

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 093
Trenton, New Jersey 08625-0093
Attorney for Plaintiffs

By: Kevin A. Terhune
Deputy Attorney General
Attorney ID: 046601996
(609)376-2735
Kevin.Terhune@law.njoag.gov

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; THE COMMISSIONER OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; and THE ADMINISTRATOR OF THE NEW JERSEY SPILL COMPENSATION FUND,	:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION - ESSEX COUNTY
	:	DOCKET NO.
	:	
	:	<u>Civil Action</u>
	:	COMPLAINT
Plaintiffs,	:	
	:	
v.	:	
	:	
NANES METAL FINISHING COMPANY, INC.; 305 THIRD AVENUE WEST, LLC; RZP NJ, LLC, "XYZ CORPORATIONS" 1-10 (Names Fictitious); and "JOHN AND/OR DOES" 1-10 (Names Fictitious),	:	
	:	
Defendants.	:	

Plaintiffs, the New Jersey Department of Environmental Protection (the "Department" or "DEP"), the Commissioner of the New Jersey Department of Environmental Protection (the "Commissioner"), and the Administrator of the New Jersey Spill

Compensation Fund (the "Administrator") (collectively, the "Plaintiffs"), having their principal offices at 401 East State Street in the City of Trenton, County of Mercer, State of New Jersey, by and through their attorney, file this Complaint against the above-named Defendants, and allege as follows:

STATEMENT OF THE CASE

1. This is a civil action pursuant to the New Jersey Spill Compensation and Control Act (the "Spill Act"), N.J.S.A. 58:10-23.11 to 23.24, the Water Pollution Control Act ("WPCA"), N.J.S.A. 58:10A-1 to -35, and the common law, for reimbursement of the costs Plaintiffs have incurred, and will incur, as a result of the discharge of hazardous substances at property located at 461-491 Fourth Street, in the City of Newark, Essex County, New Jersey (the "Property"), and to compel the defendants to remediate the site.
2. From 1966 through September 1994, Nanes Metal Finishing Company, Inc. ("Nanes") operated a metal finishing business on the Property. Its operations included assembly of steel and aluminum components. As part of these operations, Nanes used and disposed of hazardous substances at the Property.
3. In or around 2000, DEP discovered that 1,1,1-trichloroethane

("1,1,1-TCA"), trichloroethene ("TCE"), tetrachloroethene ("PCE"), lead, benzo(b)fluoranthene were at the Property at levels above soil cleanup criteria. Groundwater sampling at the Property also revealed 1,1,1-TCA, TCE, and PCE above groundwater cleanup criteria. Ultimately, TCE and PCE was also found in indoor air samples due to the presence of those contaminants at the Property.

4. Each of these substances are dangerous for human health, and exposure to PCE and TCE in particular has been linked to kidney dysfunction, respiratory tract irritation, and cognitive and neurological effects.
5. While Nanes commenced some remediation at the Property when it ceased to operate in 1994, the company did not complete the remediation. Because of Nanes' failure to remediate the Property, DEP had to perform remedial activities using public funds, including installing vapor mitigation systems that bar PCE and TCE from entering the building's indoor air and thus protect the occupants of the building on the Property. DEP spent over half a million dollars on these efforts.
6. Despite DEP's extensive efforts to mitigate the vapor intrusion in the building for the protection of its occupants, further remediation remains to be completed, including on-

site and off-site remediation of groundwater contamination.

THE PARTIES

7. The Department is a principal department within the Executive Branch of the New Jersey State government vested with the authority to conserve and protect natural resources, protect the environment, prevent pollution, and protect the public health and safety. N.J.S.A. 13:1D-9.
8. The Commissioner is the Commissioner of the DEP, N.J.S.A. 58:10A-3, and is vested by law with various powers and authority, including those conferred by the DEP's enabling legislation, N.J.S.A. 13:1D to -19.
9. The Administrator is the chief executive officer of the New Jersey Spill Compensation Fund (the "Spill Fund"). N.J.S.A. 58:10-23.11j. As the chief executive officer of the Spill Fund, the Administrator is authorized to approve and pay any cleanup and removal costs the Department incurs, N.J.S.A. 58:10-23.11f.c. and d., and to certify the amount of any claim to be paid from the Spill Fund. N.J.S.A. 58:10-23.11j.d.
10. Nanes Metal Finishing Company is a corporation organized under the laws of the State of New Jersey with a principal

place of business at 461-491 Fourth Street, in the City of Newark, Essex County, New Jersey 07107.

