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DOCUMENT DESCRIPTION: Legal - Plaintiffs' Requests for Production to Defendant Kubota

1 JEFFREY A. KAISER, ESQ. (SBN 160594)
2 T. SCOTT HAMES, ESQ. [SBN 197574]
3 **LEVIN SIMES KAISER & GORNICK LLP**
4 44 Montgomery Street, 36th Floor
5 San Francisco, California 94104
6 Telephone (415) 646-7160
7 Facsimile (415) 981-1270

8 Attorneys for Plaintiffs
9 RHODA EVANS AND BOBBY EVANS

10 SUPERIOR COURT OF CALIFORNIA

11 COUNTY OF LOS ANGELES

12 (Unlimited Jurisdiction)

13 **RHODA EVANS AND BOBBY EVANS,**

14 **Plaintiffs,**

15 **vs.**

16 **A.W. CHESTERTON COMPANY, et al.**

17 **Defendants.**

18 Case No. BC418867

19 **PLAINTIFFS' REQUESTS FOR
20 PRODUCTION TO DEFENDANT KUBOTA
21 CORPORATION**

22 PROPOUNDING PARTIES: RHODA EVANS AND BOBBY EVANS

23 RESPONDING PARTY: KUBOTA CORPORATION

24 SET NO.: TWO

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1 instance, documents now or previously attached or appended to or used in the preparation
2 of any document called for by each request.

- 3 6. **"DOCUMENTS"** shall mean "writing" as defined in California Evidence Code 250,
4 which includes without limitation all handwriting, typewriting, printing, photostating,
5 photographing, and every other means of recording upon any tangible thing any form of
6 communication or representation, including catalogs, letters, words, pictures, sounds or
7 symbols, or combinations thereof. This term shall also include e-mail transmissions and
8 writings stored on all computer-related medium, including hard disk drives, floppy disk
9 drives, CD-Roms and DVDs, and will be referred to below as "documents."
10
11 7. **"EMPLOYEE(S)"** shall refer to any individual currently or formerly in an employment
12 relationship with DEFENDANT, and any individual acting as a corporate officer and/or
13 serving as a consultant or independent contractor.
14
15 8. **"HAZARDS ASSOCIATED WITH ASBESTOS EXPOSURE"** shall refer to the risks
16 of the development of asbestos related lung disease including but not limited to
17 mesothelioma, lung cancer, asbestosis and pleural plaques.
18
19 9. **"IDENTIFICATION MARKINGS"** shall refer to any branding, logo, symbol, sign,
20 emblem, badge, insignia, indication, feature, characteristic, crest, motif, and mark.
21
22 10. **"IDENTIFY"** with regard to a person or business means to state his or her or its name,
23 her or her place of employment or the business's address, his or her job title, present
24 business or present or last known home address, and present business telephone number.
25
26 11. **"IDENTIFY"** with regards to a DOCUMENT shall mean to state (a) the author; (b) the
27 addressee; (c) the date of origin; (d) the nature of the writing or document (e.g., letter
28 telephone memorandum, tape recording, photograph, etc.); and present location and

name the present location and present address of the custodian thereof.

12. **"WORKSITES"** shall include, but not be limited all sites located in Los Angeles County, CA, wherein VOSS supplied ASBESTOS CEMENT PIPE between 1965 and 1967 inclusive.
13. **"RESPIRATORY PROTECTION"** shall refer to any respiratory protective device, including, but not limited to full or partial face coverings, masks, respirators, filters, cartridges, canisters, hoses, straps, air supply systems and linings designed to remove dust, fibers, ASBESTOS, fumes and/or contaminants from the air.
14. **"SAFETY MEETING"** shall refer to any gathering wherein matters concerning occupational safety, safety procedures, safe work practices, and/or the HAZARDS ASSOCIATED WITH ASBESTOS EXPOSURE are discussed or information CONCERNING these matters is disseminated.
15. **"SAFETY PERSONNEL"** shall refer to individuals trained to identify safety hazards and required to enforce safety regulations and/or inform EMPLOYEES of safety hazards and safe work practices.
16. **"SUPPLY" or "SUPPLIED" or "SUPPLIER"** shall refer to any entity engaged in selling, distributing, making available, providing, leasing, or otherwise transferring for value.
17. The term **"SYSTEM OF DISTRIBUTIUN"** shall refer to distribution, receiving from supplier, warehousing, shipping, delivery, and the manner in which all of the before is accomplished.
18. The term **"COMMUNICATION"** shall refer to any message, communiqué, announcement, statement, letter, phone call, memo, memorandum, note, declaration,

1 notice, proclamation, report, account, assertion, publication, advertisement, whether the
2 communication be made written or verbal, via mail or telephone, and/or made first
3 person and/or through a third party.

