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PLAINTIFF'S EXHIBIT

UC-5324

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF

11) No.
12)
12 Plaintiff) UNION CARBIDE CORPORATION'S
13 v.) RESPONSES TO SET OF
13 INTERROGATORIES PROPOUNDED
14 ABEX CORPORATION, et al.) BY PLAINTIFFS (No. 33)
15 Defendants.)
16

17 PROPOUNDING PARTY: Plaintiffs

18 RESPONDING PARTY: Union Carbide Corporation,
19 Defendant

20 SET NO.: Thirty-three
21

22 Defendant UNION CARBIDE CORPORATION ("Union Carbide")
23 Responds to Plaintiffs' Interrogatories to Defendants (Set No. 33) as
24 follows:

25 GENERAL STATEMENTS AND OBJECTIONS

26 1. Union Carbide states that trial preparation and factual
27 investigation in these matters are ongoing. Union Carbide's answers
28 to these interrogatories are based on information known to Union

1 Carbide at this time. Union Carbide reserves the right, however, to
2 make reference at the trials or in any other hearings in these
3 actions to facts and documents not identified in these responses, the
4 existence or relevance of which is later discovered by Union Carbide
5 or its counsel. By this reservation, Union Carbide does not in any
6 way assume a continuing responsibility to update its responses to
7 update its responses to these interrogatories, except as set forth in
8 any specific response, and specifically objects to each of these
9 interrogatories to the extent they may seek to impose any such
10 continuing obligation upon Union Carbide.

11 2. Union Carbide objects to plaintiff's Set of Interrogatories
12 (No. 33) in their entirety on the grounds that they are "boiler
13 plate" interrogatories and are not reasonably framed in terms of the
14 specific facts and issues involved in the present cases. Many of the
15 interrogatories are clearly inappropriate in terms of the facts and
16 subject matter of the present actions against this defendant, with
17 the result that Union Carbide is called upon to speculate as to what
18 information relevant to the present cases, if any, may be deemed to
19 fall within the scope of the interrogatories as phrased.

20 3. Union Carbide objects to all interrogatories, insofar as
21 they would require the disclosure of confidential attorney-client
22 communication and/or attorney work product. No such information is
23 provided.

24 4. With regard to the "Definitions" section of the
25 interrogatories, Union Carbide objects to the stated definition of
26 the term "defendant" to the extent interrogatories incorporating that
27 term purport to require Union Carbide to provide information from
28 entities other than itself or persons other than its employees.

1 5. Union Carbide objects to providing information about any
2 asbestos-containing product (as distinguished from CALIDRIA asbestos
3 described below) which it has manufactured, sold or distributed, on
4 the ground that the asbestos fibers in these products were
5 encapsulated by other materials and could not reasonably have
6 resulted in exposure by persons working in or around the areas which
7 are the subjects of these interrogatories, if, in fact, such products
8 were ever in such areas. Since 1963, Union Carbide has mined and
9 sold short fiber chrysotile asbestos under the trade name CALIDRIA.
10 Except as otherwise indicated, the responses to these interrogatories
11 pertain to CALIDRIA asbestos only.

12 6. Subject to the foregoing, Union Carbide supplies the
13 following information voluntarily and without waiver of or prejudice
14 to the above-stated objections, which are incorporated in each of the
15 responses herein.

16 7. Plaintiffs have served the same set of interrogatories in
17 several cases, which are indicated by the face pages contained in
18 Exhibit A. Union Carbide is not a party to all of these cases, and
19 the responses herein are made only in those cases in which Union
20 Carbide has previously been served with a Complaint and appeared with
21 a responsive pleading.

22 RESPONSES TO INTERROGATORIES

23 RESPONSE TO INTERROGATORY NO. 1:

24 Yes.

25 RESPONSE TO INTERROGATORY NO. 2:

26 Except as set forth in the specific objections below, and
27 subject to the General Objections and Statements, Union Carbide is
28 still engaged in the process of determining what information is

1 available in response to this interrogatory. Available information
2 will be provided when identified, in accordance with C.C.P.
3 Section 2030(d), if appropriate.

