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*Counsel for Plaintiffs
New Jersey Department of Environmental Protection
and the Administrator of the New Jersey Spill Compensation Fund*

The United States of America, by authority of the Attorney General of the United States and through the undersigned attorney, acting at the request of the United States Environmental Protection Agency (“EPA”) and the Secretary of the United States Department of the Interior (“DOI”), the New Jersey Department of Environmental Protection (“NJDEP”), and the Administrator of the New Jersey Spill Compensation Fund (“Administrator”), by and through the New Jersey Attorney General, file this complaint and allege as follows:

NATURE OF THE ACTION

1. This is a civil action brought under Sections 107(a) and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (“CERCLA”), 42 U.S.C. §§ 9607(a) and 9613(g)(2), and the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 to -23.24 (“Spill Act”), against Cornell Dubilier Electronics, Inc. (“CDE”).

2. The United States seeks to recover (a) costs incurred by the United States in response to releases or threatened releases of hazardous substances into the environment at or from the Woodbrook Road Dump Superfund Site located in South Plainfield, New Jersey (“Site”), (b) damages for injury to, destruction of, or loss of natural resources at the Site, including the reasonable costs of assessing such injury, destruction or loss, and (c) a declaratory judgment of liability for future costs and damages in connection with the Site.

3. NJDEP and the Administrator seek reimbursement of costs they have incurred and will incur for the discharge of hazardous substances at the Site. NJDEP also seeks to recover the damages, including reasonable assessment costs, the State has incurred, and will incur, for the injury to, destruction of, or loss of any natural resources under the State’s trusteeship resulting from the release of hazardous substances at the Site. Finally, NJDEP and the Administrator seek a

declaratory judgment of liability for future costs and damages in connection with the Site.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action and over the parties under 28 U.S.C. §§ 1331 and 1345, and Section 113(b) of CERCLA, 42 U.S.C. § 9613(b).

5. Venue is proper in this district under Section 113(b) of CERCLA, 42 U.S.C. § 9613(b) and 28 U.S.C. § 1391(b), because the Court has in personam jurisdiction over CDE.

DEFENDANT

6. CDE is a Delaware corporation with a principal place of business in Liberty, South Carolina, and a distribution center in New Bedford, Massachusetts.

STATUTORY FRAMEWORK

7. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), imposes liability for response costs and natural resource damages on four categories of "[c]overed persons" – typically known as potentially responsible parties ("PRPs").

8. PRPs are defined in CERCLA as (1) owners and operators of facilities at which hazardous substances are located; (2) past owners and operators of such facilities at the time that disposal of hazardous substances occurred; (3) persons who arranged for disposal or treatment of hazardous substances; and (4) certain

transporters of hazardous substances. *See* 42 U.S.C. § 9607(a)(1) - (4).

9. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides in pertinent part:

Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this Section –

* * *

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility . . . owned or operated by another party or entity and containing such hazardous substances...

* * *

shall be liable for –

(A) all costs of removal or remedial action incurred by the United States Government . . . not inconsistent with the national contingency plan . . .

(C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such release.

SITE DESCRIPTION AND FACTUAL BACKGROUND

10. The Site consists of a 70-acre parcel of land located on Woodbrook Road, South Plainfield, New Jersey. The Site is undeveloped and consists largely of forested wetlands, some uplands and two fill areas. The surrounding area is a mix of undeveloped space, industrial and residential areas.

11. The Site was used historically for the dumping of industrial waste and

municipal debris, including electrical capacitors and varying types of industrial waste and household waste.

12. EPA testing revealed that the Site is contaminated with polychlorinated biphenyls (“PCBs”) among other hazardous substances.

13. Pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, EPA placed the Site on the National Priorities List, set forth at 40 C.F.R. Part 300, Appendix B, on April 30, 2003. *See* 68 Fed. Reg. 23077 (April 30, 2003).

14. As of March 31, 2022, the United States had incurred total Site costs of \$6,572,471.95.

15. The United States will continue to incur response costs at the Site.

GENERAL ALLEGATIONS

16. Hazardous substances, (including but not limited to PCBs), as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), have been released at the Site, and/or there is a threat of such release at the Site, as defined by Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

17. The Site is a facility within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

18. CDE is a “person” within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

19. During certain periods of time prior to 1963, CDE manufactured

capacitors at a plant located about one mile from the Site in South Plainfield, New Jersey. CDE impregnated these capacitors with PCB dielectric fluid. During the manufacturing process, CDE determined that certain of these capacitors did not meet specifications and rejected them. In addition, certain of these capacitors failed after being put into use by CDE customers and were returned by the customers to CDE. Subsequently, CDE arranged for the disposal offsite of certain of these rejected and/or failed capacitors and/or their constituent parts. Capacitors with CDE markings and capacitor components were disposed of at the Site.

