

Confidential Facts – Big Top, Inc.

In 1936, Alvin and Matilda sold the property to a newly formed New Jersey corporation called Big Top Oil, Inc. Big Top Oil had a single shareholder, Eric Floyd, who had originally worked for the Smiths and primarily handled the gas station part of their business. Big Top operated the property as is for several years.

In 1950, Big Top decided to modernize the gas station even further. Obtaining a new loan from Humble, it removed the two 1,500 USTs and replaced them with four new 2,000-gallon steel USTs, two for regular and two for premium gas, again all leaded. In the agreement for this loan, Humble no longer claimed title to the newly installed tanks. Big Top also upgraded the pump island to add a second island and to install newer pumps. Big Top also built a new service station structure on the site, containing two bays and two lifts and a then state of the art automobile repair center. The building was heated by oil heat, for which a 200-gallon steel UST was also installed at the site to contain #2 heating oil. Finally, an underground 100 gallon steel “slop oil” tank was installed behind the building to hold a combination of things like used engine oil, used transmission fluid and brake oil, not to mention small quantities of solvents that were used for cleaning parts, freeing frozen brakes, etc. The “slop oil” tank was not pumped out on a regular basis and, over time, a few instances of overflowing did occur. Big Top never removed the spilled oil. It just allowed it to slowly seep into the ground.

Big Top Oil, Inc., which has also not answered the complaint to date, but is listed in the corporate records of the New Jersey State Treasurer as an active corporation through 1978, when it failed to pay taxes or file an annual report. The company has never formally dissolved and, therefore, qualifies as a so-called “zombie” corporation.

The alleged successors to several insurance companies who formerly insured Big Top Oil, Inc. from the 1940s through 1955, which old policies were discovered by William Strong in 1993 and were held onto by him thereafter. The totality of such coverage, if the claims are successful, could be as much as \$600,000 in coverage. All these defending carriers have denied coverage, as well as denying their responsibility as alleged successors to the original insurance policies based on various theories. The Company has no other assets and the only money available is the \$600,000 from the insurance policies.