4 In 1963 Union Carbide commenced mining, milling, and
5 selling raw asbestos under the trade name CALIDRIA. CALIDRIA is
6 short fiber chrysotile asbestos marketed in both pellet and fibrous
7 form. The ore is mined and milled near King City, California, and
8 transported from there to customers. Please see Union Carbide's
9 Responses to Plaintiffs' Interrogatories (Set No. 28), incorporated
10 herein by this reference, which set forth much of the requested
11 information already.

12 (c) (ii) Union Carbide objects to this subpart as vague,
13 ambiguous, and untelligible in its use of the term "detailed
14 description."

15 RESPONSE TO INTERROGATORY NO. 3:

16 Union Carbide objects to this interrogatory as calling for
17 information more appropriately and accurately obtained from parties
18 other than this defendant, and which this defendant has previously
19 identified.

20 RESPONSE TO INTERROGATORY NO. 4:

21 Please see objection to Interrogatory No. 3, incorporated
22 herein by this reference.

23 RESPONSE TO INTERROGATORY NO. 5:

24 To the extent that this interrogatory refers to
25 transporting CALIDRIA to any San Francisco Bay Area port for shipment
26 elsewhere, the answer is the same as for Interrogatory No. 1.

27 ///

28 ///

1 RESPONSE TO INTERROGATORY NO. 6:

2 Please see objection to Interrogatories No. 2 and 5,
3 incorporated herein by this reference.

4 RESPONSE TO INTERROGATORY NO. 7:

5 Please see objection to Interrogatory No. 3, incorporated
6 herein by this reference.

7 RESPONSE TO INTERROGATORY NO. 8:

8 Please see objection to Interrogatory No. 3, incorporated
9 herein by this reference.

10 RESPONSE TO INTERROGATORY NO. 9:

11 Union Carbide objects to this Interrogatory on the grounds
12 that it is overly broad and not reasonably limited by either time or
13 subject matter to information which is relevant to the subject matter
14 of these cases or reasonably calculated to lead to the discovery of
15 admissible evidence. Union Carbide further objects to this
16 Interrogatory on the grounds that it is unduly burdensome and
17 oppressive and requests the retrieval and statement of extensive
18 detailed information which is totally irrelevant to the subject
19 matter of this case. Without waiver of, and subject to, the
20 foregoing objections, Union Carbide responds:

21 Union Carbide has in the past manufactured a product called
22 BAKELITE, which is a phenolic molding compound. Union Carbide ceased
23 production of BAKELITE in 1975. BAKELITE was marketed by Union
24 Carbide through distributors to electrical and electronic parts and
25 products manufacturers for molding into various types of electrical
26 and electronic parts and products, including switches, switch boxes,
27 radios, plug-in receptacles and others. In the form in which it was
28 sold to the manufacturers of these products, the asbestos in the

1 BAKELITE material was encapsulated. As set forth in the General
2 Objections above, Union Carbide objects to the answering of these
3 interrogatories with respect to BAKELITE as burdensome, oppressive,
4 and calling for irrelevant information not reasonably calculated to
5 lead to the discovery of admissible evidence.

6 Union Carbide, until July, 1977, manufactured UDEL
7 Polysulfone P6050, which was an asbestos-containing, high
8 temperature, high rigidity thermoplastic molding material. The
9 asbestos in UDEL Polysulfone P6050, like that in BAKELITE, was
10 encapsulated. As set forth in the General Objections above, Union
11 Carbide objects to answering these interrogatories with respect to
12 UDEL Polysulfone P6050 in that it would be burdensome, oppressive and
13 irrelevant to do so.

