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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
DOCKET NO.

NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Plaintiff,

v.

AMERADA HESS CORPORATION;
ATLANTIC RICHFIELD COMPANY; BP
AMERICA, INC.; BP AMOCO
CHEMICAL COMPANY, INC.; BP
AMOCO CORPORATION; BP PRODUCTS
NORTH AMERICA, INC.;

:
: Civil Action

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: First Amended
: Complaint

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CHEVRONTEXACO CORPORATION; :
 CHEVRON U.S.A., INC.; CITGO :
 PETROLEUM CORPORATION; CITGO :
 REFINING & CHEMICAL COMPANY, :
 LP; COASTAL EAGLE POINT OIL :
 COMPANY; CONOCOPHILLIPS :
 COMPANY; CROWN CENTRAL :
 PETROLEUM CORPORATION; DUKE :
 ENERGY MERCHANTS, LLC; :
 EL PASO MERCHANT ENERGY- :
 PETROLEUM COMPANY; EQUILON :
 ENTERPRISES LLC; EQUISTAR :
 CHEMICALS, LP; EXXONMOBIL :
 CORPORATION; EXXONMOBIL OIL :
 CORPORATION; GEORGE E. WARREN :
 CORPORATION; GETTY PETROLEUM :
 MARKETING, INC.; GETTY :
 PROPERTIES CORP.; GIANT :
 YORKTOWN, INC.; GULF OIL :
 LIMITED PARTNERSHIP; IRVING :
 OIL CORPORATION; IRVING OIL :
 LIMITED; LYONDELL CHEMICAL :
 COMPANY; LYONDELL-CITGO :
 REFINING, LP; MARATHON :
 PETROLEUM Company LLC.; :
 MARATHON OIL COMPANY; MOBIL :
 CORPORATION; MOTIVA :
 ENTERPRISES, LLC; THE :
 PREMCOR REFINING GROUP INC.; :
 SHELL OIL COMPANY; SHELL OIL :
 PRODUCTS COMPANY LLC; SHELL :
 TRADING (US) COMPANY; SUNOCO :
 INC.; SUNOCO, INC. (R&M); :
 TEXACO, INC.; TEXACO REFINING :
 AND MARKETING (EAST); TEXACO :
 REFINING and MARKETING, INC.; :
 TMR COMPANY; TOSCO :
 CORPORATION; TOSCO REFINING :
 COMPANY, INC.; TOTAL :
 PETROCHEMICALS USA, INC.; TRMI :
 HOLDINGS INC.; ULTRAMAR :
 ENERGY, INC.; ULTRAMAR :
 LIMITED; UNOCAL CORPORATION; :
 VALERO ENERGY CORPORATION; :
 VALERO MARKETING and SUPPLY :
 COMPANY; VALERO REFINING AND :
 MARKETING; VITOL S.A.; and :

DOES 1-99,

:

Defendants.

Plaintiff New Jersey Department of Environmental Protection ("the Plaintiff"), having its principal offices at 401 East State Street in the City of Trenton, County of Mercer, State of New Jersey, files this Complaint against the following Defendants: Amerada Hess Corporation, 1185 Avenue of Americas, New York, New York; Atlantic Richfield Company, 4101 Winfield Road, Warrenville, Illinois; BP America, Inc., 4101 Winfield Road, Warrenville, Illinois; BP Amoco Chemical Company, Inc., at 4101 Winfield Road, Warrenville, Illinois; BP Amoco Corporation, 4101 Winfield Road, Warrenville, Illinois; BP Products North America, Inc., 4101 Winfield Road, Warrenville, Illinois; ChevronTexaco Corporation, 6001 Bollinger Road, San Ramon, California; Chevron U.S.A., Inc., 6001 Bollinger Road, San Ramon, California; Citgo Petroleum Corporation, 6100 South Yale Avenue, Tulsa, Oklahoma; Citgo Refining & Chemical Company, LP, 6100 South Yale Avenue, Tulsa, Oklahoma; Coastal Eagle Point Oil Company, Rte. 130 and I-295, Westville, New Jersey; ConocoPhillips Company, 600 North Dairy Ashford, Houston, Texas; Crown Central Petroleum Corporation, 1 North Charles Street, Baltimore, Maryland; Duke Energy Merchants, LLC, 5400 Westheimer Court, Houston, Texas; El Paso Merchant Energy-Petroleum Company, 1001 Louisiana Street, Houston, Texas;