- 4 19. The term “**CLAIM(S)**” shall refer to any lawsuit, claim, notice, request for
5 compensation, and/or COMMUNICATION, wherein any entity, individual and/or
6 individuals alleged exposure to asbestos as a result of YOUR negligent or intentional
7 conduct.
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- 9 20. The term “**CONSUMER(S)**” shall refer to the ordinary user of the product, as referred to
10 in Jury Instruction 1203 of the Judicial Council of California Advisory Committee on
11 Civil Jury Instructions (CACI).
12
- 13 21. The term “**WARNING(S)**” shall refer to its ordinary meaning, as referred to in Jury
14 Instruction 1205 of the Judicial Council of California Advisory Committee on Civil Jury
15 Instructions (CACI).
16

17 **REQUESTS FOR PRODUCTION**

18 **REQUEST FOR PRODUCTION NO. 1:**

19 DOCUMENT(S) RELATING to the announcement by YOU on approximately June 29,
20 2005, regarding the occurrence of many occupational victims of asbestos, as well as the victims
21 of asbestos dust from environmental exposure around the Kanzaki plant.
22

23 **REQUEST FOR PRODUCTION NO. 2:**

24 DOCUMENT(S) CONCERNING YOUR Retired Employees' Association Directory.

25 **REQUEST FOR PRODUCTION NO. 3:**

26 DOCUMENT(S) CONCERNING the Retired Employees' Association Directory for the
27 asbestos cement pipe division of Kubota.
28

1 **REQUEST FOR PRODUCTION NO. 4:**

2 DOCUMENT(S) RELATING to any and all asbestos-related deaths of former Kubota
3 employees.

4 **REQUEST FOR PRODUCTION NO. 5:**

5 DOCUMENT(S) IDENTIFYING all current and former Kubota employees who worked
6 at the Kanzaki Plant located in Amagasaki City, Japan who YOU have knowledge have
7 developed mesothelioma, including but not limited to all those former employees YOU have
8 compensated for mesothelioma.

9 **REQUEST FOR PRODUCTION NO. 6:**

10 All DOCUMENTS CONCERNING asbestos currently in the possession or control of
11 YOUR current or former employee Mr. Itoh (or Ito) collected during his tenure with YOUR
12 Department of Corporate Social Responsibility.

13 **REQUEST FOR PRODUCTION NO. 7:**

14 DOCUMENT(S) IDENTIFYING the surviving families of deceased workers at the
15 Kanzaki Plant located in Amagasaki City, Japan who YOU have knowledge have developed
16 mesothelioma, including but not limited to all those former employees YOU have compensated
17 for mesothelioma.

18 **REQUEST FOR PRODUCTION NO. 8:**

19 DOCUMENT(S) IDENTIFYING all persons who YOU have compensated for
20 developing mesothelioma who lived in Amagasaki City, Japan during the years the Kanzaki
21 Plant produced asbestos-containing products.

22 **REQUEST FOR PRODUCTION NO. 9:**

23 DOCUMENT(S) IDENTIFYING all persons who YOU have been requested to
24 compensate for developing mesothelioma who lived in Amagasaki City, Japan during the years
25 the Kanzaki Plant produced asbestos-containing products.

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1 **REQUEST FOR PRODUCTION NO. 10**

2 DOCUMENT(S) RELATING to all former employee deaths since 1978, including
3 approximately 75 workers from YOUR Kanzaki Japan factory and approximately 4
4 subcontractors who had been employed at the same facility.

5 **REQUEST FOR PRODUCTION NO. 11:**

6 DOCUMENT(S) RELATING to the health of approximately 552 other workers from
7 YOUR Kanzaki Japan factory who were directly involved in the manufacture of asbestos pipes
8 for a minimum of one year at any time from 1962 through 1975.

