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Via Email

Lee Rohn, Esq.
1108 King St Ste 3
Christiansted, St Croix 00820,

RE: Rule 37 – Response to Rule 37 Notice as to SCRG’s First Production
of Documents to Plaintiff First RFPD to SCRG.

Dear Attorney Rohn:

I have reviewed the Plaintiffs’ response to Defendant SCRG’s responses to discovery and provide the following information. A separate letter will follow regarding the interrogatories. I am always available to discuss these questions and any others you might have about the document productions. I am available most afternoons—please let me know any time you would like to have a conference call.

**SCRG’S Comments Regarding Plaintiff’s Responses by SCRG to Plaintiff’s
Demand for Production of Documents.**

**Demand for Production No. 6, 7, 8, 9, 10, 11, 12, 15, 22, 25, 27, 28, 29, 30, 31,
32, 33, 34, 42, 43, 44, 45, 46, 47, 48, 49 50, 51, 52, 53, 54, 55, 56:** Please produce the
documents after June 2012.

SCRG Comment: We have agreed to do so, and have already provided SCRG’s
Second Production – which includes all of the Interim Reports. SCRG has also noted that a
Third Production is being collected and processed with regard to all other miscellaneous post-
2012 documents.

Demand for Production No. 6: Please produce copies of all
meeting minutes, reports, intracompany logs, and other documents
concerning inventories of industrial waste, red dust, bauxite, asbestos, or
other particulates and toxic substances on the subject property from the
date of purchase to the present.

Response to Demand for Production No. 6: These have been
fully supplied as kept in the ordinary course of business. However, as
SCRG never operated the premises and the premises were in the control

and direction of Alcoa, SCA and DPNR there are no specific SCRG generated documents. However, subject to that caveat, all meeting minutes, reports, intracompany logs, and other documents as to all parties and entities have been supplied as kept in the ordinary course of business for the period up to June 2012. SCRG produces here **Exhibit A** (as an Excel spreadsheet.) This is a list of all such documents specifically identified as to type and in chronological order. This list will be supplemented as to documents for the time period after June 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 7: Please produce copies of all documents, including, but not limited to, data, studies, memorandums, meeting minutes, e-mails, reports, correspondence and intracompany logs related to practices and procedure used by you to store and contain any industrial waste, red mud, red dust, bauxite, asbestos, or other particulates and toxic substances on the subject property since the date of purchase.

Response to Demand for Production No. 7: These have been fully supplied as kept in the ordinary course of business. However, as SCRG never operated the premises and the premises were in the control and direction of Alcoa, SCA and DPNR there are no specific "SCRG generated documents". However, subject to that caveat, all documents, including, but not limited to, data, studies, memorandums, meeting minutes, e-mails, reports, correspondence and intracompany logs related to practices and procedure used by as to all parties and entities have been supplied as kept in the ordinary course of business for the period up to June 2012. SCRG produces here **Exhibit A** (as an Excel spreadsheet.) This is a list of all such documents specifically identified as to type and in chronological order. This list will be supplemented as to documents for the time period after June 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective

information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 8: Please produce copies of all claims brought against you by any federal and/or state agencies concerning in any manner the contamination of groundwater, surface water, or soil resulting from any activities on the subject property.

Response to Demand for Production No. 8: These have been supplied as kept in the ordinary course of business. As noted above, there were two federal civil actions and the DPNR actions described above, and none others. All copies of all claims brought concerning the premises by any federal and/or state agencies concerning in any manner the contamination of groundwater, surface water, or soil resulting from any activities on the subject property as to all parties and entities have been supplied as kept in the ordinary course of business.. SCRG produces here **Exhibit A** (as an Excel spreadsheet.) This is a list of all such documents specifically identified as to type and in chronological order. This list will be supplemented as to documents for the time period after June 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

Demand for Production No. 9: Please produce copies of all documents and communications concerning any chemical analysis, tests, studies and/or data collected by you or anyone on your behalf from any of the Plaintiffs' property.

Response to Demand for Production No. 9: SCRG has produced all responsive documents and communications, as kept in the ordinary course of business, for the period up to June 2012. See **Exhibit A** (as an Excel spreadsheet.) This is a list of all such documents specifically identified as to type and in chronological order. This list will be supplemented as to documents for the time period after June 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 10: Please produce copies of all documents and communications concerning any reports, data, analysis, and/or evaluations conducted on industrial waste, red mud, red dust, bauxite, asbestos, or other particulates and toxic substances on the subject property from the date of purchase to the present.