Equilon Enterprises LLC, 1100 Louisiana Street, Houston, Texas;
Equistar Chemicals, LP, 1221 McKinney Street, Houston, Texas;
ExxonMobil Corporation, 5959 Los Colinas Boulevard, Irving, Texas;
ExxonMobil Oil Corporation, 5959 Las Colinas Boulevard, Irving,
Texas; George E. Warren Corporation, 605 17th Street, Vero Beach,
Florida; Getty Petroleum Marketing, Inc., 1500 Hempstead Turnpike,
East Meadow, New York; Getty Properties Corp., 125 Jericho
Turnpike, Jericho, New York; Giant Yorktown, Inc., 23722 N.
Scottsdale Rd., Scottsdale, Arizona; Gulf Oil Limited Partnership,
90 Everett Avenue, Chelsea, Massachusetts; Irving Oil Corporation,
190 Commerce Way, Portsmouth, New Hampshire; Irving Oil Limited,
210 Crown Street/10 Sydney Street, Saint John, New Brunswick,
Canada; Lyondell Chemical Company, 1221 McKinney Street, Suite 700,
Houston, Texas; Lyondell-Citgo Refining, LP, 12000 Lawndale,
Houston, Texas; Marathon Petroleum Company LLC., 539 South Main
Street, Findlay, Ohio; Marathon Oil Company, 5555 San Felipe Road,
Houston, Texas; Mobil Corporation, 5959 Las Colinas Boulevard,
Irving, Texas; Motiva Enterprises, LLC, 1100 Louisiana Street,
Suite 1000, Houston, Texas; The Premcor Refining Group Inc., 8182
Maryland Ave., Clayton, Missouri; Shell Oil Company, One Shell
Plaza, 910 Louisiana, Houston, Texas; Shell Oil Products Company
LLC, 910 Louisiana Street, Houston, Texas; Shell Trading (US)
Company, 910 Louisiana, Houston, Texas; Sunoco Inc., 1209 Orange
Street, Wilmington, Delaware; Sunoco, Inc. (R&M), 1801 Market

Street, Philadelphia, Pennsylvania; Texaco, Inc., c/o ChevronTexaco Corp., San Ramon, California; Texaco Refining and Marketing (East), 1111 Bagby Street, Houston, Texas; Texaco Refining and Marketing, Inc., One Shell Plaza, 910 Louisiana Street, Houston, Texas; TMR Company, 6001 Bollinger Canyon Road, San Ramon, California; Tosco Corporation, 770 Plaza Office Building, Bartlesville, Oklahoma; Tosco Refining Company, Inc., 600 North Dairy Ashford, Houston, Texas; Total Petrochemicals USA, Inc., Total Plaza, 1201 Louisiana Street, Suite 1800, Houston, Texas; TRMI Holdings Inc., P.O. Box 6028, San Ramon, California; Ultramar Energy, Inc., One Valero Place, San Antonio, Texas; Ultramar Limited, 2200 McGill College, Montreal, Quebec, Canada; Unocal Corporation, 2141 Rosencrans Avenue, Suite 4000, El Segundo, California; Valero Energy Corporation, One Valero Place, San Antonio, Texas; Valero Marketing and Supply Company, One Valero Place, San Antonio, Texas; Valero Refining and Marketing, 1 Valero Place, San Antonio, Texas; Vitol S.A., 1100 Louisiana, Suite 5500, Houston, Texas; and Does 1-99 (hereinafter collectively, "Defendants") alleges as follows:

SUMMARY OF THE CASE

1. Plaintiff New Jersey Department of Environmental Protection, brings this action in order to protect and to remedy important state interests affected by widespread contamination of the waters of the State with methyl tertiary butyl ether ("MTBE"), a chemical used in some gasoline.

2. The "waters of the State," are the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of this State or subject to its jurisdiction. N.J.S.A. 58:10A-3t.

3. The waters of the State of New Jersey ("the State") whether located above or below ground, constitute limited, precious and invaluable public natural resources that are held in trust for the benefit of all New Jersey citizens, and for which the State of New Jersey has the authority and responsibility to protect, conserve and manage in the interest of present and future generations of its citizens.

4. The Defendants in this action are major oil and chemical companies that designed and/or manufactured MTBE and/or supplied gasoline within the State containing MTBE. The Defendants include MTBE manufacturers and refiners and major-brand marketers of gasoline containing MTBE, which was entered and continues to be entered into the stream of the State's commerce and which has injured and continues to injure the waters of the State.