9 **REQUEST FOR PRODUCTION NO. 12:**

10 All DOCUMENTS from 1962 through 1975 reflecting the approximate 240,000 tons of
11 asbestos used at the Kanzaki plant in the production of asbestos water pipes and building
12 materials; the majority of fiber consumed was crocidolite.

13 **REQUEST FOR PRODUCTION NO. 13:**

14 ALL DOCUMENT(S) RELATING to THEY TYPE OF FIBER USED AT THE Kanzaki
15 plant in the production of asbestos water piped at any time from 1962 through 1975.

16 **REQUEST FOR PRODUCTION NO. 14:**

17 All DOCUMENTS and INFORMATION uncovered during KUBOTA'S investigation of
18 a mesothelioma epidemic in the neighborhood around its own former ASBESTOS-
19 CONTAINING pipe manufacturing plant.

20 **REQUEST FOR PRODUCTION NO. 15:**

21 All DOCUMENTS, internal corporate DOCUMENTS, and interviews conducted,
22 created, or discovered, as a result of Kubota Shock.

23 **REQUEST FOR PRODUCTION NO. 16:**

24 All DOCUMENTS you produced to any third party after the June 29, 2005
25 announcement concerning your use of asbestos at the Kansaki Asbestos Cement Pipe plant, from
26 1962 through 1975.

1 **REQUEST FOR PRODUCTION NO. 17:**

2 All DOCUMENTS CONCERNING the 1960 Japanese Pneumoconiosis Act.

3 **REQUEST FOR PRODUCTION NO. 18:**

4 All DOCUMENTS CONCERNING the 1975 Japanese Ordinance on Prevention of
5 Hazards Caused by Specific Chemical Substances.

6 **REQUEST FOR PRODUCTION NO. 19:**

7 All DOCUMENTS containing information regarding how many workers' compensation
8 claims YOU have received relating to an asbestos disease.

9 **REQUEST FOR PRODUCTION NO. 20:**

10 All DOCUMENTS containing information regarding when YOU first received a
11 workers' compensation claim relating to an asbestos disease.

12 **REQUEST FOR PRODUCTION NO. 21:**

13 All DOCUMENTS containing information regarding any workers' compensation claims
14 relating to an asbestos disease YOU have received.

15 **REQUEST FOR PRODUCTION NO. 22:**

16 All DOCUMENTS containing information regarding YOUR knowledge of HAZARDS
17 ASSOCIATED WITH ASBESTOS EXPOSURE and/or ASBESTOS-CONTAINING
18 MATERIAL.

19 **REQUEST FOR PRODUCTION NO. 23:**

20 All DOCUMENTS containing information regarding when YOU first learned about the
21 HAZARDS ASSOCIATED WITH ASBESTOS EXPOSURE.

22 **REQUEST FOR PRODUCTION NO. 24:**

23 All DOCUMENTS containing information regarding YOUR membership in any
24 organization that discussed the HAZARDS ASSOCIATED WITH EXPOSURE TO
25 ASBESTOS.

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1 **REQUEST FOR PRODUCTION NO. 25:**

2 All DOCUMENTS containing information CONCERNING any precautions YOU took
3 to protect YOUR employees from HAZARDS ASSOCIATED WITH EXPOSURE TO
4 ASBESTOS.

5 **REQUEST FOR PRODUCTION NO. 26:**

6 All DOCUMENTS concerning the use of protective respiratory equipment by employees
7 at all of your asbestos cement pipe manufacturing facilities from 1962 through 1975.

8 **REQUEST FOR PRODUCTION NO. 27:**

9 All DOCUMENTS containing information CONCERNING any research, reviewed by
10 YOU, CONCERNING what knowledge CONSUMERS of ASBESTOS-CONTAINING
11 MATERIALS YOU MANUFACTURED possessed CONCERNING the HAZARDS
12 ASSOCIATED WITH ASBESTOS EXPOSURE.

13 **REQUEST FOR PRODUCTION NO. 28:**

14 All DOCUMENTS containing information CONCERNING any research, reviewed by
15 YOU, CONCERNING what knowledge VOSS possessed CONCERNING the HAZARDS
16 ASSOCIATED WITH ASBESTOS EXPOSURE from ASBESTOS-CONTAINING
17 MATERIALS YOU MANUFACTURED at any time.

