

FILE NAME: Calaveras (CALV)

DATE: 1992

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DOCUMENT DESCRIPTION: Amended Response to Plaintiff's
Interrogatories

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9 Attorneys for Defendant
10 CALAVERAS ASBESTOS, LTD.

11 IN THE SUPERIOR COURT OF CALIFORNIA
12 IN AND FOR THE COUNTY OF SAN FRANCISCO

13 IN RE:

CASE NO.: 828684

14 COMPLEX ASBESTOS LITIGATION

DEFENDANT CALAVERAS
ASBESTOS, LTD.'S AMENDED
RESPONSES TO PLAINTIFF'S
STANDARD INTERROGATORIES

15 PROPOUNDING PARTY: Plaintiff

16 RESPONDING PARTY: Defendant, CALAVERAS ASBESTOS, LTD.

17 SET NUMBER: Two

18 PRELIMINARY STATEMENT

19 NOW COMES Defendant, CALAVERAS ASBESTOS, LTD. by and through
20 its attorneys, Kincaid, Gianunzio, Caudle & Hubert, and in answer
21 to Plaintiff's Standard Interrogatories, states as follows:

22 The following responses are based upon facts known or believed
23 to be true by CALAVERAS ASBESTOS, LTD. at the time of answering these
24 interrogatories. The information sought by Plaintiff in these
25 interrogatories has occurred many years prior and is, therefore,
26 difficult or impossible to secure or reconstruct. Pursuant to the
27 guidelines established by General Order 29 (the "Order"), CALAVERAS
28 ASBESTOS, LTD. hereby provides information relevant to the few cases

1 subject to the Order, in which it is a defendant. CALAVERAS
2 ASBESTOS, LTD. reserves the right to amend or supplement these
3 responses to plaintiff's standard interrogatories as new information
4 becomes available to it, or if errors are discovered.

5 CALAVERAS ASBESTOS, LTD. sets forth these answers, which
6 are limited by time and place. First, these answers are limited
7 to the time periods in which CALAVERAS ASBESTOS, LTD. produced raw
8 asbestos. Second, these answers are limited to those sites,
9 identified in cases subject to the Order, at which asbestos produced
10 by CALAVERAS ASBESTOS, LTD. was allegedly stored, shipped, or used.

11 CALAVERAS ASBESTOS, LTD. further maintains that these
12 interrogatories ask defendants to specify facts which can only be
13 drawn from its discovery of various plaintiff's or decedent's
14 medical records, employment records or other discovery relating to
15 work history. Therefore, although defendant CALAVERAS ASBESTOS,
16 LTD. is providing responses to plaintiff's standard interrogatories
17 herein, discovery is continuing and may alter the extent of
18 information which may be available to CALAVERAS ASBESTOS, LTD., in
19 formulating its response to these interrogatories. CALAVERAS
20 ASBESTOS LTD. reserves the right to amend these answers as informa-
21 tion becomes available to it.

22 CALAVERAS ASBESTOS, LTD. was not a party to this litigation
23 when General Order 29 and the interrogatories attached to that order
24 were adopted. Thus, CALAVERAS ASBESTOS, LTD. has never had an
25 opportunity to appear and be heard in connection with that order,
26 nor has CALAVERAS ASBESTOS, LTD. ever been served with a copy of
27 that order or with its interrogatories. CALAVERAS ASBESTOS, LTD.
28

1 therefore objects, on Due Process grounds, to being required to
2 answer General Order 29 interrogatories.

3 These interrogatories contain instructions, definitions,
4 compound, conjunctive, or disjunctive questions, and subparts in
5 violation of C.C.P. §2030(c)(5), which was enacted subsequent to
6 the adoption of these interrogatories by General Order 29. Since
7 these General Order 29 interrogatories are not judicial counsel form
8 interrogatories, which are exempted from C.C.P. §2030(c)(5),
9 CALAVERAS ASBESTOS, LTD. objects to these interrogatories in their
10 entirety. CALAVERAS ASBESTOS, LTD. also objects on that basis
11 specifically to answering the subparts and sub-subparts included
12 in the General Order interrogatories.

13 CALAVERAS ASBESTOS, LTD. provides these answers without waiving
14 the attorney client or work product objections.

15 ANSWERS TO INTERROGATORIES

16 INTERROGATORY NO. 1:

- 17 (a) Daryl Larsen
18 (b) P.O. Box 127, Copperopolis, California 95228
19 (c) Controller
20 (d) November 10, 1975. Daryl Larsen has been Controller of
21 Calaveras Asbestos, Ltd. since its inception.

22 INTERROGATORY NO. 2:

23 No.

24 INTERROGATORY NO. 3:

25 No.

26 INTERROGATORY NO. 4:

27 No.

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1 INTERROGATORY NO. 5:

2 No.

3 INTERROGATORY NO. 6:

4 CALAVERAS ASBESTOS, LTD. is not now and never was a corporation;
5 consequently, it has no corporate records. However, to the
6 extent that CALAVERAS ASBESTOS, LTD. has records, they are
7 located at O'Byrne's Ferry Road, Copperopolis, California.
8 The custodian of records is Mr. Daryl Larsen, Controller,
9 Calaveras Asbestos, Ltd., P.O. Box 127, Copperopolis, Califor-
10 nia, 95228.

