

EXHIBIT 5

1 SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MIDDLESEX COUNTY
2 DOCKET NO. MID-L-7781-09
3
4 H.P. DELTA, INC., :
5 Plaintiff, :
6 v. : Deposition of:
7 ROBERT MELECCI and GETTY : HARBANS SINGH
8 PROPERTIES CORP., :
9 Defendant. :

10
11 Transcript of deposition taken
12 by and before CYNTHIA BAUERLE, a Certified
13 Shorthand Reporter and Notary Public, at the
14 Lieberman & Blecher, P.C., 10 Jefferson Plaza,
15 Suite 100, Princeton, New Jersey 08540, on
16 Wednesday, December 22, 2010, commencing at
17 10:05 a.m.

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25 Job No. NJ304794

1 LEARY, BRIDE, TINKER & MORAN, P.C.
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5 973-539-2090
6 Representing Robert Melecci
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1 A P P E A R A N C E S:

2
3 LIEBERMAN & BLECHER, P.C.
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5 10 Jefferson Plaza, Suite 100
6 Princeton, New Jersey 08540
7 732-355-1311
8 Representing the Plaintiff
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10 LOWENSTEIN SANDLER, P.C.
11 BY: ADAM B. LAVINTHAL, ESQ.
12 65 Livingston Avenue
13 Roseland, New Jersey 07068-1791
14 973-597-2493
15 Representing Getty Properties Corp.
16

17 MARSHALL, DENNEHEY, WARNER, COLEMAN
18 & GOGGIN
19 BY: MARC JONES, ESQ.
20 Woodland Falls Corporate Park
21 200 Lake Drive East, Suite 300
22 Cherry Hill, New Jersey 08002
23 856-414-6000
24 Representing Dhandi Transportation
25

1 -----
2 I N D E X
3 -----
4 PAGE
5 WITNESS: HARBANS SINGH
6 EXAMINATION BY MR. LAVINTHAL.....7
7 -----
8 E X H I B I T S
9 -----
10 NO. DESCRIPTION PAGE
11 HP-1 Notice of Deposition of Plaintiff
12 H.P. Delta, Inc. 14
13 HP-2 Picture 37
14 HP-2a through
15 HP-2v Picture 39
16 HP-3 Investigation plan 53
17 HP-4 Lease agreement 66
18 HP-5 Bill of Sale 75
19 HP-6 Interrogatory response 85
20 HP-7 Underground Storage Tank Systems
21 Registration Certificate 108
22 HP-8 Letter, dated September 28, 2010 114
23 HP-9 Letter, dated November 19, 2010 116
24 HP-10 P & J Fuel, Inc., Custom Transaction
25 Detail Report 126

1 materials were placed in a drum.
 2 A. Yes.
 3 Q. What type of drum?
 4 A. It's like metal drum or maybe
 5 plastic drum maybe keep the, you know, safe.
 6 Q. How is it disposed of, the drum?
 7 A. We give it to the environmental
 8 guy to take it.
 9 Q. What environmental guy?
 10 A. Like, C3.
 11 Q. How often was the drum -- did
 12 the drum need to be emptied over the course of
 13 the time that you've been there?
 14 A. It never fill up.
 15 Q. Never fills up?
 16 A. No.
 17 Q. So C3 has never had to dispose
 18 of one of these drums? It's still at your
 19 property?
 20 MR. LIEBERMAN: Objection. Form
 21 of question.
 22 A. No.
 23 Q. I'm not sure I understand.
 24 A. No, because if we don't have
 25 enough over there, they don't take it.

169

1 Q. So you still have a drum with
 2 Speedy Dry?
 3 A. Yes. We have Speedy Dry at all
 4 stations, yes.
 5 Q. Going back to 2003?
 6 A. Oh, yeah.
 7 Q. Mr. Singh, was there a spill
 8 discharge incident at the 439 Lake Avenue
 9 property in December 2004?
 10 MR. LIEBERMAN: Objection to the
 11 form of the question.
 12 A. I think what happened as the
 13 delivery guy left, maybe from the pipe, you
 14 know, when he was -- he was, like, get
 15 together his pipes, maybe, you know, half of
 16 the liter was gone on the ground. Nothing
 17 happened. My guy put the Speedy Dry and the
 18 truck is gone, then maybe Melecci called the
 19 fire people. They came. That's all.
 20 Q. And this happened December of
 21 2004?
 22 A. I think so.
 23 Q. So just to make sure I
 24 understand again what you said.
 25 A. It was like from the guy deliver

170

1 all of the gas in the tanks. When he was
 2 disconnecting the pipes, he pull up, like, you
 3 know, when he pull up the pipe, it was in the
 4 pipe, like, maybe half a liter and, you know,
 5 he lifted guy -- the guy lifted. He don't
 6 take care, but my guy put Speedy Dry on it and
 7 I clean it, but after that Melecci called to
 8 the fire department.
 9 Q. You said there was a half liter?
 10 A. Half a liter.
 11 Q. Where did the half liter end up?
 12 On the ground?
 13 A. On the ground, yes. When you
 14 put the Speedy Dry, you know, it's like
 15 nothing on it.
 16 Q. And this happened during a
 17 delivery?
 18 A. Yes. When the guy was doing
 19 delivery, yes. When he left, then it came
 20 from his pipe.
 21 Q. And this was in 2004?
 22 A. Four, yes.
 23 Q. So that was a Dhandi delivery?
 24 A. Yes.
 25 Q. So I thought you testified

171

1 earlier that there weren't any discharge
 2 instances. So does this refresh your
 3 recollection that there was one?
 4 MR. LIEBERMAN: Objection to the
 5 form.
 6 MR. JONES: Join.
 7 A. This is not a discharge.
 8 Discharge means, like, you spill more than
 9 three liter. Four liter. This is half liter,
 10 you know, anything going to happen on the
 11 road. It's like what you can say is a half
 12 liter.
 13 Q. Were there any other instances
 14 like this?
 15 A. No. Never.
 16 MR. LIEBERMAN: Just a quick
 17 clarification. When you said the ground, what
 18 is the ground?
 19 THE WITNESS: On the surface.
 20 On the blacktop.
 21 MR. LIEBERMAN: The blacktop?
 22 THE WITNESS: Yes.
 23 MR. LIEBERMAN: Just wanted to
 24 be clear on this.
 25 Q. This was on the blacktop?

172