Response to Demand for Production No. 10: SCRG has produced all responsive documents and communications, as kept in the ordinary course of business, for the period up to June 2012. See Exhibit A (as an Excel spreadsheet.) This is a list of all such documents specifically identified as to type and in chronological order. This list will be supplemented as to documents for the time period after June 2012 except for documents related to asbestos removal, which are irrelevant to the Plaintiffs' claims in this case.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 11: Please produce copies of all contracts concerning the containment and/or disposal of red mud, red dust, bauxite, asbestos, or other particulates and toxic substances from the subject property from the date of purchase to the present.

Response to Demand for Production No. 11: Other than the Settlement Agreements with SCA/Alcoa and the Government and other

defendants of record, SCRG has entered into no others. Those are supplied as kept in the ordinary course of business. Subject to that caveat, copies of all contracts concerning the containment and/or disposal of red mud, red dust, bauxite, asbestos, or other particulates and toxic substances from the subject property from the date of purchase to the present have been supplied.

For the period up to June 2012, SCRG produces here Exhibit A (as an Excel spreadsheet.) This is a list of all such documents specifically identified as to type and in chronological order. This list will be supplemented as to documents for the time period after June 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 12: Please produce copies of all outlines or plans concerning in any manner the management of the bauxite residue, red mud, or red dust on the subject property at all times after you purchased the property or in contemplation of purchase of the property.

Response to Demand for Production No. 12: SCRG does not have and is unaware of any outlines or plans other than those supplied by SCA, Alcoa, DPNR, or Alcoa's remediation contractors. Copies of all outlines or plans concerning in any manner the management of the bauxite residue, red mud, or red dust on the subject property at all times both before and after SCRG purchased the property or in contemplation of purchase of the property have been produced for the period up to June 2012. SCRG produces here Exhibit A (as an Excel spreadsheet.) This is a list of all such documents specifically identified as to type and in chronological order. This list will be supplemented as to documents for the time period after June 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective

information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 15: Please produce copies of all documents and communications that set forth the monitoring and reporting needs, requirements, or procedures for all areas on the subject property where industrial waste, red dust, bauxite, asbestos, or other particulates and toxic substances were located or kept.

Response to Demand for Production No. 15: Supplied as kept in the ordinary course of business up to June of 2012. As stated above prior to 2012 this was in the control and direction of Alcoa/SCA and DPNR. The information and materials for the post-Order, post-Settlement remediation by SCA/Alcoa DID involve the passive review of SCRG and these materials for the time period after June of 2012 will be supplemented.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 22: Please produce copies of all communications between you and any of your tenants since you purchased the property concerning any industrial waste, red dust, bauxite, asbestos, or other particulates and toxic substances on the property.

Response to Demand for Production No. 22: SCRG objects as the request calls for the production of communications that are not relevant to this litigation and would be unduly burdensome to produce, as the two commercial tenants both constructed industrial buildings that required extensive communications about permitting that would address industrial waste and other substances.

Notwithstanding this objection, to the best of its recollection, SCRG has no communications with its commercial tenants about the exposed bauxite residue pile in Area A or about bauxite, red dust or other alleged airborne particulates from its site. As for SCA/Alcoa, who took sole possession of Area A from 2014 to 2017, those communications prior to June 2012 have been produced as kept in the normal course of business, as set forth in Exhibit A. This list will be supplemented as to documents for the time period after June 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 25: Please produce copies of all photographs depicting any revamping, remodelling, or structural modifications to any areas on the subject property that that contained red mud, asbestos, or other carcinogenic substances since you acquired it.

Response to Demand for Production No. 25: SCRG has supplied all responsive copies through June 2012, as kept in the ordinary course of business. See **Exhibit A**

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the dscovery process.

Demand for Production No. 27: Please produce copies of all maps or diagrams of the subject property from the time you purchased it to the present.

Response to Demand for Production No. 27: SCRG has produced all responsive copies for the time prior to June 2012 and within its possession, custody, or control, as those copies are kept in the ordinary course of business. SCRG will supplement its production for post-Order/Settlement period after 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 28: Please produce copies of all photos and video recordings of any and all mobile activities and equipment on the subject property within 100 feet of any areas that contained red mud, asbestos, or other carcinogenic substances at any time since you purchased the property.

