

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

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

**Master File No. 1:00 - 1898
MDL 1358
M21-88**

This Document Relates to:

*New Jersey Department of Environmental
Protection, et al. v. Atlantic Richfield Co., et al.*
No. 1:08-cv-00312

*Commonwealth of Pennsylvania, etc. v.
Exxon Mobil Corporation, et al.,*
No. 1:14-cv-06228

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

Doc. 4615

**DECLARATION OF ROBERT H. SILLIMAN JR.
REGARDING CERTAIN DOCUMENTS**

1. I am Robert H. Silliman Jr. and my position is Facilities Manager & Operations Analyst with Gulf Oil Limited Partnership (GOLP).
2. I make this Declaration on behalf of Gulf Oil Limited Partnership, a defendant in the *New Jersey Department of Environmental Protection, et al. v. Atlantic Richfield Co., et al.*, No. 1:08-cv-00312 and *Commonwealth of Pennsylvania, etc. v. Exxon Mobil Corporation, et al.*, No. 1:14-cv-06228.
3. The information herein is based upon (1) my personal knowledge, (2) the records of GOLP, and (3) information provided to me by the knowledgeable employees of GOLP.
4. GOLP is a Delaware limited partnership with its principal place of business at 80 William Street, Suite 400, Wellesley Hills, MA 02481.

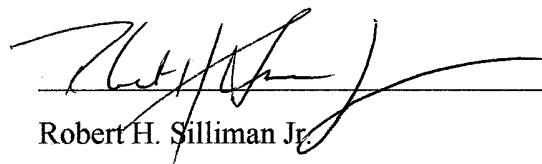
5. I declare and certify that GOLP has in its possession approximately 600 boxes of paper records containing only bills of lading and daily folio files from the Linden and Woodbury Terminals, located in the State of New Jersey.
 6. I declare and certify that all relevant substantive information related to New Jersey, Pennsylvania, and Maryland, in the approximately 600 boxes of paper records from the Linden and Woodbury Terminals are reliably reflected in the spreadsheets titled "GOLP-NJDEP-024637_CONFIDENTIAL (per 2004 MDL 138 Order) – FOR OUTSIDE COUNSEL ONLY.XLSX;" as well as those bates labeled: PAMDL1358-GOLP0011676 and PAMDL1358-GOLP0011677 produced in response to Case Management Order 119 in *Commonwealth of Pennsylvania, etc. v. Exxon Mobil Corporation, et al.*, No. 1:14-cv-06228; and GOLP-MD-0000001 produced in response to Case Management Order 1 in *State of Maryland v. ExxonMobil Corp., et al.*, No. 1:18-CV-00459-SAG (D. Md.).
 7. I declare and admit that the spreadsheets titled "GOLP-NJDEP-24637_CONFIDENTIAL (per 2004 MDL 138 Order) – FOR OUTSIDE COUNSEL ONLY.XLSX," and those bates labeled PAMDL1358-GOLP0011676; PAMDL1358-GOLP0011677; and GOLP-MD-0000001 are authentic under the Federal Rules of Evidence.
 8. I declare that on December 3, 2020, relevant scanned samples of the paper records in the approximately 600 boxes were provided to counsel for Plaintiff in the *New Jersey Department of Environmental Protection, et al. v. Atlantic Richfield Co., et al.*, No. 1:08-cv-00312, *Commonwealth of Pennsylvania, etc. v. Exxon Mobil Corporation, et al.*, No. 1:14-cv-06228, and *State of Maryland v. ExxonMobil Corp., et al.*, No. 1:18-CV-00459-SAG (D. Md.). The six scanned sample records provided to Plaintiffs' counsel were
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representative of the type of paper bills of lading and daily folio records contained in the approximately 600 boxes from both the Linden and Woodbury Terminals.

9. I declare that on November 24, 2020, GOLP produced this spreadsheet titled "GOLP-NJDEP-024637_CONFIDENTIAL (per 2004 MDL 138 Order) – FOR OUTSIDE COUNSEL ONLY.XLSX." to counsel for Plaintiff in the *New Jersey Department of Environmental Protection, et al. v. Atlantic Richfield Co., et al.*, No. 1:08-cv-00312, *Commonwealth of Pennsylvania, etc. v. Exxon Mobil Corporation, et al.*, No. 1:14-cv-06228, and *State of Maryland v. ExxonMobil Corp., et al.*, No. 1:18-CV-00459-SAG (D. Md.).

I declare under penalty of perjury under the laws of the Massachusetts, that the foregoing Declaration of Robert H. Silliman Jr. is true and correct:

Executed on this 11th day of February, 2021 at 7:52 Am.



Robert H. Silliman Jr.
Facilities Manager & Operations Analyst
Gulf Oil Limited Partnership

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Protection, et al. v. Atlantic Richfield Co., et al.*
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No. 1:14-cv-06228

STIPULATION

NOW COMES Gulf Oil Limited Partnership (GOLP), by and through counsel, and counsel for Plaintiff in the cases of *New Jersey Department of Environmental Protection, et al. v. Atlantic Richfield Co., et al.*, No. 1:08-cv-0031, *Commonwealth of Pennsylvania, etc. v. Exxon Mobil Corporation, et al.*, No. 1:14-cv-06228, and *State of Maryland v. ExxonMobil Corp., et al.*, No. 1:18-CV-00459-SAG (D.Md.), and HEREBY STIPULATE AND AGREE as follows:

1. WHEREFORE GOLP admits, stipulates, and agrees that the spreadsheet titled “GOLP-NJDEP-024637_CONFIDENTIAL (per 2004 MDL 138 Order) – FOR OUTSIDE COUNSEL ONLY.XLSX,” is authentic.
2. WHEREFORE GOLP stipulates and agrees that in all future proceedings in the cases listed in paragraph 8, above, it will not object to or otherwise purport that the spreadsheet “GOLP-NJDEP-024637_CONFIDENTIAL (per 2004 MDL 138 Order) – FOR OUTSIDE COUNSEL ONLY.XLSX,” is inadmissible based on an objection to

the "best evidence rule" or "failure to authenticate" under the Federal Rules of Evidence or any similar Federal or State rule or law.

3. WHEREFORE based on the representations made in the foregoing Declaration by Robert H. Silliman Jr. and the Stipulations made by GOLP, above, Plaintiff withdraws its objections to GOLP's Notice of Intent to Destroy the approximately 600 Boxes of paper records containing only bills of lading and daily folio files from the Linden and Woodbury Terminals, referenced above.

AGREED TO BY:

March 3,
Dated: ~~February~~ ____, 2021

MILLER & AXLINE, P.C.



MICHAEL D. AXLINE
1050 Fulton Ave., Suite 100
Sacramento, CA 95825
*Special Counsel for Plaintiffs New Jersey
Department of Environmental Prot., et al.*

Dated: February 11, 2021

BERNSTEIN SHUR SAWYER &
NELSON



CHAD W. HIGGINS
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P.O. Box 8729
Portland, ME 04104
*Counsel for Defendant Gulf Oil Limited
Partnership*

SO ORDERED:

DATED:

Hon. Vernon S. Broderick, U.S.D.J.