18 **REQUEST FOR PRODUCTION NO. 29:**

19 All DOCUMENTS CONCERNING YOUR contention, if YOU so contend, that Bobby
20 Evans received WARNINGS CONCERNING HAZARDS ASSOCIATED WITH ASBESTOS
21 EXPOSURE CONCERNING ASBESTOS-CONTAINING PRODUCTS YOU manufactured.

22 **REQUEST FOR PRODUCTION NO. 30:**

23 All DOCUMENTS CONCERNING any IDENTIFICATION MARKINGS on
24 ASBESTOS-CONTAINING MATERIALS that you SUPPLIED to VOSS at any time.

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1 **REQUEST FOR PRODUCTION NO. 31:**

2 All DOCUMENTS containing information concerning any WARNINGS about the
3 HAZARDS RELATED TO ASBESTOS EXPOSURE YOU provided with the ASBESTOS-
4 CONTAINING MATERIAL YOU SOLD at any time from 1962 through 1975.

5 **REQUEST FOR PRODUCTION NO. 32:**

6 All DOCUMENTS concerning any asbestos-related WARNINGS that YOU placed on
7 any packaging or product itself associated with ASBESTOS-CONTAINING MATERIAL at any
8 time.

9 **REQUEST FOR PRODUCTION NO. 33:**

10 All DOCUMENTS concerning any WARNINGS that YOU provided with YOUR sales
11 of ASBESTOS-CONTAINING MATERIAL at any time from 1962 through 1975.

12 **REQUEST FOR PRODUCTION NO. 34:**

13 All DOCUMENTS related to any WARNINGS provided that YOU provided with YOUR
14 sales of ASBESTOS-CONTAINING MATERIAL to VOSS at any time from 1962 through
15 1975.

16 **REQUEST FOR PRODUCTION NO. 35:**

17 All DOCUMENTS related to any WARNINGS that YOU provided with YOUR sales of
18 ASBESTOS-CONTAINING MATERIAL provided to the Los Angeles Department of Water
19 and Power at any time from 1962 to 1975.

20 **REQUEST FOR PRODUCTION NO. 36:**

21 All DOCUMENTS containing information CONCERNING any research performed by
22 YOU of the CONSUMERS response to any WARNINGS that may have CONCERNED
23 ASBESTOS-CONTAINING PRODUCTS YOU manufactured at any time from 1962 through
24 1975.

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1 **REQUEST FOR PRODUCTION NO. 37:**

2 All DOCUMENTS reviewed by YOU CONCERNING CONSUMERS responses to any
3 WARNINGS that may have CONCERNED ASBESTOS-CONTAINING PRODUCTS YOU
4 manufactured at any time from 1962 through 1975.

5 **REQUEST FOR PRODUCTION NO. 38:**

6 All DOCUMENTS containing information CONCERNING any research performed by
7 YOU of VOSS's actions in response to any WARNINGS that may have CONCERNED
8 ASBESTOS-CONTAINING PRODUCTS YOU manufactured at any time from 1962 through
9 1975.

10 **REQUEST FOR PRODUCTION NO. 39:**

11 All DOCUMENTS containing information CONCERNING VOSS's actions in response
12 to any WARNINGS that may have CONCERNED ASBESTOS-CONTAINING PRODUCTS
13 YOU manufactured, that YOU are aware of, at any time from 1962 through 1975.

14 **REQUEST FOR PRODUCTION NO. 40:**

15 All DOCUMENTS CONCERNING YOUR statement made in response to Plaintiff's
16 form interrogatories that Johns-Manville asbestos fiber bags sold to Japan did not have
17 WARNINGS until 1977.

18 **REQUEST FOR PRODUCTION NO. 41:**

19 All DOCUMENTS containing information CONCERNING any product safety testing
20 performed by YOU at any time, CONCERNING the ASBESTOS-CONTAINING MATERIALS
21 YOU SUPPLIED to VOSS.

22 **REQUEST FOR PRODUCTION NO. 42:**

23 All DOCUMENTS containing information CONCERNING any product safety testing
24 performed by an entity or person other than YOU, reviewed by YOU, CONCERNING the
25 ASBESTOS-CONTAINING MATERIALS YOU SUPPLIED to VOSS at any time.

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1 **REQUEST FOR PRODUCTION NO. 43:**

2 All DOCUMENTS in your possession containing information CONCERNING any
3 testing CONCERNING asbestos fiber release from ASBESTOS CEMENT PIPE.