11. 305 Third Avenue West, LLC is a limited liability company organized under the laws of the State of New Jersey, with a principle place of business at 461-491 Fourth Street, in the City of Newark, Essex County, New Jersey 07107. RZP NJ, LLC is a limited liability company organized under the laws of the State of New Jersey, with a principle place of business at 2 Prospect Village Plaza, Clifton, New Jersey 07013.
12. "XYZ Corporations" 1-10, these names being fictitious, are entities with identities that cannot be ascertained as of the filing of this Complaint, certain of which are corporate successors to, predecessors of, insurers of, or are otherwise related to, defendants Nanes, 305 Third Avenue West, LLC and RZP NJ, LLC and/or are other dischargers and/or persons "in any way responsible" for the hazardous substances discharged at the site.
13. "John and/or Jane Does" 1-10, these names being fictitious, are individuals whose identities cannot be ascertained as of the filing of this Complaint, certain of whom are partners, officers, directors, and/or responsible corporate officials of, or are otherwise related to, defendants Nanes, 305 Third

Avenue West, LLC and RZP NJ, LLC and/or one or more of the XYZ Corporation defendants, and/or are other dischargers and/or persons "in any way responsible" for the hazardous substances discharged at the Property.

GENERAL ALLEGATIONS

14. The Property is located at 461-491 Fourth Street in the City of Newark, New Jersey, also known as Block 1951, Lot 22 on the Tax Map of the City of Newark, and all other areas where any hazardous substances discharged there have come to be located (collectively, the "Site"), which the Department has designated as Site Remediation Program Interest No. 025947.
15. The Site is located in a mixed residential, commercial, and industrial section of Newark. Newark's light rail train and Branch Brook Park are located east of the Site, while Kasberger Field, a park with ballfields used by residents, lies to the south. North 4th Street and residential homes lie west of the Site, while various commercial buildings and residences are located north.
16. From 1905 to January 26, 1966, the Property was owned by William Crabb & Company, until it was transferred to Eva

Bennett, Joy Bennett Hartshorn, Barbara Bennett, and Ruth Bennett Fulethan, doing business as Reby Chase Company.

17. On May 9, 1966, Nanes acquired title to the Property.
18. From 1966 through 1994, the Property was used by Nanes as a metal finishing, assembly, and production facility. Subsequent to 1994, the Property has been leased by Nanes and others to various retail and commercial tenants.
19. While Nanes remains listed on the tax records as the owner of the Property, upon information and belief, at some time subsequent to 1994, 305 Third Avenue West, LLC, a former tenant of Nanes, exercised an option to purchase the Property and continued its operations there.
20. In 2016, a Federal Bankruptcy petition indicated that the current owner of the Property is RZP NJ, LLC, and, upon information and belief, remains owner of the Property.

OPERATION OF THE NANES SITE AND CONTAMINATION

21. From 1931 through 1966, William Crabb & Company operated a lumber and millwork supply facility for the textile trade at the Site.
22. From 1966 through September 1994, Nanes operated a metal finishing, assembly, and production business on the Property.

23. During the time that defendant Nanes owned and operated at the Property, "hazardous substances," as defined in N.J.S.A. 58:10-23.11b., were "discharged" there within the meaning of N.J.S.A. 58:10-23.11b., which included 1,1,1-TCA, TCE, PCE, lead, and benzo(b)fluoranthene.
24. Hazardous waste manifests indicate Nanes used and disposed of hazardous substances from 1980-1994.
25. Three USTs were registered and removed from the Site on July 1, 1991, including a 10,000 gallon #2 fuel oil UST, a 2,000 gallon gasoline UST, and a 550 gallon diesel fuel tank.
26. During the removal of the gasoline UST in July 1991, holes in the tank were observed.
27. In 1994, Nanes' cessation of operations triggered mandatory site reporting requirements under the Industrial Site Recovery Act, N.J.S.A. 13:1K-6 to -14 ("ISRA").
28. In July of 1999, Nanes submitted a Preliminary Assessment Report/Remedial Investigation Report/Remedial Investigation Workplan ("1999 PA/RI Report"), which detailed the hazardous substances that were used by Nanes at the Property.
29. The 1999 PA/RI Report noted that hazardous substances were used in operations at the Property and identified several areas of concern, including the former USTs, former above