5. Defendants' manufacture or use of MTBE in gasoline has created an unprecedented threat to both the surface and ground waters of the State (hereinafter "waters of the State"), including many public and private drinking water supplies. Unlike other gasoline constituents, MTBE contaminates and spreads in water resources quickly, and hides and resists removal and treatment,

thereby presenting a serious threat to waters throughout the State. MTBE has already contaminated numerous drinking water sources in the State and threatens to contaminate many more, as a result of normal and foreseen storage, and the purchase and use of gasoline by the State's residents.

6. In addition to producing and/or supplying MTBE or gasoline containing MTBE for importation into and/or for sale within the State, Defendants knowingly and willfully promoted, marketed and sold MTBE and gasoline and other petroleum products (hereinafter collectively, "gasoline") containing MTBE, when they knew or reasonably should have known that MTBE would be discharged into the environment and pollute the waters of the State in violation of New Jersey law, and would interfere with the State's interest in protecting and preserving surface and ground waters and threaten public health and welfare and the environment, as has occurred and is continuing to occur within the State.

7. The Defendants, among other things:

(a) designed, manufactured, formulated, refined, set specifications for, exchanged, promoted, marketed and/or otherwise supplied (directly or indirectly) gasoline containing MTBE that was delivered into the State (or areas affecting the waters of the State), such that discharges of MTBE contaminate and threaten the waters of the State;

- (b) were legally responsible for and committed each of the multiple tortious and wrongful acts alleged in this Complaint;
- (c) participated in one or more enterprises to promote MTBE and/or gasoline containing MTBE, despite the availability of reasonable alternatives and their actual or constructive knowledge that the pollution alleged herein would be the inevitable result of their conduct; and
- (d) in doing the tortious and wrongful acts alleged in this Complaint, acted in the capacity of joint-venturer, partner, agent, principal, successor-in-interest, surviving corporation, fraudulent transferee, fraudulent transferor, controller, alter-ego, co-conspirator, licensee, licensor, patent holder and/or indemnitor of each of the named Defendants.

8. At all times relevant to this action, the Defendants together controlled virtually the entire market for gasoline containing MTBE in New Jersey.

9. To the extent any act or omission of any of the Defendants is alleged in this Complaint, the officers, directors, agents, employees or representatives of each such Defendant committed or authorized each such act or omission, or failed to adequately supervise or properly control or direct their employees while engaged in the management, direction, operation or control of

the affairs of such Defendants, and did so while acting within the scope of their duties, employment or agency.

10. MTBE can cause significant adverse health effects, and, even at very low concentrations, can render drinking water foul, putrid and unfit for human consumption. As a result of these properties, MTBE and other Products (as defined below) have caused, are causing, and will continue to cause harm to the waters of the State. Remedying such harm has cost, is costing, and will cost the State a tremendous amount of financial and human resources that ultimately will adversely impact the State's financial and human resources for years to come.

11. Under New Jersey law Defendants are: strictly liable for manufacturing and supplying a defective product and failing to provide adequate warnings in connection therewith; liable for creating a public nuisance; strictly liable for discharging MTBE into the waters of the State or for being in any way responsible for the MTBE that was discharged into the waters of the State; liable for trespass upon the waters of the State; liable for negligently causing damage to the waters of the State; liable for unfair and deceptive business acts; and liable for all resulting damages, including all costs to investigate, cleanup and remove, monitor, prevent, abate, contain, and otherwise respond to any contamination or threatened contamination from MTBE, to restore and protect State waters, and to compensate the State for the lost

interim value and benefits of the waters of the State as a result of the contamination of the waters of the State. The State also alleges that certain Defendants are liable for enhanced damages to reflect the aggravating circumstances of such Defendants' wanton, malicious and oppressive conduct.

PLAINTIFF

12. Plaintiff is the State of New Jersey, Department of Environmental Protection, with principal offices at 401 East State Street, Trenton, Mercer County, New Jersey. Plaintiff brings this action as a trustee of the waters within New Jersey and pursuant to its police power, which includes, but is not limited to, its power to prevent pollution of the surface and ground waters of the State, to prevent nuisances and to prevent potential hazards to public health, welfare and the environment.

13. Plaintiff also has a significant property interest in the waters of the State and a statutory obligation to protect the quality of such waters. The contamination of waters of the State by MTBE constitutes injury to the environment and to property held in public trust by the State for which the State seeks damages in its capacity as *parens patriae* and under the public trust doctrine.

