To: Lieber, Thomas[Lieber.Thomas@epa.gov]
Cc: Doyle, James[Doyle.James@epa.gov]; Kivowitz, Sharon[Kivowitz.Sharon@epa.gov]; Dan Chorost[dchorost@sprlaw.com]; Ed Roggenkamp[eroggenkamp@sprlaw.com]; Daniel Riesel[driesel@sprlaw.com]; John Pufahl[jjpufahl@adchem.com]
From: Daniel Riesel
Sent: Tue 5/10/2016 2:49:43 PM
Subject: Dismissal of claims against Adchem & Lincoln Processing
Decision_3-23-2016.pdf
Judgment_03-cv-5985.pdf

Dear Mr. Lieber:

As you may recall, we represent the Adchem Corporation ("Adchem") and Lincoln Processing Corporation ("Lincoln") in relation to the new Cassel/Hicksville Groundwater Contamination Site (the "Site").

This email message is a follow-up to my email of April 1, 2015, wherein I provided you with Magistrate Judge Lindsay's Memorandum and Order of March 31, 2015 in Next Millennium Realty, LLC, et ano. v. Adchem Corp., et al., CV 03-5985(ARL), dismissing the veil piercing claim against Adchem. As you had previously stated in an email dated February 12, 2015, that there was a "reasonable basis" for contending that Adchem is a PRP at the Site based on the allegation that Adchem was liable as the alter ego or liable under some other veil-piercing theory for the release at 89 Frost Street.

Since 2015, Next Millennium was transferred to Judge Brown, and Judge Brown allowed another summary judgment motion addressing Lincoln's capacity to be sued (Lincoln dissolved in the late 1970s). Attached is Judge Brown's decision of March 23, 2016, finding that Lincoln had been wound up prior to the filing of Next Millennium and lacked the capacity to be sued, and the judgment dismissing all claims against our clients.

I would appreciate it if you removed Adchem and Lincoln from their status as PRPs at the Site. I would also appreciate it if you gave me a call at your convenience.

Daniel Riesel

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