ground storage tanks ("AGSTs"), storage pads, floor drains, trenches, process area sinks, storm sewer collection systems, drywells, sumps, waste piles, transformers, boiler rooms, waste treatment, and hazardous waste storage areas.

30. Through these submissions, together with more submissions and amendments in 2000, 2005 and 2006, DEP discovered 1,1,1-TCA, TCE, PCE, lead, and benzo(b)fluoranthene were at the Property at levels above non-residential soil cleanup criteria. And groundwater sampling at the Property revealed 1,1,1-TCA and TCE above their respective groundwater quality standards ("GWQS"). In particular, 1,1,1-TCA has been detected as high as 400,000 parts per billion ("ppb"), above its GWQS of 30 ppb, while TCE has been detected as high as 298,000 ppb, above its GWQS of 1.0 ppb.
31. In February 2007, Nanes submitted a Remedial Investigation Report/Remedial Investigation Workplan, which proposed that the company would complete groundwater delineation, a vapor intrusion investigation of the occupied on-site structure, and the installation of a soil vapor extraction system to address the volatile organic compounds in the soil and the groundwater contamination.

32. By letter dated August 4, 2008, DEP approved the Remedial Investigation Report/Remedial Investigation Workplan and required that a progress report be submitted by February 2009, and that Nanes establish a remediation funding source in the amount of \$552,600.00.
33. By letter to DEP dated August 27, 2008, Nanes alleged that it did not have the funds to implement the remediation it had proposed or to post the required funding source.
34. On March 13, 2009, DEP issued Nanes a Notice of Violation for Nanes' failure to establish a remediation funding source.
35. In August 2010, DEP issued a Directive to Nanes to perform the required remediation, including performance of a remedial investigation and implementation of an approved remedial action at the Site, performance of a vapor intrusion investigation, and completion of the Remedial Investigation Workplan. The Directive further informed Nanes that failure to comply would subject the company to treble damages. Nanes did not comply with the Directive.
36. In September 2010, DEP entered into a site access agreement with Nanes, allowing DEP to conduct remediation activities on the Site, and DEP commenced the required remediation for the Site.

37. The Department has since incurred substantial cleanup and removal costs for the Site and it continues to incur costs to this day as it continues to monitor the indoor air quality and maintain the vapor mitigation systems on the Site.
38. In February 2011, indoor air and sub-slab sampling was performed in the occupied structure on the Site, the results of which revealed TCE and PCE above DEP's non-residential screening levels, including two samples that triggered Health Department Notification Levels for TCE.
39. In May 2011, DEP engaged a contractor to build a Soil Vapor Extraction ("SVE") System to alleviate the aforementioned indoor air exceedances.
40. The SVE System became operational in May 2012, and continues to operate under DEP's management using public funds.
41. In addition to the operation of the SVE system, remediation remains to be completed, included a remedial investigation of soil and groundwater, and implementation of remedial action.

FIRST COUNT

Spill Act

42. Plaintiffs repeat each allegation of Paragraphs Nos. 1 through 41 above as though fully set forth in their entirety herein.
43. Any person who discharges a hazardous substance, or is in any way responsible for any hazardous substance, shall be liable, jointly and severally, without regard to fault, for all cleanup and removal costs no matter by whom incurred. N.J.S.A. 58:10-23.11g.c.(1), except as otherwise provided in N.J.S.A. 58:10-23.11g12, which is not applicable here.
44. The costs that Plaintiffs have incurred, and will incur, for the remediation of the Property are "cleanup and removal costs" within the meaning of N.J.S.A. 58:10-23.11b., and are recoverable pursuant to N.J.S.A. 58:10-23.11u.b.(2), (4), and (5).
45. Defendants are "persons" within the meaning of N.J.S.A. 58:10-23.11b.
46. Defendant Nanes is a "discharger" or a "person in any way responsible" as the operator of the Property at which hazardous substances were discharged, and a person "in any way responsible" as the owner of the Property at the time

hazardous substances were discharged there, and is therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs Plaintiffs have incurred, and will incur, as a result of the discharge of hazardous substances at the Property. N.J.S.A. 58:10-23.11g.c.(1).