14. The Plaintiff seeks the recovery of any costs and damages that any private or public well owner has incurred and will incur as a result of discharges of MTBE, except, however, any water provider that has already filed an MTBE action.

15. To the extent that the Plaintiff has previously settled with one or more of the Defendants for particular natural resource damages at certain sites, such natural resources at such sites are not included in this Complaint.

DEFENDANTS

16. Amerada Hess Corporation ("Hess") is a Delaware corporation with its principal place of business at 1 Hess Plaza, Woodbridge, New Jersey, doing business in New Jersey.

17. Atlantic Richfield Company ("ARCO") is a Delaware corporation with its principal place of business at 4101 Winfield Road, Warrenville, Illinois, doing business in New Jersey.

18. BP America, Inc. ("BP America") is a Delaware Corporation with its principal place of business at 4101 Winfield Road, Warrenville, Illinois, doing business in New Jersey.

19. BP Amoco Chemical Company, Inc. ("BP Amoco Chemical") is a Delaware Corporation with its principal place of business at 4101 Winfield Road, Warrenville, Illinois, doing business in New Jersey.

20. BP Amoco Corporation ("BP Amoco") is an Indiana corporation with its principal place of business at 4101 Winfield Road, Warrenville, Illinois, doing business in New Jersey.

21. BP Products North America, Inc. ("BP Products NA") is a Maryland corporation with its principal place of business at 4101 Winfield Road, Warrenville, Illinois, doing business in New Jersey.

22. ChevronTexaco Corporation ("ChevronTexaco") is a Delaware

corporation with its principal place of business at 6001 Bollinger Road, San Ramon, California, doing business in New Jersey. On information and belief, ChevronTexaco was formed as a result of a merger in 2001 of Chevron Corporation and Texaco, Inc. On information and belief, ChevronTexaco owns and controls Defendant Chevron U.S.A., Inc.

23. Chevron U.S.A., Inc. ("Chevron U.S.A.") is a Pennsylvania corporation with its principal place of business at 575 Market Street, San Francisco, California, doing business in New Jersey. The term "Chevron" as used in this Complaint refers to ChevronTexaco and Chevron U.S.A.

24. Citgo Petroleum Corporation ("Citgo Petroleum") is a Delaware Corporation with its principal place of business at 6100 South Yale Avenue, Tulsa, Oklahoma, doing business in New Jersey.

25. Citgo Refining & Chemical Company, LP ("Citgo Refining & Chemical") is an Oklahoma limited partnership with its principal place of business at 6100 South Yale Avenue, Tulsa, Oklahoma, doing business in New Jersey.

26. Coastal Eagle Point Oil Company ("Coastal Eagle") is a Delaware corporation with its principal place of business in at Rte. 130 and I-295, Westville, New Jersey, doing business in New Jersey. Upon information and belief, Sunoco, Inc. acquired Coastal Eagle in 2003.

27. ConocoPhillips Company ("ConocoPhillips") is a Delaware corporation with its principal place of business at 600 North Dairy Ashford, Houston, Texas, doing business in New Jersey. On information and belief, ConocoPhillips was formed as a result of a merger in 2002 of Conoco, Inc. and Phillips Petroleum Company. On information and belief, ConocoPhillips is the successor corporation to Conoco, Inc. and Phillips Petroleum Company. On further information and belief, ConocoPhillips is the successor corporation to Tosco Corporation, including its subsidiary Tosco Refining LP, which was acquired by Phillips Petroleum Company in 2001.

28. Crown Central Petroleum Corporation ("Crown Central") is a Maryland corporation with its principal place of business at 1 North Charles Street, Baltimore, Maryland, doing business in New Jersey.

29. Duke Energy Merchants, LLC ("Duke Energy Merchants") is a Delaware limited liability corporation with its principal place of business at 5400 Westheimer Court, Houston, Texas, doing business in New Jersey.

30. El Paso Merchant Energy-Petroleum Company ("El Paso") is a Delaware corporation with its principal place of business at 1001 Louisiana Street, Houston, Texas, doing business in New Jersey.

31. Equilon Enterprises LLC ("Equilon") is a Delaware limited liability company with its principal place of business at 1100 Louisiana Street, Houston, Texas, doing business in New Jersey. On

information and belief, Equilon does business as Shell Oil Products US both individually and as successor to a merger to Equiva Services LLC.

