IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

This document pertains to:

New Jersey Department of Environmental Protection, et al. v. Atlantic Richfield Company, et al.,

Case No. 08-cv-00312

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

MEMORANDUM OF LAW IN SUPPORT OF THIRD PARTY DEFENDANT, H.P. DELTA, INC'S NOTICE OF MOTION FOR SUMMARY JUDGMENT

Stuart J. Lieberman, Esq. Michael G. Sinkevich, Esq. (MS4355) LIEBERMAN & BLECHER, P.C. 10 Jefferson Plaza, Suite 400 Princeton, New Jersey 08540 (732) 355-1311 On behalf of the Third Party Defendant, H.P. Delta, Inc. Third-Party Defendant, H.P. Delta, Inc., relies upon and incorporates herein by reference the arguments set forth in the brief and supporting documentation filed by Third-Party Defendant, Dhandi Transport, Inc. in support of its motion for summary judgment. The arguments and evidence cited therein proves that there is no evidence linking the contamination complained of in the above referenced matter with regard to the H.P. Delta site to Third-Party Defendant, H.P. Delta, Inc. Therefore, it is respectfully submitted that summary judgment should be granted in favor of Third-Party Defendant, H.P. Delta, Inc., thereby dismissing the claims asserted by Defendant, Getty Properties Corp. and Third-Party Defendant, H.P. Delta, Inc.

Respectfully submitted,

Dated: December 6, 2013

/s/ Stuart J. Lieberman Stuart J. Lieberman, Esq. Michael G. Sinkevich, Esq. (MS4355) Lieberman & Blecher, P.C. 100 Jefferson Plaza, Suite 400 Princeton, New Jersey 08540 Phone: 732 355-1311 Fax: 732 355-1310 sjl@liebermanblecher.com mgs@liebermanblecher.com