Response to Demand for Production No. 28: SCRG is not aware of any responsive photos or video recordings. However, if any responsive copies exist for the time prior to June 2012 and within SCRG's possession, custody, or control, those copies have been produced as kept in the ordinary course of business. SCRG will supplement its production for post- Order/Settlement period after 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 29: Please produce copies of all documents and communications indicating or relating to the characterization of the red mud storage piles that were on the subject property, including, but not limited to, the material density, material content, particle size distribution, and chemical specification from one (1) year before you purchased the property to the present.

Response to Demand for Production No. 29: It is unknown if any such documents exist that are responsive to this request in SCRG's

possession, as SCRG has no recollection of ever having such information. To the extent that any responsive copies are presently within SCRG's possession, custody, or control, that may make reference to the specific composition of the "red mud" referenced in this request, the copies of all such documents have been produced as kept in the ordinary course of business, up to 2012. SCRG will supplement its production for post-Order/Settlement period after 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 30: Please produce copies of all documents and communications concerning any permits for construction, permits to operate, permits to alter or modify the construction, and permits for repairs on the subject property from the time you purchased the property to the present.

Response to Demand for Production No. 30: SCRG has produced all responsive copies for the period up to June 2012 within its possession, custody, or control, as kept in the normal course of business. SCRG will produce post-June 2012 responsive copies as kept in the ordinary course of business.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 31: Please produce copies of all e-mails, letters, meeting minutes, audio recordings and communications

between you and any previous owners of the subject property concerning any industrial waste, red dust, bauxite, asbestos, or other particulates and toxic substances on the subject property.

Response to Demand for Production No. 31: SCRG objects to the inclusion of asbestos, which is not relevant to the Plaintiffs' claims. SCRG further objects to the inclusion of "industrial waste" and "toxic substances", like waste-water and other liquids, which are not relevant to the Plaintiffs' claims.

Notwithstanding the objection, to the extent that any copies in SCRG's possession, custody, or control, SCRG has produced them as kept in the ordinary course of business, up to 2012, as described in Exhibit A attached. SCRG will supplement its production for post-Order/Settlement period after 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 32: Please produce copies of all documents and communications concerning in any manner all studies, tests, or investigations regarding the release, emission, or spread of industrial waste, red dust, bauxite, asbestos, or other particulates and toxic substances from the subject property into the atmosphere, the environmental impact or impact on neighboring communities from the time you purchased the property to the present.

Response to Demand for Production No. 32: SCRG objects to the inclusion of asbestos, which is not relevant to the Plaintiffs' claims. SCRG further objects to the inclusion of "industrial waste" and "toxic substances", like waste water and other liquids, which are not relevant to the Plaintiffs' claims.

Subject to these objections, to the extent that any responsive copies are presently within SCRG's possession, custody, or control, the copies have been produced as kept in the ordinary course of business, up

to 2012. SCRG will supplement its production for post-Order/Settlement period after 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 33: Please produce copies of all documents and communications concerning all instructions, orders, or directives given to any of your employees, contractors, or agents concerning any industrial waste, red dust, bauxite, asbestos, or other particulates and toxic substances on the subject property.

Response to Demand for Production No. 33: SCRG objects to the inclusion of asbestos, which is not relevant to the Plaintiffs' claims. SCRG further objects to the inclusion of "industrial waste" and "toxic substances", like waste water and other liquids, which are not relevant to the Plaintiffs' claims.

Subject to these objections, to the extent that any responsive copies are presently within SCRG's possession, custody, or control, the copies have been produced as kept in the ordinary course of business, up to 2012. SCRG will supplement its production for post-Order/Settlement period after 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 34: Please produce copies of all documents and communications evidencing or concerning all remediation efforts you undertook relating to the spread, release, or emission of any industrial waste, red mud, red dust, bauxite, asbestos, or other particulates and toxic substances from the subject property after you purchased it.

Response to Demand for Production No. 34: SCRG objects to the inclusion of asbestos, which is not relevant to the Plaintiffs' claims. SCRG further objects to the inclusion of "industrial waste" and "toxic substances", like waste water and other liquids, which are not relevant to the Plaintiffs' claims.

Subject to these objections, to the extent that any responsive copies are presently within SCRG's possession, custody, or control, the copies have been produced as kept in the ordinary course of business, up to 2012. SCRG will supplement its production for post-Order/Settlement period after 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: We have agreed to do so—to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents.