11 INTERROGATORY NO. 7:

- 12 (a) Yes; December 15, 1975 - December 31, 1987.
13 (b) Yes; December 15, 1975 - December 31, 1987.
14 (c) Yes; December 19, 1975 - January 27, 1988.
15 (d) No.
16 (e) No.
17 (f) Yes; December 19, 1975 - January 27, 1988.
18 (g) Yes; December 19, 1975 - January 27, 1988.
19 (h) Yes; December 19, 1975 - January 27, 1988.

20 INTERROGATORY NO. 8:

21 (a)-(g) No.

22 INTERROGATORY NO. 9:

23 (a)-(g) Between December, 1975 and December, 1987, this
24 defendant mined and milled raw chrysotile asbestos.
25 A few sales were made in 1975, and continued until
26 existing inventory was sold by January, 1988. The
27 asbestos fiber was sold under the name "Calaveras
28 Asbestos, Ltd." From 1975 until 1980 this defendant

1 mined, milled and sold grades 4T, 5K, 5R, 6D, 7D,
2 7M and 7R; after 1980 only grades 4T, 5R and 6D were
3 mined, milled or sold. The typical chemical composi-
4 tion of the fibers was $Mg_3(Si_2O_5)(OH)_4$. The fibers
5 were white in color. CALAVERAS ASBESTOS, LTD. did
6 not color code raw asbestos fibers. It packaged raw
7 asbestos fibers in bags which, during various periods
8 of time, contained either a green (4T), brown (5K
9 or 5R) or black or blue stripe (6D). CALAVERAS
10 ASBESTOS, LTD. never sought to be included on a U.S.
11 Government "Qualified Products List" and has no
12 knowledge of its raw asbestos fibers ever being on
13 such a list.

14 (h) Cases subject to the Order have not implicated any
15 sales of raw asbestos fibers to any of the categories
16 of purchaser identified in the interrogatory.
17 CALAVERAS ASBESTOS, LTD. objects to this interrogatory
18 to the extent that it calls for irrelevant informa-
19 tion. Subject to its objection, CALAVERAS ASBESTOS,
20 LTD. responds that shipments of raw asbestos fiber
21 sold to Connell Brothers of San Francisco were made
22 between late 1975 and January, 1988, in sealed, ocean
23 going containers. These raw asbestos fibers were
24 sold under the name CALAVERAS ASBESTOS, LTD.
25 CALAVERAS ASBESTOS, LTD. refers to its answer to
26 Interrogatory No. 6, in regard to records of such
27 sales. Discovery is continuing.

1 (i) Sales records, Material Safety Data Sheets, geological
2 analyses. Please refer to answer to interrogatory
3 No. 6.

4 INTERROGATORY NO. 10:

5 Not applicable.

6 INTERROGATORY NO. 11:

7 CALAVERAS ASBESTOS, LTD. did not enter into any exclusive
8 distributorships.

9 INTERROGATORY NO. 12:

10 CALAVERAS ASBESTOS, LTD. did not enter into any re-branding
11 agreements, as defined in the interrogatory.

12 INTERROGATORY NO. 13:

13 CALAVERAS ASBESTOS, LTD. did not enter into any re-branding
14 agreements, as defined in the interrogatory.

15 INTERROGATORY NO. 14:

16 No.

17 INTERROGATORY NO. 15:

18 Not applicable.

19 INTERROGATORY NO. 16:

20 Yes. (a)-(c) From 1975 until February, 1987 each bag of
21 asbestos fiber distributed by this defendant had printed on
22 it a warning mandated by the Occupational Safety & Health
23 Administration of the United States Department of Labor.
24 Between 1975 and approximately 1980 or 1981, the following
25 warning was printed on each bag:

26 CAUTION
27 Contains Asbestos Fibers
28 Avoid Creating Dust
Breathing Asbestos Dust May
Cause Serious Bodily Harm

1 Thereafter, each bag of asbestos fiber distributed by this
2 defendant had printed on it the following warning mandated by
3 the Occupational Safety & Health Administration of the United
4 States Department of Labor:

5 DANGER
6 Contains Asbestos Fibers
7 Avoid Creating Dust
8 Cancer and Lung Disease Hazard

9 The warning language was on the front of the bag and was in
10 black or brown or green or blue letters on a white ground.
11 The words, "Caution" and "Danger" were in capital letters, 5/16"
12 in height. The remaining words were in capital letters and
13 lower case letters. The capital letters were 3/16" in height
14 while the lower case letters were 1/8" in height. In addition,
15 the word "asbestos" appeared twice on the front panel of the
16 bag as part of the name "Calaveras Asbestos, Ltd." and one time
17 by itself. The word "asbestos" appeared on each side panel
18 as part of the name, "Calaveras Asbestos, Ltd."