32. Equistar Chemicals, LP ("Equistar") is a Delaware limited partnership with its principal place of business at 1221 McKinney Street, Houston Texas, doing business in New Jersey. On information and belief, Equistar recently became a wholly owned subsidiary of Lyondell.

33. ExxonMobil Corporation ("ExxonMobil Corp.") is a New Jersey corporation with its principal place of business at 5959 Las Colinas Boulevard, Irving, Texas, doing business in New Jersey. On information and belief, ExxonMobil was formed as a result of a merger in 1999 of Mobil Oil Corporation and Exxon Corporation.

34. ExxonMobil Oil Corporation ("ExxonMobil Oil") is a New Jersey corporation with its principal place of business at 5959 Las Colinas Boulevard, Irving, Texas, doing business in New Jersey. The term "ExxonMobil" as used in this Complaint refers to ExxonMobil Corp., ExxonMobil Oil, and Mobil.

35. George E. Warren Corporation ("George E. Warren Corp.") is a Massachusetts corporation with its principal place of business at 605 17th Street, Vero Beach, Florida, doing business in New Jersey.

36. Getty Petroleum Marketing, Inc. ("Getty Petroleum") is a Maryland corporation with its principal place of business at 1500

Hempstead Turnpike, East Meadow, New York, doing business in New Jersey.

37. Getty Properties Corp.. ("Getty Properties") is a Delaware corporation with its principal place of business at 125 Jericho Turnpike, Jericho, New York 11753, doing business in New Jersey.

38. Giant Yorktown, Inc. ("Giant Yorktown") is a Delaware corporation with its principal place of business at 23722 N. Scottsdale Rd., Scottsdale, Arizona, doing business in New Jersey.

39. Gulf Oil Limited Partnership ("Gulf") is a Delaware limited partnership with its principal place of business at 90 Everett Avenue, Chelsea, Massachusetts, doing business in New Jersey.

40. Irving Oil Corporation ("Irving Oil Corp.") is a Maine corporation with its principal place of business at 700 Maine Street, Bangor, Maine, doing business in New Jersey.

41. Irving Oil Limited ("Irving Oil") is a Canadian corporation with its principal place of business at 210 Crown Street/10 Sydney Street, Saint John, New Brunswick, Canada, doing business in New Jersey. The term "Irving" as used in this Complaint refers to Irving Oil Corp. and Irving Oil.

42. Lyondell Chemical Company ("Lyondell Chemical") is a Delaware corporation with its principal place of business at 1221 McKinney Street, Suite 1600, Houston, Texas, doing business in New

Jersey. On information and belief, Lyondell owns and/or controls Lyondell-Citgo Refining, LP, which produces refined petroleum products, including gasoline.

43. Lyondell-Citgo Refining, LP ("Lyondell-Citgo") is a Texas limited partnership with its principal place of business at 12000 Lawndale, Houston, Texas, doing business in New Jersey.

44. Marathon Petroleum Company LLC. ("Marathon Petroleum") is a Delaware limited liability company with its principal place of business at 539 South Main Street, Findlay, Ohio, doing business in New Jersey. On information and believe, Marathon Ashland Petroleum Company LLC. changed its name to Marathon Petroleum Company LLC.

45. Marathon Oil Company ("Marathon Oil") is an Ohio corporation with its principal place of business at 5555 San Felipe Road, Houston, Texas, doing business in New Jersey.

46. Mobil Corporation ("Mobil") is a Delaware corporation with its principal place of business at 5959 Las Colinas Boulevard, Irving, Texas, doing business in New Jersey.

47. Motiva Enterprises, LLC ("Motiva") is a Delaware limited liability company with its principal place of business at 1100 Louisiana Street, Suite 1000, Houston, Texas, doing business in New Jersey. On information and belief, Motiva is a successor in interest to certain entities related to Defendant Shell Oil Company and Defendant Texaco Refining and Marketing, Inc., and is owned and/or controlled by Defendant Shell Oil Company.

48. The Premcor Refining Group Inc. ("Premcor") is a Delaware corporation with its principal place of business at 8182 Maryland Ave., Clayton, Missouri, doing business in New Jersey.

49. Shell Oil Company ("Shell Oil") is a Delaware corporation with its principal place of business at One Shell Plaza, 910 Louisiana Street, Houston, Texas, doing business in New Jersey. The term "Shell" as used herein refers to Motiva and Shell Oil.