FIRST CLAIM FOR RELIEF

United States Cost Recovery under CERCLA 107

20. The above paragraphs are re-alleged and incorporated herein by reference.

21. CDE is a person who arranged for disposal or arranged with a transporter for transport for disposal of hazardous substances owned or possessed by CDE and such hazardous substances have been found at the Site. As such, CDE is liable under Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3).

22. The United States has incurred response costs for actions taken in response to the release or threat of release of hazardous substances, including PCBs, at the Site through the date of filing of this complaint. The United States will continue to incur response costs in connection with the Site in the future.

23. EPA's response actions taken at or in connection with the Site, and

the costs incurred incident thereto, are not inconsistent with the National Contingency Plan, which was promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, and is codified at 40 C.F.R. Part 300.

24. Pursuant to Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3), CDE is jointly and severally liable to the United States for all costs incurred by the United States in connection with the Site, including enforcement costs and interest on all such costs.

SECOND CLAIM FOR RELIEF

United States Natural Resource Damages under CERCLA 107

25. The above paragraphs are re-alleged and incorporated herein by reference.

26. At all times relevant to this action, "natural resources" within the meaning of Section 101(16) of CERCLA, 42 U.S.C. § 9601(16), have been and/or are being injured, destroyed or lost as a result of the "release" of "hazardous substances" at or from the Site, within the meaning of Sections 101(14), 101(22) and 107(a) of CERCLA, 42 U.S.C. §§ 9601(14), 9601(22), and 9607(a).

27. DOI is a trustee for natural resources injured, destroyed or lost as a result of releases of hazardous substances at the Site pursuant to Section 107(f)(2)(A) of CERCLA, 42 U.S.C. § 9607(f)(2)(A). *See* 40 C.F.R. § 300.600(b)(2).

28. DOI has incurred and continues to incur costs related to the

assessment of the injury, destruction, or loss resulting from the releases of hazardous substances at or from the Site.

29. Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), CDE is jointly and severally liable for damages for injury to, destruction of, or loss of natural resources at the Site, including the reasonable costs of assessing such injury, destruction, or loss, resulting from the releases of hazardous substances at the Site.

THIRD CLAIM FOR RELIEF
Cost Recovery under the Spill Act

30. The above paragraphs are re-alleged and incorporated herein by reference.

31. Except as otherwise provided in N.J.S.A. 58:10-23.11g12, any person who “has discharged a hazardous substance, or is in any way responsible for any hazardous substance” that is discharged, 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).

32. Except as otherwise exempted under N.J.S.A. 58:10-23.11g12, the discharge of hazardous substances is a violation of the Spill Act, for which any person who is the discharger of, or is in any way responsible for, any hazardous substance that is discharged, is strictly liable, jointly and severally. N.J.S.A. 58:10-23.11g.c.(1).

33. NJDEP has incurred, and may continue to incur, costs as a result of the discharge of hazardous substances at the Site.

34. The costs that NJDEP has incurred and will incur for the Site are “cleanup and removal costs” within the meaning of N.J.S.A. 58:10-23.11b.

35. CDE is a “person” within the meaning of N.J.S.A. 58:10-23.11b.

36. CDE is a discharger and also a person that is in any way responsible for the discharged hazardous substances, and is liable, jointly and severally, without regard to fault, for all cleanup and removal costs that NJDEP has 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).

FOURTH CLAIM FOR RELIEF
New Jersey Claim for Natural Resource Damages

37. The above paragraphs are re-alleged and incorporated herein by reference.

38. At all times relevant to this action, “natural resources” within the meaning of N.J.S.A. § 58:10-23.11b have been and/or are being injured, destroyed or lost as a result of the “discharge” of “hazardous substances” at or from the Site, within the meaning of N.J.S.A. § 58:10-23.11b.

39. NJDEP is authorized, pursuant the Spill Act, to assess damages for the injury to, destruction of, or loss of any natural resource under his trusteeship, and,

pursuant to N.J.S.A. § 58:10-23.11f(a)(2)(b) seek recovery of those damages, including lost value and reasonable assessment costs.