4 **REQUEST FOR PRODUCTION NO. 44:**

5 All DOCUMENTS containing information CONCERNING any research performed by
6 YOU of how ASBESTOS-CONTAINING PRODUCTS you manufactured where being used by
7 CONSUMERS at any time from 1962 through 1975.

8 **REQUEST FOR PRODUCTION NO. 45:**

9 All DOCUMENTS you reviewed, containing information CONCERNING how
10 ASBESTOS-CONTAINING PRODUCTS you manufactured where being used by
11 CONSUMERS at any time from 1962 through 1975.

12 **REQUEST FOR PRODUCTION NO. 46:**

13 All DOCUMENTS containing information CONCERNING the asbestos fiber release that
14 occurred when ASBESTOS-CONTAINING MATERIALS YOU manufactured and supplied to
15 VOSS, were cut with a power saw at any time from 1962 through 1975.

16 **REQUEST FOR PRODUCTION NO. 47:**

17 All DOCUMENTS CONCERNING the SUPPLIER(s) of ASBESTOS to YOU used in
18 the MANUFACTURING of ASBESTOS-CONTAINING MATERIALS YOU SUPPLIED to
19 VOSS at any time from 1962 through 1975.

20 **REQUEST FOR PRODUCTION NO. 48:**

21 All DOCUMENTS IDENTIFYING WORKSITES where VOSS supplied ASBESTOS-
22 CONTAINING MATERIALS you MANUFACTURED at any time from 1962 through 1975.

23 **REQUEST FOR PRODUCTION NO. 49:**

24 All DOCUMENTS CONCERNING the physical appearance of KUBOTA asbestos
25 cement pressure pipe that you SUPPLIED to VOSS at any time from 1962 through 1975.

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1 **REQUEST FOR PRODUCTION NO. 50:**

2 All DOCUMENTS CONCERNING the type of asbestos fiber contained in ASBESTOS-
3 CONTAINING MATERIALS that you SUPPLIED to VOSS at any time from 1962 through
4 1975.

5 **REQUEST FOR PRODUCTION NO. 51:**

6 All DOCUMENTS CONCERNING the chemical composition of ASBESTOS-
7 CONTAINING MATERIALS that you SUPPLIED to VOSS at any time from 1962 through
8 1975.

9 **REQUEST FOR PRODUCTION NO. 52:**

10 All DOCUMENTS CONCERNING the percentage of asbestos contained in
11 ASBESTOS-CONTAINING MATERIALS that you SUPPLIED to VOSS at any time from 1962
12 through 1975.

13 **REQUEST FOR PRODUCTION NO. 53:**

14 All DOCUMENTS containing information regarding YOUR SALE of ASBESTOS-
15 CONTAINING MATERIAL to VOSS at any time.

16 **REQUEST FOR PRODUCTION NO. 54:**

17 Any DOCUMENTS concerning any distribution agreements YOU entered into with
18 VOSS regarding the SALE of ASBESTOS-CONTAINING MATERIAL at any time from 1962
19 to 1975.

20 **REQUEST FOR PRODUCTION NO. 55:**

21 All DOCUMENTS containing information CONCERNING any and all agreements you
22 had with VOSS regarding the SUPPLY of ASBESTOS-CONTAINING MATERIALS in Los
23 Angeles County, CA anytime from 1962 through 1975.

24 **REQUEST FOR PRODUCTION NO. 56:**

25 All DOCUMENTS containing information concerning VOSS' SALE of ASBESTOS-
26 CONTAINING MATERIAL to Los Angeles Department of Water and Power of Los Angeles,
27 CA at any time from 1962 through 1975.
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1 **REQUEST FOR PRODUCTION NO. 57:**

