

FILE NAME: Kaiser Gypsum (KG)

DATE: 1992 KG045

DOC#: KG045

DOCUMENT DESCRIPTION: Legal - Response to Request for Production

PATRICK J. HAGAN, ESQ. - Bar No.: 68264
EDWARD E. HARTLEY, ESQ. - Bar No.: 122892
KINCAID, GIANUNZIO, CAUDLE & HUBERT
A Professional Corporation
200 Webster Street, Suite 200
Oakland, California 94604-0828
(510) 465-5212

POS 8-7-92

FILED
AUG 10 1992

Attorneys for Defendants
KAISER CEMENT CORPORATION
KAISER GYPSUM COMPANY, INC.

FILED

VERIF - N
LDF 9/28/92
TD - N

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

COY COSSEY, *PPH/abn*
(3)

ACTION NO. 920148

Plaintiff,
vs.

ABEX CORPORATION, ET AL,
Defendants.

LYNN WEIMER *JPL/LLM*
(3)

ACTION NO. 914594

Plaintiff,
vs.

ABEX CORPORATION, ET AL.
Defendants.

CONSOLIDATED PARTIAL RESPONSE
OF KAISER CEMENT CORPORATION AND
KAISER GYPSUM COMPANY, INC. TO
PLAINTIFFS' REQUEST FOR
PRODUCTION OF DOCUMENTS

PRELIMINARY STATEMENT

During April, 1992 Plaintiffs served Notices of Deposition and Requests for Production of Documents on defendants Kaiser Cement Corporation ("Kaiser Cement") and Kaiser Gypsum Company, Inc. ("Kaiser Gypsum"), seeking production twenty-five categories of documents and related depositions. Copies of the notices are attached as Exhibit A. On May 1 Kaiser Cement and

1 Kaiser Gypsum served Plaintiffs, by letter, with their objections.
2 (Exhibit B hereto). All objections stated in Exhibit B are
3 incorporated herein by reference. Among the objections was that
4 the requested categories have no geographic limitation and span
5 very long time periods. Consequently, locating the responsive
6 documents would be unduly burdensome and oppressive.

7 However, Kaiser Gypsum agreed, without waiving any
8 objections, to produce appropriate responsive documents, if given
9 a reasonable amount of time to complete the task. By letter of
10 May 20, 1992, counsel for Kaiser Cement and Kaiser Gypsum indicated
11 several months would be needed to complete this task (Exhibit C),
12 but also indicated that certain categories of documents could be
13 provided before completion and prior to any depositions.

14 Since May, Kaiser Cement and Kaiser Gypsum have been
15 engaged in a diligent search through their voluminous retained
16 records for documents potentially responsive to the twenty-five
17 document production categories. Because neither firm's retained
18 records are organized in terms of the document production
19 categories, literally thousands of boxes must be thoroughly
20 examined to locate documents fully responsive to some requests (or
21 to determine that there are none). However, completion of that
22 task is not required in the case of documents responsive to
23 document production category 15 (annual reports).

24 Accordingly, Kaiser Cement and Kaiser Gypsum provide the
25 following separate partial response to Plaintiffs request for
26 production of documents:

27 Request 15. All your annual reports for the years 1936
28 through 1991 inclusive, to include all alleged predecessors or

1 successors in interest and subsidiaries involved in the sale,
2 mining, milling, distribution, import, transport, installation, or
3 manufacture of asbestos or asbestos-containing products.

4 Kaiser Cement Response: Kaiser Cement objects to
5 this request on the grounds that it is oppressive and overbroad
6 (and therefore not calculated to lead to the discovery of
7 admissible evidence) to the extent that it seeks annual reports
8 for years in which Kaiser Cement did not market asbestos-
9 containing products. The only years during which Kaiser Cement
10 issued annual reports and marketed any products that contained
11 asbestos as an ingredient were from 1959-76. During the years
12 1959-63 Kaiser Cement was known as "Permanente Cement Company";
13 during the years 1964-76 Kaiser Cement was known as "Kaiser Cement
14 & Gypsum Corporation." Without waiving its objections,
15 Kaiser Cement agrees to produce these annual reports.

16 Kaiser Gypsum Response: Kaiser Gypsum adopts the above-
17 stated objections of Kaiser Cement. Without waiving those
18 objections, Kaiser Gypsum responds that it never issued annual
19 reports, and, consequently, there are no documents responsive to
20 this request.

21 DATED : August 7, 1992

22 KINCAID, GIANUNZIO, CAUDLE & HUBERT
23 A Professional Corporation

24 

25 EDWARD E. HARTLEY, ESQ. - Bar No.: 122892
26 Attorneys for Defendants
27 KAISER CEMENT CORPORATION AND
28 KAISER GYPSUM COMPANY, INC.

#1-53bc\categ15.rsp