19 (d) Sample bags are in the possession of our attorneys, Hinshaw
20 & Culbertson, 222 N. LaSalle Street, Chicago, Illinois.

21 INTERROGATORY NO. 17:

22 Not applicable.

23 INTERROGATORY NO. 18:

24 On March 25, 1992, Mr. Gordon Coats, the general manager of
25 CALAVERAS ASBESTOS, LTD., was deposed by the plaintiffs' law
26 firm of Cartwright, Slobodin, Bokelman, Borowsky, Wartnick,
27 Moore & Harris, Inc., 101 California Street, Suite 2600, San
28 Francisco, California, 94111, in the Tena Ann Jovner v.

1 Raybestos Manhattan, et al. (San Francisco Superior Court No.
2 907463) case.

3 INTERROGATORY NO. 19:

4 No.

5 INTERROGATORY NO. 20:

6 This defendant advertised only in a trade publication entitled
7 "Asbestos." The publication "Asbestos" is as equally available
8 to plaintiffs as it is to CALAVERAS ASBESTOS, LTD. A sample
9 advertisement was provided to plaintiff attorneys Cartwright,
10 Slobodin, Bokelman, Borowsky, Wartnick, Moore & Harris, Inc.,
11 101 California Street, Suite 2600, San Francisco, California,
12 94111 on about March 25, 1992.

13 INTERROGATORY NO. 21:

14 No.

15 INTERROGATORY NO. 22:

16 Not applicable.

17 INTERROGATORY NO. 23:

18 No.

19 INTERROGATORY NO. 24:

20 Not applicable.

21 INTERROGATORY NO. 25:

22 No.

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INTERROGATORY NO. 26:

Not applicable.

DATED:

KINCAID, GIANUNZIO, CAUDLE & HUBERT

By: Owen E. Baylis
Owen E. Baylis, Esq.
Attorneys for Defendant
CALAVERAS ASBESTOS, LTD.

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I have read the foregoing document(s);

To the extent that the information set forth in the foregoing document(s) is not known to me, but is required by law to be provided in said responses, I believe the responses to be correct.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.


Daryl Larsen

1 PROOF OF SERVICE BY MAIL [C.C.P. 1013a, 2015.51]

2 I, the undersigned, declare:

3 That I am employed in the City of Oakland, County of
4 Alameda, State of California; that I am over the age of eighteen
5 years and not a party to the within cause; that my business address
6 is 200 Webster Street, Suite 200, Oakland, California 94607-3789.

7 That on today's date I served the attached:

8 DEFENDANT CALAVERAS ASBESTOS, LTD.'S AMENDED RESPONSES
9 TO PLAINTIFF'S STANDARD INTERROGATORIES, SET NUMBER 2

10 on the parties in said cause, by placing a true copy of each
11 document enclosed in a sealed envelope with postage thereon fully
12 prepaid, in the United States mail at Oakland, California, addressed
13 as follows:

14 Harry F. Wartnick, Esq.
15 Cartwright, Slobodin, et al.
16 101 California Street, Suite 2600
San Francisco, CA 94111

17 (SEE ATTACHED LIST A)

18 I declare under penalty of perjury under the laws of
19 the State of California that the foregoing is true and correct.

20
21 Dated: August 31, 1992

22 
23 Dann R. Rhone

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25
26
27 1-57\oeb\calavera.s\d_rhone.pos

LIST A

- 1
- 2
- 3 BRUCE L AHNFELT ESQ
PO BOX 6078
NAPA CA 94581
- 4
- 5 ALAN R BRAYTON ESQ
BRAYTON GISVOLD & HARLEY
999 GRANT AVENUE
- 6 PO BOX 2109
NOVATO CA 94948
- 7
- 8 FINNEY
2033 N MAIN STREET
PERI EXECUTIVE CENTER
- 9 SUITE 430
WALNUT CREEK CA 94596
- 10
- 11 CASEY GERRY CASEY ET AL
PO BOX 2005
ROHNERT PARK CA 94927-2005
- 12
- 13 LAW OFFICES OF JACK CLAPPER
100 SHORELINE HIGHWAY
BUILDING B
- 14 SUITE 300
MILL VALLEY CA 94941
- 15
- 16 CHRISTOPHER E GRELL ESQ
THE MONADNOCK BUILDING
685 MARKET STREET
- 17 SUITE 340
SAN FRANCISCO CA 94105
- 18
- 19 LAW OFFICES OF JEFFREY B HARRISON
ONE DANIEL BURNHAM COURT
SUITE 220C
- 20 SAN FRANCISCO CA 94109
- 21
- 22 GERALD STERNS
280 UTAH STREET
SAN FRANCISCO CA 94103
- 23
- 24 J KENNETH LYNCH ESQ
HALLEY CORNELL & LYNCH
525 MARKET STREET
- 25 SUITE 3700
SAN FRANCISCO CA 94105-2745
- 26
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