

EXHIBIT 2

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Superior Court of New Jersey

JAN -7 2009

CIVIL CASE MANAGEMENT
UNION COUNTY
ATTORNEYS FOR PLAINTIFFS

NEW JERSEY DEPARTMENT OF	:	SUPERIOR COURT OF NEW JERSEY
ENVIRONMENTAL PROTECTION and	:	DIVISION - HUDSON COUNTY
ADMINISTRATOR, NEW JERSEY	:	DOCKET NO. L-4415-04
SPILL COMPENSATION FUND,	:	
	:	consolidated with
Plaintiffs,	:	
	:	SUPERIOR COURT OF NEW JERSEY
v.	:	LAW DIVISION - UNION COUNTY
	:	DOCKET NO. L-3026-04 LAW
EXXON MOBIL CORPORATION,	:	
	:	<u>Civil Action</u>
Defendant.	:	
	:	FIRST AMENDED COMPLAINT
	:	(Bayway)

Plaintiffs New Jersey Department of Environmental Protection ("DEP"), and the Administrator of the New Jersey Spill Compensation Fund ("Administrator") (collectively, "the Plaintiffs"), having

SECOND COUNT

Public Nuisance

34. Plaintiffs repeat each allegation of Paragraphs 1 through 33 above as though fully set forth in its entirety herein.

35. Groundwater is a natural resource of the State held in trust by the State.

36. The use, enjoyment and existence of uncontaminated natural resources is a right common to the general public.

37. The contamination of groundwater at the Site constitutes a physical invasion of public property and an unreasonable and substantial interference, both actual and potential, with the exercise of the public's common right to this natural resource.

38. As long as groundwater remains contaminated due to the Defendant's conduct, the public nuisance continues.

39. Until the groundwater is restored to its pre-injury quality, the Defendant is liable for the creation, and continued maintenance, of a public nuisance in contravention of the public's common right to clean groundwater.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs DEP and Administrator pray that this Court:

- a. Order the Defendant to reimburse the Plaintiffs for all cleanup and removal costs and damages, including