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Opinions of the United
States Court of Appeals
for the Third Circuit

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United States v. CDMG Realty Co

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 95-5505

UNITED STATES OF AMERICA

v.

CDMG REALTY CO., a limited partnership; HELEN E. RINGLIEB, individually, and as general partner in CDMG REALTY CO.; HMAT ASSOCIATES, INC.; TOWNSHIP OF PARSIPPANY-TROY HILLS; ALLIED-SIGNAL, INC.; BEAZER MATERIALS & SERVICES, INC.; CIBA-GEIGY CORPORATION; HOECHST CELANESE CORP.; OCCIDENTAL CHEMICAL CORP.; PFIZER, INC.; CARL GULICK, INC.; BECTON DICKINSON, INC.; WARNER-LAMBERT COMPANY; AMERICAN TELEPHONE AND TELEGRAPH COMPANY; BROWNING-FERRIS INDUSTRIES OF NORTH JERSEY, INC.; INDUSTRIAL CIRCUITS COMPANY; AUTOMATIC SWITCH COMPANY; ROWE INTERNATIONAL INC. HOSOKAWA MICRON INTERNATIONAL INC.; SCOVILL INC.; K-H CORPORATION ON BEHALF OF MAGOR CAR; LESLIE CONTROLS COMPANY, INC.; NESOR ALLOY CORPORATION; SANDOZ PHARMACEUTICALS CORPORATION; KIDDE INDUSTRIES, INC. (named in the complaint as Hanson Industries); RAYONIER INC., (formerly ITT Rayonier, Inc.); WAGNER ELECTRIC CORPORATION (named in the Complaint as Cooper Industries, Inc.); THE SHERWIN-WILLIAMS COMPANY; KDI/TRIANGLE ELECTRONICS, INC.; STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION; JOHN DUSENBURY COMPANY; SAFETY LIGHT CORPORATION, (named in the complaint as USR Industries, Inc.); THE BOC GROUP, INC.; L.E. CARPENTER & CO.; THE MENNEN COMPANY; METEM CORPORATION; NSK CORPORATION; CERAMIC MAGNETICS, INC.; AIR PRODUCTS & CHEMICALS, INC.; ROCKLAND CORPORATION; SIKA CORPORATION; CARBONE USA CORPORATION; NEW JERSEY TRANSIT CORPORATION; NEW JERSEY BUS OPERATIONS, INC.

v.

THE SHARKEY LANDFILL AGREEMENT GROUP, an organization of Defendants in Civil Action Number 89-4246 (NHP), for themselves and on behalf of other Settling Defendants whose contribution claims they may assert pursuant to an assignment of rights and HOECHST CELANESE CORPORATION, one of its members; BEAZER MATERIALS & SERVICES, INC.; OCCIDENTAL CHEMICAL CORPORATION; HMAT ASSOCIATES, INC.,

Third-Party Plaintiffs

v.

ADRON, INC.; AMERACE CORPORATION and SEQUA CORPORATION; AIR PRODUCTS & CHEMICALS, INC.; BASIC, INC.; THE BOC GROUP, INC.; CARBONE U.S.A. CORP.; CERAMIC MAGNETICS, INC.; COLLOID CHEMICAL, INC.; COOPER INDUSTRIES, INC.; HANSON INDUSTRIES; INTERNATIONAL

