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Compensation Fund

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,
NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION, and
ADMINISTRATOR, NEW JERSEY SPILL
COMPENSATION FUND

Plaintiffs,

v.

UNIMATIC MANUFACTURING
CORPORATION, CARDEAN, LLC,
FRAMEWARE, INC., and PROFILES, LLC,

Defendants.

Civil Action No. 20-17284

COMPLAINT

The United States of America, by authority of the Attorney General of the United States and through the undersigned attorney, acting at the request of the Regional Administrator of the United States Environmental Protection Agency (“EPA”) for Region II, the New Jersey Department of Environmental Protection (“NJDEP”), and the Administrator of the New Jersey Spill Compensation Fund (“Administrator”) by and through the New Jersey Attorney General file this complaint and allege as follows:

NATURE OF THE ACTION

1. This is a civil action brought under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9607 (“CERCLA”), and the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 to -23.24 (“the Spill Act”).

2. The United States seeks recovery of costs incurred in response to releases and threatened releases of hazardous substances into the environment at or from the Unimatic Manufacturing Corporation Superfund Site (“Site”), located in Fairfield, Essex County, New Jersey.

3. NJDEP and the Administrator of the New Jersey Spill Compensation Fund seek certain reimbursement of costs they have incurred and will incur for the discharge of hazardous substances at the Site.

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action and over the parties under 28 U.S.C. §§ 1331 and 1345 and Sections 107 and 113(b) of CERCLA, 42 U.S.C. § 9607 & 9613(b).

5. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(2) and Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), because the releases or threatened releases of hazardous substances that gave rise to this claim occurred in this district, and because the Site is located in this district.

THE PARTIES

6. The United States is authorized to seek costs of removal or remedial action that may result from an actual or threatened release of a hazardous substance at or from a facility. 42 U.S.C. § 9607(a).

7. NJDEP is a principal department within the Executive Branch of the State of New Jersey, vested with the authority to conserve and protect natural resources, protect the environment, prevent pollution, and protect the public health and safety. N.J.S.A. 13:1D-9.

8. The Administrator is the chief executive officer of the New Jersey Spill Compensation Fund (“the Spill Fund”). N.J.S.A. 58:10-23.11j. As chief executive officer of the Spill Fund, the Administrator is authorized to approve and pay any cleanup and removal costs Plaintiff NJDEP incurs, N.J.S.A. 58:10-23.11f.c & d, and to certify the amount of any claim to be paid from the Spill Fund, N.J.S.A. 58:10-23.11j.d.

9. Defendant Unimatic Manufacturing Corporation (“Unimatic”) is a domestic profit corporation organized under the laws of the State of New Jersey, with a business address at 101 Eisenhower Parkway, Roseland, New Jersey 07068, and is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

10. At relevant times, Unimatic owned and operated the Site.

11. Defendant Cardean, LLC (“Cardean”) is a limited liability corporation organized under the laws of the State of New Jersey, with a business address at 8 Audrey Place, Fairfield, New Jersey 07004, and is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

12. Cardean currently owns the Site.

13. Defendant Frameware, Inc. (“Frameware”) is a domestic profit corporation organized under the laws of the State of New Jersey, with a business address at 8 Audrey Place, Fairfield, New Jersey 07004, and is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

14. At relevant times, Frameware operated at the Site.

15. Defendant Profiles, LLC (“Profiles”) is a limited liability corporation organized under the laws of the State of New Jersey, with a business address at 8 Audrey Place, Fairfield, New Jersey 07004, and is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

16. At relevant times, Profiles operated at the Site.

STATUTORY BACKGROUND

17. CERCLA was enacted in 1980 to provide a comprehensive governmental mechanism for abating releases and threatened releases of hazardous substances and other pollutants and contaminants, and for funding the costs of such

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