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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF ALAMEDA**

11 SHIRWOLD FOSTER, Individually and as
Successor-in-Interest to RODNEY C. FOSTER,
12 deceased; and RAQUEL FOSTER,

13 Plaintiffs,

14 v.

15 CYPRUS AMAX MINERAL COMPANY,
Individually and as Successor-In-Interest to
16 PAUL W. WOOD COMPANY, et. al.,

17 Defendants.

CASE NO.: RG15764371

**DEFENDANT VANDERBILT
MINERALS, LLC'S SUPPLEMENTAL
RESPONSES TO PLAINTIFFS'
SPECIAL INTERROGATORIES
(SET ONE)**

20 ASKING PARTY: Plaintiff SHIRWOLD FOSTER, et al.

21 ANSWERING PARTY: Defendant VANDERBILT MINERALS, LLC

22 SET NUMBER: ONE

23 **INTRODUCTION**

24 Defendant VANDERBILT MINERALS, LLC (hereinafter referred to as "Vanderbilt" or
25 "Defendant") supplements and responds to Plaintiffs' Shirwold Foster, et al. (hereinafter
26 "Plaintiffs") Special Interrogatories (Set One) propounded upon Defendant Vanderbilt Minerals,
27 LLC, as follows:

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1 SPECIAL INTERROGATORY NO. 43:

2 Did YOU warn YOUR EMPLOYEES at any time of the potential health hazards of
3 exposure to the TALC that YOU MARKETED?

4 SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 99:

5 Vanderbilt objects to the definitions of the terms “YOU” and “YOUR” to the extent to
6 the extent the definition include entities that do not share a predecessor-in-interest/successor-in-
7 interest relationship with Vanderbilt and to the extent that it conflates the issues surrounding these
8 various entities, and wrongly assumes that it has already been established that Vanderbilt is the
9 successor-in-interest to other pertinent entities.

10 Vanderbilt objects to this Special Interrogatory to the extent that the use of the undefined
11 term “health hazards” renders the Special Interrogatory vague, ambiguous and overbroad as
12 phrased.

13 Vanderbilt objects to this Special Interrogatory to the extent that the use of the undefined
14 term “exposure” renders the Special Interrogatory vague, ambiguous and overbroad as phrased.

15 Vanderbilt objects to the definition of “TALC” as overbroad to the extent that it is not
16 limited to the product(s) allegedly at issue or the time period allegedly at issue and as being
17 vague, ambiguous, overbroad, misleading and assuming facts.

18 Vanderbilt objects to the term “YOUR EMPLOYEES” as overly broad, unduly
19 burdensome, vague, ambiguous, irrelevant, unlimited in time and scope, assumes facts not in
20 evidence and is not reasonably calculated to lead to the discovery of admissible evidence.

21 Vanderbilt objects to the definition of “MARKET,” “MARKETED” and/or
22 “MARKETING” to the extent that it is not limited to the product(s) allegedly at issue or the time
23 period allegedly at issue.

24 Subject to and without waiver of the foregoing objections, **Vanderbilt states: Yes.** The
25 **accepted hazards** associated with excessive exposures to talc include pneumoconiosis. **Vanderbilt**
26 **did warn its employees that hazards of excessive exposures to talc included pneumoconiosis.**
27 **Vanderbilt controlled exposures in its mines and mills so as to prevent talcosis including the use**
28 **of respirators and wet down procedures since 1948.**

1 to dust, including without limitation respiratory protection, ventilation or wetting down methods.

2 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 105:**

3 Vanderbilt objects to the definitions of the terms “YOU” and “YOUR” to the extent to
4 the extent the definition include entities that do not share a predecessor-in-interest/successor-in-
5 interest relationship with Vanderbilt and to the extent that it conflates the issues surrounding these
6 various entities, and wrongly assumes that it has already been established that Vanderbilt is the
7 successor-in-interest to other pertinent entities.

8 Vanderbilt objects to the term “YOUR EMPLOYEES” as overly broad, unduly
9 burdensome, vague, ambiguous, irrelevant, unlimited in time and scope, assumes facts not in
10 evidence and is not reasonably calculated to lead to the discovery of admissible evidence.

11 Vanderbilt objects to this Special Interrogatory to the extent that the use of the undefined
12 term “health hazards” renders the Special Interrogatory vague, ambiguous and overbroad as
13 phrased.

14 Vanderbilt objects to this Special Interrogatory to the extent that the use of the undefined
15 term “exposure” renders the Special Interrogatory vague, ambiguous and overbroad as phrased.

16 Subject to and without waiver of the foregoing objections, Vanderbilt states: Yes.

17 **SPECIAL INTERROGATORY NO. 47:**

18 If YOU employed and/or implemented any MEASURES to protect YOUR own
19 EMPLOYEES from the potential health hazards of exposure to the TALC, DESCRIBE each
20 MEASURE taken.

21 As used in these Interrogatories, “DESCRIBE,” in relation to MEASURES taken to
22 protect YOUR own EMPLOYEES, means to state what MEASURES were taken, what trade or
23 job classification of worker(s) were protected by each MEASURE, why the MEASURES were
24 taken, and the inclusive date(s) such MEASURES were taken.

25 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 106:**

26 Vanderbilt objects to the definitions of the terms “YOU” and “YOUR” to the extent to
27 the extent the definition include entities that do not share a predecessor-in-interest/successor-in-
28 interest relationship with Vanderbilt and to the extent that it conflates the issues surrounding these

1 various entities, and wrongly assumes that it has already been established that Vanderbilt is the
2 successor-in-interest to other pertinent entities.

