

EXHIBIT 10

3. Contribution under the provisions of the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11, et seq.
4. Attorneys fees and costs
5. Such other relief as the Court may deem equitable and just.

THIRD PARTY COMPLAINT

Robert Melecci, by way of Third Party Complaint against Dhandi Transport, Inc. by and through its attorneys Leary, Bride, Tinker & Moran, says:

1. As against third party defendant Dhandi Transport, Inc. (Dhandi), defendant/third party plaintiff repeats all claims set forth in plaintiff's First Amended Complaint, filed in the Superior Court of New Jersey, Law Division, Middlesex County under Docket Number MID-L-7781-01 (Exhibit A).

FIRST COUNT

NEGLIGENCE

2. Dhandi delivered gasoline to the subject property.
3. Dhandi was negligent in its delivery of gasoline.
4. As a direct result of Dhandi's negligence, the subject property has been and continues to be damaged.

SECOND COUNT

NEW JERSEY SPILL COMPENSATION AND CONTROL ACT

5. Paragraphs 1 and 4 are repeated and realleged as if set forth in full herein
6. Dhandi is strictly liable pursuant to the New Jersey Spill Compensation and Control Act for the discharge of gasoline and/or hazardous substances from the subject property.

7. Plaintiff H.P. Delta has sought to recover costs from the defendant/third party plaintiff in connection with alleged investigation and remediation action being taken at the property.

8. Pursuant to the Spill Act, defendant/third party plaintiff is entitled to an Order (1) compelling third party defendant to arrange and pay for the investigation and remediation of the subject contamination and/or (b) compelling third party defendant to clean up the subject contamination.

WHEREFORE Robert Melecci demands Judgment against Dhandi Transport, Inc. as follows:

1. Declaring that Dhandi is liable for all response costs and costs of remedial actions undertaken as a consequence of the release or threatened release of hazardous substances at the subject property.

2. Declaring that Robert Melecci is not responsible for the response costs or the costs of remedial actions undertaken as a consequence of the release or threatened release of hazardous substances at the Property.

3. Contribution under the provisions of the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11, *se seq.*

4. Attorneys fees and costs

5. Such other relief as the Court may deem equitable and just.

CLAIM FOR CONTRIBUTION

Defendant/third party plaintiff Robert Melecci, demands contribution from all co-defendants in accordance with the provisions of the Joint Tortfeasors Contribution Law and the Comparative Negligence Law.