

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION**

This document pertains to:

*New Jersey Department of Environmental
Protection, et al. v. Atlantic Richfield Co., et al.
No. 08 Civ. 312*

**Master File No. 1:00 – 1898
MDL 1358 (SAS)
M21-88**

**DECLARATION OF RICHARD E.
WALLACE, JR. IN SUPPORT OF
SHELL'S NOTICE OF MOTION AND
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

RICHARD E. WALLACE, JR., under penalty of perjury, declares as follows:

I am an attorney with Sedgwick LLP, counsel for Defendants Shell Oil Company, Shell Oil Products Company LLC, Shell Trading (US) Company, Equilon Enterprises LLC, and Motiva Enterprises LLC (collectively "Shell"). I am admitted to practice in the State of Maryland and the District of Columbia, and I have been admitted to practice *pro hac vice* in this Court in this case. I make this declaration in support of Shell's Motion for Partial Summary Judgment on Plaintiffs' Claims for Primary Restoration at the Ridgewood Trial Site.

1. Attached hereto as Exhibit 1 are true and accurate copies of excerpts of the following documents that were produced in this case, relating to the history of contamination at the Ridgewood Trial Site:

- a. Walthery and Twinney Well Sampling Results, NJDEP-SITE220-026052 to 026053; NJDEP-SITE220-026055; and NJDEP-SITE220-026057;
- b. Letter from William Mowell, Village of Ridgewood to John Horan, Esq., SH-NJ-WG012572 to SH-NJ-WG012577 (June 23, 1992) (discussing 1987 MTBE detections in the Village of Ridgewood's Walthery and Twinney drinking water wells); and
- c. Village of Ridgewood Municipal Well Sampling Results, SH-WK-RIDGEWOOD, 009195-009198.

2. Attached hereto as Exhibit 2 is a true and accurate copy of excerpts of the 1994 Settlement Agreement, SH-NJ-XX-081405 to SH-NJ-XX-081417, produced in this case relating to the history of prior litigation concerning the Ridgewood Trial Site.

3. Attached hereto as Exhibit 3 is a true and accurate copy of excerpts of the 1999 Settlement Order, SH-NJ-XX-048711 to SH-NJ-XX-048717, produced in this case relating to the history of prior litigation concerning the Ridgewood Trial Site.

4. Attached hereto as Exhibit 4 is a true and accurate copy of excerpts of Plaintiff's Amended Responses to Defendants' Requests for Admission Related to the Shell Ridgewood Trial Site, served in this case on April 9, 2013.

5. Attached hereto as Exhibit 5 is a true and accurate copy of the January 9, 2007 Administrative Consent Order in the Matter of the Shell Service Station, Ridgewood and Shell Oil Company and Motiva Enterprises, LLC, SH-NJ-BB000058 to SH-NJ-BB000072.

6. Attached hereto as Exhibit 6 are true and accurate copies of excerpts of portions of the testimony from depositions taken in this case of the following witnesses:

- a. Donna Plummer, taken on March 13 and 14, 2012; and
- b. Irene Kropp, taken on June 6, 2013.

7. Attached hereto as Exhibit 7 are true and accurate copies of excerpts of the Revised Expert Report of Anthony Brown, Jan. 2013.

8. Attached hereto as Exhibit 8 are true and accurate copies of excerpts of the following reports served by Plaintiffs' expert Anthony Brown in this case:

- a. Revised Cost Summary, ID # 11346 Shell Service Station #138490, Jan. 2013;
and
- b. Revised Site Summary, ID # 11346 Shell Service Station #138490, Jan. 2013;

9. Attached hereto as Exhibit 9 is a true and accurate copy of excerpts of the Revised Feasibility Study served by Plaintiffs' expert Anthony Brown in this case, Jan. 2013.

10. Attached hereto as Exhibit 10 is a true and accurate copy of excerpts of the Rebuttal Report of Anthony Brown, Attachments A and D, Mar. 2013.

11. Attached hereto as Exhibit 11 are true and accurate copies of excerpts of the deposition of Plaintiff's expert Anthony Brown, taken in this case on May 28 and June 3, 2013.

12. Attached hereto as Exhibit 12 is a true and accurate copy of an opinion in *NJDEP v. Union Carbide Corp.*, Docket No. MID-L-5632-07 (N.J. Super. Ct. Mar. 29, 2011).

13. A complete copy of any of these items will be provided upon request.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 1, 2013.

/s/ Richard E. Wallace, Jr.

Richard E. Wallace, Jr. (admitted *pro hac vice*)

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PROOF OF SERVICE VIA LEXIS/NEXIS FILE & SERVE AND E-MAIL

I, Kristin McCormick, hereby declare under penalty of perjury under the laws of the United States of America that a true and accurate copy of the foregoing was served via Lexis/Nexis File & Serve and ECF on all parties on this 1st day of October, 2013.

s/ Kristin McCormick
Kristin McCormick