47. Defendant 305 Third Avenue West, LLC, as a purchaser of the previously contaminated Property that knew or should have known about the contamination at the time of its acquisition, is a person "in any way responsible" for hazardous substances, and is therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs Plaintiffs have incurred, and will incur, as a result of the discharge of hazardous substances at the Property. N.J.S.A. 58:10-23.11g.c. (1).

48. Defendant RZP NJ, LLC, as a purchaser of the previously contaminated Property that knew or should have known about the contamination at the time of its acquisition, is a person "in any way responsible" for hazardous substances, and is therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs Plaintiffs have incurred, and will incur, as a result of the discharge of

hazardous substances at the Property. N.J.S.A. 58:10-23.11g.c. (1).

49. XYZ Corporations 1-10, are persons in any way responsible for discharged hazardous substances and are therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs Plaintiffs have incurred, and will incur, as a result of the discharge of hazardous substances at the Property. N.J.S.A. 58:10-23.11g.c.(1).

50. John and/or Jane Does 1-10 are persons in any way responsible for discharged hazardous substances and are therefore liable, jointly and severally, without regard to fault, for all cleanup and removal costs Plaintiffs have incurred, and will incur, as a result of the discharge of hazardous substances at the Site. N.J.S.A. 58:10-23.11g.c.(1).

51. By failing to comply with the Department's Directives and Notice to Insurer, defendant Nanes is strictly liable, without regard to fault, in an amount up to three times the cleanup and removal costs that Plaintiffs have incurred, and will incur in the future, to remediate the discharge of hazardous substances at the Site. N.J.S.A. 58:10-23.11f.a.(1).

52. The Department may bring an action in the Superior Court for injunctive relief, N.J.S.A. 58:10-23.11u.b.(1); for its unreimbursed investigation, cleanup and removal costs, including the reasonable costs of preparing and successfully litigating the action, N.J.S.A. 58:10-23.11u.b.(2); and for any other unreimbursed costs the Department incurs under the Spill Act, N.J.S.A. 58:10-23.11u.b.(5).
53. The Administrator is authorized to bring an action in the Superior Court for any unreimbursed costs paid from the Spill Fund pursuant to N.J.S.A. 58:10-23.11q.

WHEREFORE, Plaintiffs request judgment in their favor:

- A) Ordering the Defendants, jointly and severally, without regard to fault, to reimburse Plaintiffs for all cleanup and removal costs Plaintiffs have incurred as a result of the discharge of hazardous substances at the Property, with applicable interest;
- B) Ordering Nanes to reimburse Plaintiffs, without regard to fault, in an amount equal to three times all cleanup and removal costs Plaintiffs have incurred as a result of the discharge of hazardous

substances at the Property, with applicable interest;

- C) Entering declaratory judgment against the Defendants, jointly and severally, without regard to fault, for all cleanup and removal costs Plaintiffs will incur as a result of the discharge of hazardous substances at and from the Property;
- D) Entering declaratory judgment against defendant Nanes without regard to fault, in an amount equal to three times all cleanup and removal costs Plaintiffs will incur as a result of the discharge of hazardous substances at the Property;
- E) Entering declaratory judgment against the Defendants, compelling them to perform any further cleanup of the Site in conformance with the Site Remediation Reform Act, N.J.S.A. 58:10C-1 to -29, and all other applicable laws and regulations;
- F) Awarding Plaintiffs their costs and fees incurred in this action; and
- G) Awarding Plaintiffs any other relief this Court deems appropriate.

H) Reserving the right to bring a claim in the future for natural resource damages arising out of the discharge of hazardous substances at the Property.

SECOND COUNT

Water Pollution Control Act

54. The Plaintiffs repeat each allegation of paragraph numbers 1 through 53 above as though fully set forth in its entirety herein.
55. Defendants are "persons" within the meaning of N.J.S.A. 58:10A-3.
56. The unauthorized discharge of pollutants is a violation of the WPCA for which any person who is the discharger is strictly liable, without regard to fault. N.J.S.A. 58:10A-6a.
57. The Commissioner has incurred, and will incur, costs and damages because of the discharge of pollutants at the Property.
58. The costs and damages the Commissioner has incurred, and will incur, for the Site are recoverable within the meaning of N.J.S.A. 58:10A-10c. (2) to (4).

59. Pursuant to N.J.S.A. 58:10A-10c., the Commissioner may bring an action in the Superior Court for injunctive relief, N.J.S.A. 58:10A-10c.(1); for the reasonable costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, including the costs of preparing and litigating the case, N.J.S.A. 58:10A-10c.(2); and reasonable cost incurred by the State in removing, correcting, or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants for which action under this subsection may have been brought, N.J.S.A. 58:10A-10c.(3); and the actual amount of any economic benefits accruing to the violator from any violation, including savings realized from avoided capital or noncapital costs resulting from the violation, the return earned or that may be earned on the amount of avoided costs, any benefits accruing as a result of a competitive market advantage enjoyed by reason of the violation, or any other benefit resulting from the violation, N.J.S.A. 58:10A-10c.(5).

WHEREFORE, the Commissioner prays that this Court:

A. Permanently enjoin defendants Nanes; 305 Third Avenue West, LLC; RZP NJ, LLC; XYZ Corporations 1-

10 and John and/or Jane Does 1-10 by requiring defendants to remove, correct, or terminate the adverse effect upon water quality resulting from any unauthorized discharge of pollutants;

B. Enter an order assessing defendants Nanes; 305 Third Avenue West, LLC and RZP NJ, LLC; XYZ Corporations 1-10 and John and/or Jane Does 1-10, without regard to fault, the reasonable costs for any investigation, inspection, or monitoring survey, which led to establishment of the violation, including the costs of preparing and litigating the case;

C. Enter declaratory judgment against defendants Nanes; 305 Third Avenue West, LLC; RZP NJ, LLC; XYZ Corporations 1-10 and John and/or Jane Does 1-10 without regard to fault, assessing all reasonable costs that will be incurred for any investigation, inspection, or monitoring survey, which led, or will lead, to establishment of the violation, including the costs of preparing and litigating the case;

- D. Enter an order assessing defendants Nanes; 305 Third Avenue West, LLC; RZP NJ, LLC; XYZ Corporations 1-10 and John and/or Jane Does 1-10 without regard to fault, for all reasonable costs incurred for removing, correcting or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants at the Property;
- E. Enter declaratory judgment against defendants Nanes; 305 Third Avenue West, LLC; RZP NJ, LLC; XYZ Corporations 1-10 and John and/or Jane Does 1-10 without regard to fault, assessing all reasonable costs that will be incurred for removing, correcting, or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants at the Property;
- F. Enter an order assessing defendants Nanes; 305 Third Avenue West, LLC; RZP NJ, LLC; XYZ Corporations 1-10 and John and/or Jane Does 1-10 without regard to fault, for the actual amount of any economic benefits they have accrued, including any savings realized from avoided capital or

noncapital costs, the return they have earned on the amount of avoided costs, any benefits defendants Nanes; 305 Third Avenue West, LLC; RZP NJ, LLC; XYZ Corporations 1-10 and John and/or Jane Does 1-10 have enjoyed as a result of a competitive market advantage, or any other benefit they have received as a result of having violated the Water Pollution Control Act;

- G. Enter declaratory judgment against defendants Nanes, 305 Third Avenue West, LLC and RZP NJ, LLC, without regard to fault, assessing defendants Nanes; 305 Third Avenue West, LLC; RZP NJ, LLC; XYZ Corporations 1-10 and John and/or Jane Does 1-10 for the actual amount of any economic benefits that will accrue to them, including any savings to be realized from avoided capital or noncapital costs, the return to be earned on the amount of avoided costs, any benefits that will accrue as a result of a competitive market advantage defendants Nanes; 305 Third Avenue West, LLC; RZP NJ, LLC; XYZ Corporations 1-10 and John and/or Jane Does 1-10 have enjoyed, or any other benefit that will accrue

as a result of having violated the Water Pollution Control Act;

- H. Award the Commissioner her costs and fees in this action; and
- I. Award the Commissioner such other relief as this Court deems appropriate.
- J. Reserving the right to bring a claim in the future for natural resource damages arising out of the discharge of hazardous substances at the Property.

THIRD COUNT

Unjust Enrichment

- 60. Plaintiffs repeat each allegation of Paragraphs Nos. 1 through 59 above as though fully set forth in their entirety herein.
- 61. Defendants have failed to perform or fund the remediation required to address the contamination at the Site.
- 62. Plaintiffs have used and will continue to use public funds to remediate the contamination at the Site.
- 63. Plaintiffs' expenditure of public funds for the remediation at the Site, which otherwise would be Defendants' obligation to fully fund and/or perform, has unjustly enriched

Defendants.

64. Defendants have not reimbursed Plaintiffs for the funds Plaintiffs have spent to conduct the remediation at the Site.

WHEREFORE, Plaintiffs pray that this Court:

- A. Declare that Defendants have been unjustly enriched by Plaintiffs' expenditure of public funds to perform the remediation at the Site;
- B. Order Defendants to reimburse Plaintiffs for the costs Plaintiffs have incurred, and will incur, to perform the remediation at the Site, with applicable interest;
- C. Enter judgment against Defendants for all other compensatory and consequential damages; and
- D. Award the Plaintiffs such other relief as this Court deems appropriate.

FOURTH COUNT

Public Nuisance

65. The Plaintiffs repeat each allegation of paragraph nos. 1 through 64 above as though fully set forth in its entirety herein.

66. Ground water is a natural resource of the State held in

trust by the State for the benefit of the public.

67. The use, enjoyment and existence of uncontaminated natural resources are rights common to the general public.
68. The groundwater contamination at the Site constitutes a physical invasion of public property and an unreasonable and substantial interference, both actual and potential, with the exercise of the public's common right to this natural resource.
69. As long as the ground water remains contaminated due to the Defendants' conduct, the public nuisance continues.
70. Until the ground water is restored to its pre-injury quality, the Defendants are liable for the creation, and continued maintenance, of a public nuisance in contravention of the public's common right to clean ground water.

WHEREFORE, the Plaintiffs pray that this Court:

- A. Order the Defendants to reimburse the Plaintiffs for all cleanup and removal costs and damages that the Plaintiffs have incurred, with applicable interest;
- B. Enter declaratory judgment against the Defendants for all cleanup and removal costs and damages;

- C. Enter declaratory judgment against each Defendant, compelling each Defendant to perform, under plaintiff DEP's oversight, or to fund plaintiff DEP's performance of, any further assessment of any natural resource that has been, or may be, injured as a result of the discharge of hazardous substances and pollutants at the Site;
- D. Award the Plaintiffs their costs and fees in this action; and
- E. Award the Plaintiffs such other relief as this Court deems appropriate.
- F. Reserving the right to bring a claim in the future for natural resource damages arising out of the discharge of hazardous substances at the Property.

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Kevin A. Terhune
Kevin A. Terhune
Deputy Attorney General

Dated: October 25, 2019

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, the Court is advised that Kevin A. Terhune, Deputy Attorney General, is hereby designated as trial counsel for Plaintiffs in this action.

CERTIFICATION REGARDING OTHER PROCEEDINGS AND PARTIES

The undersigned counsel further certifies that the matters in controversy in this action are not currently the subject of any other pending action in any court or arbitration proceeding known to the State at this time, nor is any non-party known to the State at this time who should be joined in this action pursuant to R. 4:28, or who is subject to joinder pursuant to R. 4:29-1. If, however, any such matter or non-party later becomes known, an amended certification shall be filed and served on all other parties and with this Court in accordance with R. 4:5-1(b)(2).

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Kevin A. Terhune
Kevin A. Terhune
Deputy Attorney General

Dated: October 25, 2019