40. NJDEP has incurred, and will continue to incur, damages for the injury to, destruction of, or loss of any natural resources under his trusteeship resulting from the release, or threatened release, of hazardous substances at the Site.

FIFTH CLAIM FOR RELIEF
Declaratory Judgment under CERCLA 113

41. The above paragraphs are re-alleged and incorporated herein by reference.

42. Pursuant to Section 113(g) of CERCLA, 42 U.S.C. § 9613(g), plaintiffs are entitled to a declaratory judgment that CDE is liable for response costs and natural resource damages in connection with the Site that will be binding in any subsequent action or actions to recover further response costs or damages in connection with the Site.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully requests that the Court:

1. Enter judgment against CDE and in favor of the United States for all unreimbursed response costs incurred by the United States in connection with the Site including enforcement costs and prejudgment interest, pursuant to Section 107(a)(4)(A) of CERCLA, 42 U.S.C. § 9607(a)(4)(A);

2. Enter a judgment against CDE and in favor of the United States against CDE for all damages for injury to, destruction of, and loss of natural resources within the trusteeship of DOI, resulting from the releases of hazardous substances at the Site, including the unreimbursed past, present, and future costs of assessing such damages, pursuant to Section 107(a)(4)(C) of CERCLA, 42 U.S.C. § 9607(a)(4)(C);

3. Order CDE to reimburse NJDEP and the Administrator, jointly and severally, without regard to fault, for all cleanup and removal costs NJDEP and the Administrator have incurred at the Site, with applicable interest;

4. Order CDE to reimburse NJDEP for all damages that New Jersey Trustee has incurred for the Site, with applicable interest;

5. Enter a declaratory judgment against CDE and in favor of plaintiffs, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), on liability for all further response costs, including enforcement costs, as well as all further natural resource damages and costs of assessment, to be incurred in the future by the plaintiffs in connection with the Site, plus interest, that will be binding on any subsequent action or actions to recover further response costs or damages;

6. Award plaintiffs their costs of this action; and

7. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

For Plaintiff United States of America

ELLEN M. MAHAN
Deputy Chief
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice

May 31, 2022
Dated

s/ Patrick B. Bryan
PATRICK B. BRYAN
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*For Plaintiffs New Jersey Department of
Environmental Protection and the Administrator of
the New Jersey Spill Compensation Fund*

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May 31, 2022
Dated

s/ Thomas Lihan
THOMAS LIHAN
Deputy Attorney General

OF COUNSEL:

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Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 2 - New Jersey Superfund Branch.
290 Broadway
New York, New York 10007-1866

CERTIFICATION UNDER LOCAL CIVIL RULE 11.2

In accordance with 28 U.S.C. § 1746, I certify that the matter in controversy in the foregoing Complaint is not the subject of any other action pending in any court, or any pending arbitration or administrative proceeding.

s/ Patrick B. Bryan

PATRICK B. BRYAN

Senior Attorney

Environmental Enforcement Section

Environment and Natural Resources Division

United States Department of Justice

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America; NJ Dept. of Environmental Protection; Administrator, NJ Spill Compensation Fund

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Patrick Bryan, USDOJ, PO Box 7611, Washington, DC, 20044-7611, (202) 616-8299; Thomas Lihan, NJOAG, PO Box 093 Trenton, N.J. 08625-0093. (609) 376-2740

DEFENDANTS

Cornell Dubilier Electronics, Inc.

County of Residence of First Listed Defendant **Pickens County, SC**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Jonathan Ettinger, Foley Hoag LLP, 155 Seaport Blvd., Boston, MA, 02210-2600, (617) 832-1195

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☒ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Comprehensive Environmental Response, Compensation, & Liability Act, 42 U.S.C. Section 9607

Brief description of cause:

Recovery of response costs & natural resource damages in connection with Woodbrook Road Dump Superfund Site, located in South Plainfield, NJ

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/31/2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ Patrick B. Bryan

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of New Jersey



United States of America,
New Jersey Dept. of Environmental Protection,
Administrator, New Jersey Spill Compensation Fund

Plaintiff(s)

v.

Cornell Dubilier Electronics, Inc.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Cornell Dubilier Electronics, Inc.
140 Technology Place
Liberty, SC 29657

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Patrick B. Bryan
U.S. Department of Justice - Environment & Natural Resources Division
Ben Franklin Station, P.O. Box 7611
Washington, DC 20044-7611
Telephone: (202) 616-8299
Fax: (202) 616-2427
email: patrick.bryan@usdoj.gov

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: