

FILED
FEB 14 2020
ROBERT P. BECKER, JR., P.J.Ch.

BY THE COURT

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; THE COMMISSIONER OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; and THE ADMINISTRATOR OF THE NEW JERSEY SPILL COMPENSATION FUND,

Plaintiffs,

v.

EXXON MOBIL CORPORATION,
Defendant.

SUPERIOR COURT OF THE STATE OF NEW JERSEY
LAW DIVISION - GLOUCESTER COUNTY
DOCKET NO. GLO-L-000297-19

ORDER GRANTING PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON LIABILITY UNDER THE SPILL ACT AND DENYING UPFRONT PAYMENT OF ASSESSMENT COSTS

THIS MATTER having come before the Court on motion by Plaintiffs, the New Jersey Department of Environmental Protection ("Department" or "DEP"), the Commissioner of the Department of Environmental Protection ("Commissioner"), and the Administrator of the New Jersey Spill Compensation Fund ("Administrator") (collectively the "Plaintiffs" or the "State"), by and through its attorneys, for an Order granting Plaintiffs' Motion for Partial Summary Judgment on Liability Under the Spill Act and for Payment of Assessment Costs; and the Court having considered the parties' submission and arguments; and for good cause having been shown;

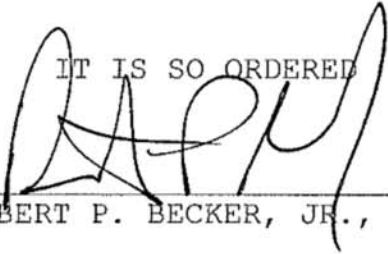
IT IS on this 14TH day of FEBRUARY, 2020, ORDERED that Plaintiffs' Motion for Partial Summary Judgment on Liability as to ExxonMobil Under the Spill Act is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs' request that Defendant fund the past and future costs of a natural resource damage assessment designed by the State upfront is hereby DENIED.

IT IS FURTHER ORDERED that, in connection with the natural resource damage assessment, Defendant shall provide, to Plaintiffs and their experts, access to the Lail Property at issue in this litigation for inspection and testing upon reasonable notice to ExxonMobil and with the supervision of appropriate ExxonMobil representatives consistent with Rule 4:18-1.

A copy of this Order shall be served upon counsel within seven (7) days of receipt.

IT IS SO ORDERED



HON. ROBERT P. BECKER, JR., P.J. Ch.

Opposed

Unopposed