Demand for Production No. 42: Please produce copies of all documents, communications, and demonstrative evidence that support your Third Affirmative Defense that, "The complaint is barred in whole or in part because of the doctrine of comparative negligence."

Response to Demand for Production No. 42: To the extent that any responsive copies are presently within SCRG's possession, custody, or control, the copies have been produced as kept in the ordinary course of business, up to 2012. SCRG will supplement its production for post-Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant's affirmative defenses. The Superior Court has ordered that parties must produce "identification of supporting documents... [and] tangible evidence..." supporting a party's affirmative defense. See order dated January 19, 2000 in Ryner v. HOVIC and VICSOM, Civil No. 103/1996 (unpublished)

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Zemand for Production No. 43: Please produce copies of all documents, communications, and demonstrative evidence that support your Fourth Affirmative Defense that, “The complaint is barred in whole or in part because if the releases alleged in the complaint occurred and have resulted in harm, all of which SCRG denies, one or more of the releases or threatened releases of a hazardous substance and the damages resulting therefrom were caused solely by acts or omissions of third parties other than SCRG, an employee or agent of SCRG. SCRG took precautions against foreseeable acts or omissions of those defendants and of such third parties and the consequences that could foreseeably result from such acts or omissions. SCRG took reasonable precautions against foreseeable consequences of any such third party.”

Response to Demand for Production No. 43: To the extent that any responsive copies are presently within SCRG's possession, custody, or control, the copies have been produced as kept in the ordinary course of business, up to 2012. SCRG will supplement its production for post-Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant's affirmative defenses. The Superior Court has ordered that parties must produce “identification of supporting documents... [and] tangible evidence...” supporting a party's affirmative defense. See order dated January 19, 2000 in *Ryner v. HOVIC and VICSOM*, Civil No. 103/1996 (unpublished)

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Demand for Production No. 44: Please produce copies of all documents, communications, and demonstrative evidence that support your Fifth Affirmative Defense that, “The complaint is barred in whole or in part because if the releases alleged in the Complaint occurred and have

resulted in harm, all of which SCRG denies, some or all the damages alleged to have resulted from releases of substances or hazardous substances were due to acts of the USVI or US Governments or of SCRG acting under lawful orders of the USVI or US Governments.”

Response to Demand for Production No. 44: To the extent that have been obtained to date, they have been supplied as kept in the ordinary course of business, up to 2012. They will be supplemented for post- Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant's affirmative defenses. The Superior Court has ordered that parties must produce “identification of supporting documents... [and] tangible evidence...” supporting a party's affirmative defense. See order dated January 19, 2000 in Ryner v. HOVIC and VICSOM, Civil No. 103/1996 (unpublished)

Demand for Production No. 45: Please produce copies of all documents, communications, and demonstrative evidence that support your Sixth Affirmative Defense that, “The complaint is barred in whole or in part because Plaintiffs have failed to join indispensable parties necessary for adjudication of its distinct claims, and its action should be dismissed, for example, the Government of the US Virgin Islands.”

Response to Demand for Production No. 45: To the extent that have been obtained to date, they have been supplied as kept in the ordinary course of business, up to 2012. They will be supplemented for post- Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant's affirmative defenses. The Superior Court has ordered that parties must produce “identification of supporting documents... [and] tangible evidence...” supporting a party's affirmative defense. See order dated January 19, 2000 in Ryner v. HOVIC and VICSOM, Civil No. 103/1996 (unpublished)

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Demand for Production No. 46: Please produce copies of all documents, communications, and demonstrative evidence that support your Seventh and Twenty-Seventh Affirmative Defenses that, “The

complaint is barred in whole or in part because if the releases alleged in the Complaint occurred and have resulted in harm, all of which SCRG denies, one or more of the releases or threatened releases of the hazardous substance and the damages resulting therefrom resulted from one or more permitted uses,” and “The complaint is barred in whole or in part due to the defense of privilege, as SCRG is not liable for activities that either or both of DPNR and/or Plaintiffs either permitted, acquiesced in, or knowingly failed to prohibit and/or prevent while having a duty to do so.”