3 Vanderbilt objects to the term "YOUR EMPLOYEES" as overly broad, unduly
4 burdensome, vague, ambiguous, irrelevant, unlimited in time and scope, assumes facts not in
5 evidence and is not reasonably calculated to lead to the discovery of admissible evidence.

6 Vanderbilt objects to this Special Interrogatory to the extent that the use of the undefined
7 term "health hazards" renders the Special Interrogatory vague, ambiguous and overbroad as
8 phrased.

9 Vanderbilt objects to this Special Interrogatory to the extent that the use of the undefined
10 term "exposure" renders the Special Interrogatory vague, ambiguous and overbroad as phrased.

11 Subject to and without waiver of the foregoing objections, **Vanderbilt states:** The
12 accepted hazards associated with excessive exposures to talc include pneumoconiosis. Vanderbilt
13 did warn its employees that hazards of excessive exposures to talc included pneumoconiosis and
14 took measures to control these exposure. Vanderbilt controlled exposures in its mines and mills
15 so as to prevent talcosis including the use of respirators and wet down procedures since 1948.
16 Dry drilling was prohibited by 1972. Vanderbilt used dust collection systems and installed
17 control rooms in its mines and mills and updated and replaced these systems over time.
18 Vanderbilt developed a black topping program in about 1965. Vanderbilt refers Plaintiffs to
19 supplemental response to Request for Production Nos. 54 and 56 served herewith.

20 **SPECIAL INTERROGATORY NO. 48:**

21 Did you receive any WARNINGS about the potential health hazards of exposure to TALC
22 from any person or entity prior to 1981?

23 As used in these Interrogatories, "WARNING" or "WARNINGS," in relation to any
24 product that YOU MARKETED, mean any warning and/or caution about the health hazards of
25 exposure to the product and/or instructions on how to safely use the product, including without
26 limitation label(s) on the product, instructions on the product, MSDS sheets or correspondence
27 with the customer.

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1 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 109:**

2 Vanderbilt objects to this Special Interrogatory to the extent that the use of the undefined
3 term "health hazards" renders the Special Interrogatory vague, ambiguous and overbroad as
4 phrased.

5 Vanderbilt objects to this Special Interrogatory to the extent that the use of the undefined
6 term "exposure" renders the Special Interrogatory vague, ambiguous and overbroad as phrased.

7 Vanderbilt objects to the definition of "TALC" as overbroad to the extent that it is not
8 limited to the product(s) allegedly at issue or the time period allegedly at issue and as being
9 vague, ambiguous, overbroad, misleading and assuming facts.

10 Vanderbilt objects to the term "WARNINGS" as overly broad, unduly burdensome,
11 vague, ambiguous, irrelevant, unlimited in time and scope, assumes facts not in evidence and is
12 not reasonably calculated to lead to the discovery of admissible evidence.

13 Vanderbilt objects to the definition of the term "YOU" to the extent to the extent the
14 definition include entities that do not share a predecessor-in-interest/successor-in-interest
15 relationship with Vanderbilt and to the extent that it conflates the issues surrounding these various
16 entities, and wrongly assumes that it has already been established that Vanderbilt is the successor-
17 in-interest to other pertinent entities.

18 Subject to and without waiver of the foregoing objections, Vanderbilt states: Vanderbilt
19 understood that the accepted hazards associated with excessive exposures to talc include
20 pneumoconiosis since it started mining talc in 1948. Vanderbilt kept abreast of information in the
21 industry regarding hazards associated with talc. Vanderbilt further received information from
22 NIOSH, OSHA, MSHA and other government entities regarding potential hazards associated
23 with its mining activities and its products. Vanderbilt cannot state whether information received
24 about potential health hazards associated with talc constituted warnings. Vanderbilt did have
25 correspondence with government agencies, trade associations and customers regarding potential
26 health hazards involving talc and asbestos and alleged health hazards of talc. Vanderbilt refers
27 Plaintiffs to supplemental responses to Requests for Production Nos. 34, 39, 40 and 64 served
28 herewith.

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF ALAMEDA
3

4 RODNEY C. FOSTER and SHIRWOLD
5 FOSTER,

6 Plaintiff,

7 v.

8 ALLIED PACKING & SUPPLY, INC., et. al.,

9 Defendants.
10
11

CASE NO.: RG15764371

VANDERBILT MINERALS LLC'S
SUPPLEMENTAL RESPONSES TO
PLAINTIFFS' SPECIAL
INTERROGAOTORIES, SET ONE

12
13 VERIFICATION

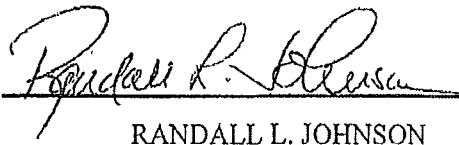
14 I have read the foregoing VANDERBILT MINTERALS LLC'S SUPPLEMENTAL
15 RESPONSES TO PLAINTIFFS' SPECIAL INTERROGATORIES, SET ONE, and know its
16 contents.

17 I am the President of Vanderbilt Minerals LLC, and am authorized to make this
18 verification for and on its behalf, and I make this verification for that reason.

19 The matters stated in the foregoing document are true of my own knowledge except as to
20 those matters which are stated on information and belief, and as to those matters I believe them to
21 be true.

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

24 Executed on September 16, 2016, at Norwalk, Connecticut.

25
26 
27 RANDALL L. JOHNSON
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