50. Shell Oil Products Company LLC ("Shell Oil Products") is a Delaware limited liability corporation with its principal place of business at 910 Louisiana Street, Houston, Texas, doing business in New Jersey.

51. Shell Trading (US) Company ("Shell Trading US") is a Delaware Corporation with its principal place of business at 910 Louisiana, Houston, Texas, doing business in New Jersey.

52. Sunoco Inc. ("Sunoco Inc.") is a Pennsylvania corporation with its principal place of business at 1209 Orange Street, Wilmington, Delaware, doing business in New Jersey.

53. Sunoco, Inc. (R&M) ("Sunoco") is a Pennsylvania corporation with its principal place of business at 1801 Market Street, Philadelphia, Pennsylvania, doing business in New Jersey.

54. Texaco, Inc. ("Texaco, Inc.") is a Delaware corporation with its principal place of business at c/o ChevronTexaco Corp., San Ramon, California, doing business in New Jersey. Upon

information and belief, Texaco merged with Chevron in 2001 to form ChevronTexaco Corporation.

55. Texaco Refining and Marketing (East) "TRME" is a Delaware corporation with its principal place of business at 1111 Bagby Street, Houston, Texas 77002, doing business in New Jersey.

56. Texaco Refining & Marketing, Inc. ("Texaco") is a Delaware corporation with its principal place of business at One Shell Plaza, 910 Louisiana Street, Houston, Texas, doing business in New Jersey. On information and belief, Texaco is owned and/or controlled by Defendant Shell Oil.

57. TMR Company ("TMR") is a Delaware corporation with its principal place of business at 6001 Bollinger Canyon Road, San Ramon, California, doing business in New Jersey.

58. Tosco Corporation ("Tosco") is a Nevada corporation, with its principal place of business in 770 Plaza Office Building, Bartlesville, Oklahoma, doing business in New Jersey. On information and belief, ConocoPhillips is the successor corporation to Tosco Corporation, which was acquired by Phillips Petroleum Company in 2001.

59. Tosco Refining Company, Inc. ("Tosco Refining") is a Delaware Corporation, with its principal place of business at 600 North Dairy Ashford, Houston, Texas, doing business in New Jersey. On information and belief, ConocoPhillips is the successor

corporation to Tosco Refining, which was acquired by Phillips Petroleum Company in 2001.

60. Total Petrochemicals USA, Inc. ("Total") with its principal place of business at Total Plaza, 1201 Louisiana Street, Suite 1800, Houston, Texas, doing business in New Jersey.

61. TRMI Holdings Inc. ("TRMI Holdings") is a Delaware limited liability company with its principal place of business at P.O. Box 6028, San Ramon, California, doing business in New Jersey. Upon information and belief, TRMI Holdings Inc. was previously named Texaco Refining and Marketing, Inc.

62. Ultramar Energy, Inc. ("Ultramar Energy") is a Delaware corporation with its principal place of business at 512 Brroklyn Street, Morrisville, Vermont, doing business in New Jersey.

63. Ultramar Limited ("Ultramar") is a Canadian corporation with its principal place of business at 2200 McGill College, Montreal, Quebec, Canada, doing business in New Jersey.

64. Unocal Corporation, individually and formerly known as Union Oil Company of California ("Unocal"), is a Delaware corporation with its principal place of business at 2141 Rosencrans Avenue, Suite 4000, El Segundo, California, doing business in New Jersey.

65. Valero Energy Corporation ("Valero Energy") is a Delaware corporation with its principal place of business at 1 Valero Place, San Antonio, Texas, doing business in New Jersey. On information

and belief, Valero merged with Ultramar Diamond Shamrock Corporation in 2001, and, as a consequence of such merger, Valero owns and/or controls certain entities related to Ultramar Diamond Shamrock Corporation, including Defendants Ultramar Energy and Ultramar.

66. Valero Marketing and Supply Company ("Valero Marketing") is a Delaware corporation with its principal place of business at 1 Valero Place, San Antonio, Texas, doing business in New Jersey. The term "Valero" as used in this Complaint refers to Valero Energy, Valero Marketing, Ultramar and Ultramar Energy.

67. Valero Refining and Marketing ("Valero Refining and Marketing") is a Delaware corporation with its principal place of business at 1 Valero Place, San Antonio, Texas, doing business in New Jersey.

68. Vitol S.A. ("Vitol") is a Swiss corporation with its principal place of business at 1100 Louisiana, Suite 5500, Houston, Texas, doing business in New Jersey.