-Party Plaintiff,

v.

E.I. DU PONT DE NEMOURS AND COMPANY; JOHN DOES 1-200 (names being fictitious and unknown; and ABC CORPORATIONS 1-100 (names being fictitious and unknown),

Third-Party Defendants.

HOFFMANN-LA ROCHE INC.,

Defendant/Third-Party Plaintiff,

v.

LOCKHEED MARTIN CORPORATION

Third-Party Defendant.

DELUXE CORPORATION

Defendant /Third-Party Defendant/Third-Party Plaintiff,

v.

LOUIS BERGER GROUP, INC.; LOUIS

BERGER & ASSOCIATES, INC.; JOHN
DOES 1-100 (names being fictitious
and unknown); and ABC CORPORATIONS
1-100 (names being fictitious and unknown)

Third-Party Defendants.

I, Drew Levinson, of full age, certify that I caused an original and two copies of Plaintiffs' Third Amended Complaint, with Exhibits, and the Court Order permitting the filing of same to be hand delivered via D.C. Express on November 8, 2017, as follows to:

Superior Court of New Jersey
Deputy Clerk of the Superior Court
Essex Vicinage
50 West Market Street
Newark, New Jersey 07102

I also certify that I caused the above-referenced documents to be delivered via First Class Mail (with enclosures) and/or electronic mail (without enclosures) on November 8, 2017, as follows to:

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I further certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: November 8, 2017


Drew Levinson, Esq.