2 All DOCUMENTS reflecting any correspondence between YOU and VOSS at any time
3 from 1962 to 1975.

4 **REQUEST FOR PRODUCTION NO. 58:**

5 All DOCUMENTS CONCERNING any statements made by former Voss employee
6 Robert Arbizo.

7 **REQUEST FOR PRODUCTION NO. 59:**

8 All DOCUMENTS CONCERNING any testimony under oath made by former Voss
9 employee Robert Arbizo.

10 **REQUEST FOR PRODUCTION NO. 60:**

11 All DOCUMENTS CONCERNING any statements made by former Voss employee
12 Bonifacio Lesso.

13 **REQUEST FOR PRODUCTION NO. 61:**

14 All DOCUMENTS CONCERNING any testimony under oath made by former Voss
15 employee Bonifacio Lesso.

16 **REQUEST FOR PRODUCTION NO. 62:**

17 All DOCUMENTS CONCERNING any testimony under oath made by former Voss
18 employee Randall Waters.

19 **REQUEST FOR PRODUCTION NO. 63:**

20 All DOCUMENTS CONCERNING any statements made by former Voss employee
21 Randall Waters.

22 **REQUEST FOR PRODUCTION NO. 64:**

23 All DOCUMENTS CONCERNING any communication between YOU and Mr. A.H.
24 Voss concerning use of respirators by workers cutting asbestos cement pipe.

25 **REQUEST FOR PRODUCTION NO. 65:**

26 All DOCUMENTS CONCERNING any communication between YOU and Mr. A.H.
27 Voss concerning use of eye protection by workers cutting asbestos cement pipe.
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1 **REQUEST FOR PRODUCTION NO. 66:**

2 All DOCUMENTS CONCERNING any communication between YOU and Mr. A.H.
3 Voss concerning use of gloves by workers cutting asbestos cement pipe.

4 **REQUEST FOR PRODUCTION NO. 67:**

5 All DOCUMENTS CONCERNING the testimony of A.H. Voss to the International
6 Trade Commission.

7 **REQUEST FOR PRODUCTION NO. 68:**

8 All DOCUMENTS containing information that supports YOUR contention, if YOU so
9 contend, that Bobby Evans was not exposed to asbestos from ASBESTOS-CONTAINING
10 PRODUCTS that YOU MANUFACTURED

11 **REQUEST FOR PRODUCTION NO. 69:**

12 All DOCUMENTS RELATING to asbestos currently in the possession or control of
13 YOUR Department of Corporate Social Responsibility.

14 **REQUEST FOR PRODUCTION NO. 70:**

15 All DOCUMENTS containing information regarding YOUR corporate history.

16 **REQUEST FOR PRODUCTION NO. 71:**

17 All DOCUMENTS containing information regarding YOUR DOCUMENT
18 RETENTION POLICY.

19 **REQUEST FOR PRODUCTION NO. 72:**

20 All DOCUMENTS containing information regarding the IDENTITIES of any officers or
21 directors of YOUR company over the last five years.

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23
24 Dated: February 9, 2010

LEVIN SIMES KAISER & GORNICK LLP

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26 
27 T. Scott Hames
28 Attorneys for Plaintiffs

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PROOF OF SERVICE

I certify that I am over the age of 18 years and not a party to the within action; that my business address is 44 Montgomery St., 36th Floor, San Francisco, CA 94104; and that on the date last written, I served a true copy of the document(s) entitled:

**PLAINTIFFS' REQUESTS FOR PRODUCTION TO
DEFENDANT KUBOTA CORPORATION**

Service was effectuated by forwarding the above-noted document in the following manner:

☒ By Regular Mail in a sealed envelope, addressed as noted below, with postage fully prepaid and placing it for collection and mailing following the ordinary business practices of Levin Simes Kaiser & Gornick LLP.

**THOMAS C. CORLESS, ESQ.
AIDE C. ONTIVEROS, ESQ.
WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER, LLP
555 S. FLOWER STREET, SUITE 2900
LOS ANGELES, CA 90071**

☐ By Facsimile to the number(s) as noted below by placing it for facsimile transmittal following the ordinary business practices of Levin Simes Kaiser & Gornick LLP.

☐ By Hand Delivery in a sealed envelope, addressed as noted below, through services provided by **WorldWide Messenger** and billed to Levin Simes Kaiser & Gornick LLP.

☐ By Overnight Courier in a sealed envelope, addressed as noted below, through services provided by (Federal Express, UPS,) and billed to Levin Simes Kaiser & Gornick LLP.

☐ On the date executed below, I electronically served the document(s) via LexisNexis File & Serve on the recipients designated on the Transaction Receipt located on the LexisNexis File & Serve website.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this proof of service was executed on February 9, 2010 at San Francisco, California.



Liza Barton | Paralegal

Rhoda Evans, et al. vs. A. W. Chesterton Company, et al., Los Angeles County Superior Court, Case No. BC418867