Response to Demand for Production No. 46: To the extent that have been obtained to date, they have been supplied as kept in the ordinary course of business, up to 2012. They will be supplemented for post- Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant’s affirmative defenses. The Superior Court has ordered that parties must produce “identification of supporting documents... [and] tangible evidence...” supporting a party’s affirmative defense. See order dated January 19, 2000 in *Ryner v. HOVIC and VICSON*, Civil No. 103/1996 (unpublished)

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG’s Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Demand for Production No. 47: Please produce copies of all documents, communications, and demonstrative evidence that support your Eighth Affirmative Defense that, “The complaint is barred in whole or in part because if the releases alleged in the Complaint occurred and have resulted in harm, all of which SCRG denies, SCRG may not be held liable for some or all of the damages alleged by Plaintiffs because such damages were specifically obtained as an irreversible and irretrievable commitment of the premises and its resources in an applicable permit, environmental impact statement or other comparable environmental analysis, and decisions to grant a permit or license authorized such commitment or natural resources.”

Response to Demand for Production No. 47: To the extent that have been obtained to date, they have been supplied as kept in the ordinary course of business, up to 2012. They will be supplemented for post- Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant's affirmative defenses. The Superior Court has ordered that parties must produce "identification of supporting documents... [and] tangible evidence..." supporting a party's affirmative defense. See order dated January 19, 2000 in *Ryner v. HOVIC and VICSOM*, Civil No. 103/1996 (unpublished)

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Demand for Production No. 48: Please produce copies of all documents, communications, and demonstrative evidence that support your Ninth Affirmative Defense that, "The complaint is barred in whole or in part because some or all of Plaintiffs claims for damages seek a double recovery."

Response to Demand for Production No. 48: To the extent that have been obtained to date, they have been supplied as kept in the ordinary course of business, up to 2012. They will be supplemented for post- Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant's affirmative defenses. The Superior Court has ordered that parties must produce "identification of supporting documents... [and] tangible evidence..." supporting a party's affirmative defense. See order dated January 19, 2000 in *Ryner v. HOVIC and VICSOM*, Civil No. 103/1996 (unpublished)

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Demand for Production No. 49: Please produce copies of all documents, communications, and demonstrative evidence that support your Fourteenth Affirmative Defense that, "The complaint is barred in whole or in part because some or all requests for relief have already been discharged or satisfied, because of SCRG's legal actions, such as, but not limited to, the red mud removal, the covering and remediation of the site and restoration pursuant to DPNR and Federal Court orders. Moreover,

SCRG has been prohibited from acting, ordered not to act or ordered to act as a part of those other consents or proceedings.”

Response to Demand for Production No. 49: To the extent that have been obtained to date, they have been supplied as kept in the ordinary course of business, up to 2012. They will be supplemented for post- Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant's affirmative defenses. The Superior Court has ordered that parties must produce “identification of supporting documents... [and] tangible evidence...” supporting a party's affirmative defense. See order dated January 19, 2000 in *Ryner v. HOVIC and VICSOM*, Civil No. 103/1996 (unpublished)

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Demand for Production No. 50: Please produce copies of all documents, communications, and demonstrative evidence that support your Nineteenth and Thirtieth Affirmative Defenses that, “The complaint is barred in whole or in part because if the releases alleged in the Complaint occurred and have resulted in harm, all of which SCRG denies, one or more of the releases or threatened releases of a hazardous substance and the damages resulting therefrom were caused by one or more Acts of God,” and “The complaint is barred due to the doctrine of Force Majeure, as certain events were Acts of God.”

Response to Demand for Production No. 50: To the extent that have been obtained to date, they have been supplied as kept in the ordinary course of business, up to 2012. They will be supplemented for post- Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant's affirmative defenses. The Superior Court has ordered that parties must produce “identification of supporting documents... [and] tangible evidence...” supporting a party's affirmative defense. See order dated January 19, 2000 in *Ryner v. HOVIC and VICSOM*, Civil No. 103/1996 (unpublished)

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on

additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Demand for Production No. 51: Please produce copies of all documents, communications, and demonstrative evidence that support your Twentieth Affirmative Defense that, "The complaint is barred in whole or in part because Plaintiffs are barred from obtaining the relief sought in this action by the doctrines of unclean hands, waiver or equitable estoppel."

