

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

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SUPERIOR COURT
CIVIL ACTION
NO. 82-2444

.....
ANNE ANDERSON, et al.,
Plaintiffs,
v.
CRYOVAC, INC., et al.,
Defendants.
.....

ANSWER OF DEFENDANT
W. R. GRACE & CO. AND
ITS CRYOVAC DIVISION

For its answer to the plaintiffs' Complaint, defendant W. R. Grace & Co., doing business as Cryovac Division, says as follows on behalf of itself and its Cryovac Division:

First Defense

1. Defendant W. R. Grace & Co. lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the plaintiffs' Complaint, except as hereinafter set forth. Therefore, in accordance with Rule 8(b), Mass.R.Civ.P., all allegations of the Complaint not herein expressly admitted shall be taken as denied.

2. With respect to paragraph 1 of the Complaint, defendant denies that it disposed of any toxic chemicals which could have or did contaminate the groundwater used by plaintiffs.

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3. Defendant admits the allegations of paragraph 27; except it denies that its Cryovac Division is separately incorporated under the laws of the state of South Carolina or any other state, it denies that it does business under the name Cryovac, Inc. and says it does business under the name Cryovac Division, and it denies that it does business under the name W.R. Grace Company and says it does business under the name W.R. Grace & Co.

4. Defendant admits the allegations of paragraph 28; except it denies that it does business under the name W.R. Grace Company and says it does business under the name W.R. Grace & Co.

5. With respect to paragraph 33, defendant understands that such paragraph merely defines the sense in which various terms are used by the plaintiffs elsewhere in their Complaint, wherefore no answer is required. Defendant denies that the terms are defined correctly and completely in accordance with accepted usage in the technical fields involved, and defendant denies that the Environmental Protection Agency ("EPA") or other guidelines, estimates, standards, measures, recommendations and suggestions referred to are accurately and completely described or have any foundation in fact or are accurate, meaningful or relevant to this case.

6. Defendant admits the allegations of paragraph 34.

7. With respect to paragraphs 40.A.(2) and B.(2) and 41.A.(2), B.(2), C.(2) and D.(2), defendant says that such paragraphs assert legal conclusions to which no answer is required.

8. Defendant denies that the EPA or other guidelines, estimates, standards, measures, recommendations and suggestions

referred to in paragraphs 40.A (3) and B.(3) are accurately and completely described or have any foundation in fact or are accurate, meaningful or relevant to this case.

9. With respect to paragraph 43, defendant admits that ecology and environment, inc., a private company acting under contract to the EPA, issued a Final Report dated March 8, 1982 (the "e & e report"), reporting on its investigations in East Woburn. Defendant lacks knowledge or information sufficient to form a belief as to the validity or accuracy of the sampling and analytic methodology employed by ecology and environment, inc. or its subcontractors, and defendant therefore denies, in accordance with Rule 8(b), Mass.R.Civ.P., that the substances or concentrations reported in the e & e report were in fact found or existed. Defendant denies that the EPA or other estimates referred to are accurately and completely described or have any foundation in fact or are accurate, meaningful or relevant to this case.

10. With respect to paragraph 44, defendant denies that any findings reported in the e & e report indicated any plume with a source beginning approximately where the Cryovac plant is located. Defendant says that the e & e report suggested only that contaminants may be coming from unspecified geographical areas located somewhere to the west and to the north and/or northeast of wells G and H, in a large area of East Woburn containing scores of industrial operations owned and operated by persons other than defendant. Defendant says further that the e & e report is on its face a report of preliminary and incomplete investigations; that it identifies no specific industries or persons as potential sources

of contamination; and that it present, ongoing operation, sources, any discontinued use area, or the like, as sources knowledge or information sufficient validity or accuracy of the : employed by ecology and environment and defendant therefore denies Mass.R.Civ.P., that the reports were in fact found or exist source areas have any foundation meaningful.

11. With respect to plaintiff Cryovac Division has a plant northeast of wells G and H, consists of the manufacturing over 100 people. Defendant chloroethylene at this site.

12. With respect to plaintiff that it disposed of any substances from its Cryovac plant to wells that any EPA testing confirms.

13. With respect to plaintiff injury or harm which the plaintiff of any action or omission of Cryovac Division.

14. With respect to paragraphs A through P of the Complaint, defendant says that such paragraphs assert legal conclusions to which no answer is required. To the extent that such paragraphs contain any allegations of fact, defendant denies such allegations.

Second Defense

The plaintiffs' Complaint fails to state any claim or cause of action upon which relief may be granted.

Third Defense

The plaintiffs' Complaint misnames W. R. Grace & Co. as "W. R. Grace Company, Inc." and it misnames the Cryovac Division of defendant W. R. Grace & Co. as "Cryovac, Inc."

Fourth Defense

Defendant at all times exercised due care under the circumstances, and acted in good faith in accordance with reasonable and customary standards in the industry and in the locality.

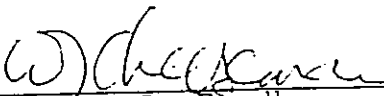
Fifth Defense

Any contamination of the groundwater referred to in the Complaint is the result, in whole or in part, of actions of others for whose conduct defendant is not responsible or liable. Accordingly, plaintiffs' claims are barred; or any damages which may have been sustained by plaintiffs must be apportioned according to the relative contributions of all such persons.

Sixth Defense

The plaintiffs' claims are barred by the applicable statutes of limitations and/or laches.

By its attorneys,



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