ENGRAVING CORP.; INTERNATIONAL PAPER COMPANY; ITT RAYONIER, INC.;
JOHN DUSENBERY COMPANY, INC.; KDI/TRIANGLE ELECTRONICS INC.;
L.E. CARPENTER & CO.; LITTON SYSTEMS, INC.;
THE MENNEN COMPANY; METEM CORPORATION;
NEW JERSEY TRANSIT CORPORATION; NEW JERSEY TRANSIT BUS COMPANY,
INC.; NSK CORPORATION; OLD DEERFIELD FABRICS, INC.;
PANTASOTE INC.; PQ CORPORATION; PRECISION MANUFACTURING CO., INC;
ROCKLAND CORPORATION: SANDOZ PHARMACEUTICALS CORPORATION; THE
SHERWIN-WILLIAMS COMPANY; SIKA CORPORATION; USR INDUSTRIES, INC.
and TOWNSHIP OF BLOOMFIELD; TOWN OF BOONTON; TOWNSHIP OF BOONTON;
BOROUGH OF BUTLER; TOWNSHIP OF THE BOROUGH OF CALDWELL;
TOWNSHIP OF CHATHAM; CITY OF CLIFTON; TOWNSHIP OF DENVILLE;
TOWN OF DOVER; TOWNSHIP OF EAST HANOVER; COUNTY OF ESSEX;
TOWNSHIP OF FAIRFIELD; TOWNSHIP OF GLEN RIDGE BOROUGH;
BOROUGH OF HALEDON; TOWNSHIP OF HANOVER; CITY OF JERSEY CITY;
BOROUGH OF KINNELON; BOROUGH OF LINCOLN PARK;
TOWNSHIP OF LITTLE FALLS; TOWNSHIP OF LIVINGSTON; TOWNSHIP
OF MILLBURN; TOWNSHIP OF MINE HILL; TOWNSHIP OF MONTCLAIR;
TOWNSHIP OF MONTVILLE; TOWNSHIP OF MORRIS; TOWN OF MORRISTOWN;
BOROUGH OF MOUNTAIN LAKES; TOWNSHIP OF PEQUAMNOCK; BOROUGH OF
POMPTON LAKES; BOROUGH OF PROSPECT PARK; TOWNSHIP OF RANDOLPH;
BOROUGH OF RIVERDALE; TOWNSHIP OF ROCKAWAY; CITY OF SUMMIT;
BOROUGH OF TOTOWA; BOROUGH OF VICTORY GARDENS; TOWNSHIP OF WEST
CALDWELL; TOWNSHIP OF WEST ORANGE; BOROUGH OF WHARTON; VINCENT
APICE AND SON; FRANK M. BACE DISPOSAL, INC.; CALDWELL TRUCKING
CO., INC.; CARNER BROS., INC; CENTRAL WASTE AND MILL SERVICE,
INC.; CHATHAM DISPOSAL COMPANY; CHEM-QUID DISPOSAL, INC.;
CARMEL CHIULLO; JOHN COSTA; JOSEPH DEFRIETAS; DELL & SONS;
DENVILLE DISPOSAL CO., INC.; DIMARCO SANITATION; SAM FIORENZO;
FRANK'S SANITATION SERVICE; GARBCO ASSOCIATES, INC.; B. HORSTMANN
SEPTIC TANK SERVICE; DANIEL JACKSON; J.M.S. SANITATION CO.;
R. LOBOSCO AND SONS, INC.; MARANGI SANITATION, INC.;
FRANK J. MARINARO; MERCER WASTE REMOVAL CO.;
ANTHONY MIELE; MORRIS COUNTY; WEST ESSEX DISPOSAL CO., INC.;
STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION;
HELEN ELAINE RINGLIEB and TOWNSHIP OF ESSEX FELLS;
HARDING TOWNSHIP; MADISON BOROUGH;
BOROUGH OF NEW PROVIDENCE; ROSELAND BOROUGH; UNION COUNTY;
WAYNE TOWNSHIP; DOWEL ASSOCIATES, a general partnership;
HERBERT M. IRIS, individually and as a general partner in DOWEL
ASSOCIATES; LESTE Z. LIEBERMAN, individually and as general
partner in DOWEL ASSOCIATES,

Third-Party Defendants

(Newark N.J. D.C. Civil No. 89-cv-04246)

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

v.

CIBA-GEIGY CORPORATION, INC.; CURTISS-WRIGHT CORPORATION;
HOECHST-CELANESE CORPORATION; KETCHAM AND MC DOUGALL, INC.;

PFIZER, INC.; OCCIDENTAL PETROLEUM CORPORATION; KOPPERS
COMPANY, INC.; SHARKEY FARMS, INC.; NICHOLAS ENTERPRISES,
INC.; PARKER CHEMICAL COMPANY; CHEMICAL WASTE MANAGEMENT, INC.

(NEWARK N.J. D.C. Civil No. 89-cv-04281)

HMAT Associates, Inc., Appellant

On Appeal From the United States District Court
For the District of New Jersey

Argued: March 18, 1996

Before: BECKER, McKEE, and McKAY,
Circuit Judges.

(OPINION FILED: SEPTEMBER 27, 1996)

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ORDER AMENDING OPINION

The opinion in the above case should be amended as
follows:

The name of R. Bruce Morrison, Esquire listed as
Counsel for Third-Party Defendants/Appellees should be deleted.

BY THE COURT:

/s/ Edward R. Becker
Circuit Judge

DATED: October 2, 1996