Response to Demand for Production No. 51: To the extent that have been obtained to date, they have been supplied as kept in the ordinary course of business, up to 2012. They will be supplemented for post- Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant's affirmative defenses. The Superior Court has ordered that parties must produce "identification of supporting documents... [and] tangible evidence..." supporting a party's affirmative defense. See order dated January 19, 2000 in *Ryner v. HOVIC* and *VICSOM*, Civil No. 103/1996 (unpublished)

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Demand for Production No. 52: Please produce copies of all documents, communications, and demonstrative evidence that support your Twenty- First Affirmative Defense that, "Plaintiffs have accepted remediation and other relief, which has addressed and alleviated some or all of the damages alleged. This includes but is not limited to cleaning of premises and cisterns."

Response to Demand for Production No. 52: To the extent that have been obtained to date, they have been supplied as kept in the ordinary course of business, up to 2012. They will be supplemented for post- Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant's affirmative defenses. The Superior Court has ordered that parties must produce

“identification of supporting documents... [and] tangible evidence...” supporting a party’s affirmative defense. See order dated January 19, 2000 in Ryner v. HOVIC and VICSON, Civil No. 103/1996 (unpublished)

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG’s Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Demand for Production No. 53: Please produce copies of all documents, communications, and demonstrative evidence that support your Twenty-Fifth Affirmative Defense that, “The complaint is barred in whole or in part by Plaintiffs “coming to” the nuisance.”

Response to Demand for Production No. 53: To the extent that have been obtained to date, they have been supplied as kept in the ordinary course of business, up to 2012. They will be supplemented for post- Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant’s affirmative defenses. The Superior Court has ordered that parties must produce “identification of supporting documents... [and] tangible evidence...” supporting a party’s affirmative defense. See order dated January 19, 2000 in Ryner v. HOVIC and VICSON, Civil No. 103/1996 (unpublished)

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG’s Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Demand for Production No. 54: Please produce copies of all documents, communications, and demonstrative evidence that support your Thirty-First Affirmative Defense that, “The complaint is barred due to the Plaintiffs’ spoliation of evidence.”

Response to Demand for Production No. 54: To the extent that have been obtained to date, they have been supplied as kept in the ordinary course of business, up to 2012. They will be supplemented for post- Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant's affirmative defenses. The Superior Court has ordered that parties must produce "identification of supporting documents... [and] tangible evidence..." supporting a party's affirmative defense. See order dated January 19, 2000 in *Ryner v. HOVIC and VICSOM*, Civil No. 103/1996 (unpublished)

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Demand for Production No. 55: Please produce copies of all documents, communications, and demonstrative evidence that support your Thirteenth and Thirty-Third Affirmative Defenses that, "The complaint is barred in whole or in part because SCRG is not liable for indistinguishable releases from contiguous properties, including, but not limited to, the HOVENSA Refinery, Port Authority and WMA sewer and dump facilities," and "The complaint is barred in whole or in part because any contamination is due to contamination and releases from contiguous properties, including but not limited to, the HOVENSA REFINERY."

Response to Demand for Production No. 55: To the extent that have been obtained to date, they have been supplied as kept in the ordinary course of business, up to 2012. They will be supplemented for post- Order/Settlement period after 2012.

Plaintiff is entitled to receive any documents which support Defendant's affirmative defenses. The Superior Court has ordered that parties must produce "identification of supporting documents... [and] tangible evidence..." supporting a party's affirmative defense. See order dated January 19, 2000 in *Ryner v. HOVIC and VICSOM*, Civil No. 103/1996 (unpublished)

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Demand for Production No. 56: Please produce copies of all documents, communications, and demonstrative evidence you may utilize as exhibits during the trial of this matter.

Response to Demand for Production No. 56: Object to as calling for trial strategy. Notwithstanding this objection, the exhibits will come from the documents identified and supplied in response to the Plaintiffs' Rule 34 Document Request as well as the Rule 26 Disclosures, all of which will be supplemented as more documents are received. To the extent that have been obtained to date, they have been supplied as kept in the ordinary course of business, up to 2012. They will be supplemented for post-Order/Settlement period after 2012.

V.I. R. Civ. P. 26 (e)(1) provides that a party who provides discovery must, in a timely manner, supplement if the party learns that in some material respect the disclosure

or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process.

SCRG Comment: SCRG is aware of and has fully responded to the requirements set forth in *Ryner*. We have done so completely—and agree to supplement based not only on additional discovery responses received, but we are also looking internally for any other information-- and have already provided SCRG's Second Production. SCRG has also noted that a Third Production is being collected and processed with regard to other miscellaneous post-2012 documents. ALL DOCUMENTS supportive of the affirmative defense have been supplied as required.

Respectfully,



Carl J. Hartmann III