14 A subsidiary of Union Carbide, which was acquired in 1977,
15 produced atree sprout inhibitor, named TRE-HOLD, until late 1979.
16 TRE-HOLD contained a small quantity of asbestos encapsulated in an
17 asphalt carrier. As set forth in the General Objections above, Union
18 Carbide objects to answering these interrogatories with respect to
19 TRE-HOLD in that it would be burdensome, oppressive and irrelevant to
20 do so.

21 Union Carbide manufactures automotive radiator products
22 under the names PRESTONE Antifreeze, PRESTONE Sealer-Stop Leak and
23 PRESTONE Heavy Duty Sealer. Asbestos ceased to be used as an
24 additive in the antifreeze in 1971 and in the sealers in 1972. The
25 asbestos in these products, was contained within a liquid and the
26 fibers would not become airborne. Therefore, Union Carbide objects
27 to answering these interrogatories with respect to PRESTONE as
28 burdensome, oppressive and irrelevant.

1 The only product which Union Carbide currently produces
2 which employs asbestos as a component is acetylene cylinder liners.
3 The asbestos in the acetylene cylinder liners is encapsulated within
4 the liner materials and the liner materials are within a metal
5 cylinder. As set forth in the General Objectdions above, Union
6 Carbide objects to answering these interrogatories with respect to
7 the acetylene cylinder liners.

8 RESPONSE TO INTERROGATORY NO. 10:

9 Please see response to Interrogatory No. 9, incorporated
10 herein by the reference.

11 RESPONSE TO INTERROGATORY NO. 11:

12 Please see response to Interrogatory No. 9, incorporated
13 herein by the reference.

14 RESPONSE TO INTERROGATORY NO. 12:

15 Please see response to Interrogatory No. 9, incorporated
16 herein by the reference.

17 RESPONSE TO INTERROGATORY NO. 13:

18 Please see response to Interrogatory No. 9, incorporated
19 herein by the reference.

20 RESPONSE TO INTERROGATORY NO. 14:

21 Please see response to Interrogatory No. 9, incorporated
22 herein by the reference.

23 RESPONSE TO INTERROGATORY NO. 15:

24 Please see response to Interrogatory No. 9, incorporated
25 herein by the reference.

26 RESPONSE TO INTERROGATORY NO. 16:

27 Please see response to Interrogatory No. 9, incorporated
28 herein by the reference.

1 RESPONSE TO INTERROGATORY NO. 17:

2 [insert]

3 RESPONSE TO INTERROGATORY NO. 18:

4 Not that Union Carbide is currently aware of.

5 DATED: July ¹⁵ , 1985

GIBSON, DUNN & CRUTCHER
CHARLES C. IVIE
WILLIAM D. CONNELL

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By Will D. Connell
William D. Connell

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Attorneys for Defendant,
UNION CARBIDE CORPORATION

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VERIFICATION TO FOLLOW

PROOF OF SERVICE BY MAIL - CCR 013a, 2015.5

1 I declare that:
2 I am ~~XXXXXX~~ (employed in) the county of Santa Clara, California.
(COUNTY WHERE MAILING OCCURRED)
3 I am over the age of eighteen years and not a party of the within entitled cause; my (business ~~XXXXXX~~) address is:
4 GIBSON, DUNN & CRUTCHER, One Almaden Blvd., Ste. 1000,
San Jose, California 95113
5 On July 15, 1985, I served the attached UNION CARBIDE CORPORATION'S
(DATE)
6 RESPONSES TO SET OF INTERROGATORIES PROPOUNDED BY PLAINTIFFS
7 (SET NO. 33) on the interested parties
plaintiffs
8 in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the
9 United States mail at San Jose, California addressed as follows:
10
11 Law Offices of Jack K. Clapper
12 250 Bel Marin Keys Boulevard
Novato,
13 California 94947
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18
19
20
21
22
23 I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on
24 July 15, 1985, at San Jose, California.
(DATE) (PLACE)
25
26 Sharon Garcia
(TYPE OR PRINT NAME) SIGNATURE