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9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO – UNLIMITED JURISDICTION

12 THOMAS RUBINO, Individually and as
13 Successor-in-Interest to CARMINE
14 RUBINO, JR., Decedent; DANIEL
15 RUBINO; and DOES ONE through TEN,
inclusive,

16 Plaintiffs,

17 vs.

18 AC AND S, INC., et al.,

19 Defendants.

Case No.: CGC-08-274556

**EXHIBITS HH-MM TO:
DECLARATION OF JOHN TEMPLIN IN
SUPPORT OF PLAINTIFF' OPPOSITION
TO DEFENDANT BASF
CORPORATION'S MOTION FOR
SUMMARY JUDGMENT AND/OR
ADJUDICATION**

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EXHIBIT "HH"

THOMAS RUBINO, VOLUME II - May 21, 2009

1	IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2	FOR THE COUNTY OF SAN FRANCISCO
3	UNLIMITED JURISDICTION
4	---oOo---
5	THOMAS RUBINO, Individually
6	and As Successor-in-Interest
7	to GARMINE RUBINO, JR., Decedent;
8	DANIEL RUBINO; and DOES ONE through
9	TEN, inclusive,
10	Plaintiffs,
11	vs. CGC-08-274556
12	ACandS, INCORPORATED, et al.,
13	Defendants.
14	VOLUME II - PAGES 53 through 344
15	DEPOSITION OF THOMAS RUBINO
16	THURSDAY, MAY 21, 2009
17	Reported by: MARJORIE FORMAN, CSR #2783
18	Tooker & Antz
19	Court Reporting & Video Services
20	350 Sansome Street, Suite 700
21	San Francisco, California 94104
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	21 Handwritten list marked in Daniel Rubino's deposition; a list of cars.	
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1	HAROWITZ & TIGERMAN, LLP, 450 Sansome Street,
2	3rd Floor, San Francisco, California 94111, represented by
3	BRENDEN SULLIVAN, Attorney at Law, appeared as counsel on
4	behalf of the Plaintiffs.
5	NIXON PEABODY LLP, ATTORNEYS AT LAW, One
6	Embarcadero Center, 18th Floor, San Francisco, California
7	94111-3600, represented by LAUREN M. MICHALS, Attorney at
8	Law, appeared as counsel on behalf of the Defendants Ford
9	Motor Company; GM-Corporation.
10	WALSWORTH, FRANKLIN, BEVINS & MCCALL, 601
11	Montgomery Street, 9th Floor, San Francisco, California
12	94111, represented by STEVEN J. SHIN, Attorney at Law,
13	appeared as counsel on behalf of the Defendants Quintec
14	Industries, Inc.; Thomas Dee Engineering; Dowman Products,
15	Inc.
16	LAW OFFICES OF PRINDLE, DECKER & AMARO, 369 Pine
17	Street, Suite 800, San Francisco, California 94104,
18	represented by MATTHEW COLE, Attorney at Law, appeared as
19	counsel on behalf of the Defendants ITT Corporation; Syd
20	Carpenter Marine Contractor.
21	VASQUEZ & ESTRADA, 1000 Fourth Street, Suite 700,
22	San Rafael, California 94901, represented by MEGAN M.
23	MYERS, Attorney at Law, appeared as counsel on behalf of
24	the Defendant Hill Brothers Chemical Company.
25	WALSWORTH, FRANKLIN, BEVINS & MCCALL, 601

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1 (Pages 53 to 56)

1 Lead.
2 Q. They used lead?
3 A. Lead.
4 Q. Was that to fill in the dents?
5 A. Fill in dents.
6 Q. Any other products you can recall your father
7 using to do his body and fender work?
8 A. They would put the tires back on the cars.
9 The -- they would take the cars apart so that the car --
10 and then -- which could require the wheel coming off, the
11 brakes could come off, et cetera, and then they would put
12 those back on.
13 Q. As opposed to the mechanics doing that, then
14 you're saying the body and fender -- part of their job was
15 to physically take the car apart?
16 A. Physically take the car apart and physically
17 reassemble it.
18 Q. Anything else you recall seeing your father do
19 or products your father used?
20 A. They would buff out the cars when it came out.
21 MR. SULLIVAN: Just -- she is talking about
22 products.
23 MS. RENDAHL: Q. Products.
24 What did they use to buff the cars out?
25 A. Again, there was a 3M product, buffing product

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1 that they used.
2 Q. Any other products you recall seeing your father
3 use?
4 A. I cannot recall at this moment any further ones.
5
6 Q. Okay. I am going to go through these one by
7 one. And there will probably be follow-up. And as we go,
8 you may think of more products, and you can feel free to
9 tell me at any time. All right.
10 First of all, the type of material that you're
11 calling Bondo -- and is this Bondo, again, in a generic
12 sort of way?
13 A. It is.
14 MR. SULLIVAN: Objection. Misstates facts,
15 misstates testimony.
16 A. It was Bondo -- the container used said "Bondo."
17 Q. Okay. And describe for me what the material --
18 first of all, what -- what type of container did this
19 Bondo material come in?
20 A. I recall a plastic container.
21 Q. Like a bucket?
22 A. A bucket.
23 Q. All right. Do you know what -- the size or
24 dimensions of that container?
25 A. 2-pound container.

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1 Q. Okay. And what was the consistency of the
2 material inside the container?
3 A. Like a cake mix -- a cake frosting, but it had a
4 catalyst that would bind to it.
5 Q. And what color was the -- well, strike that.
6 First of all, was there more than one kind of
7 Bondo material that you saw your father use or did all of
8 the Bondo material you saw your father use come in this
9 2-pound plastic container?
10 A. I'm recalling a container that said "Bondo" on
11 it.
12 Q. Okay. And what use did your father make of
13 the -- this product? What did he use it for?
14 A. To smooth out the original profile of the car
15 component -- body component that he was working on.
16 Q. All right. The material inside the 2-pound
17 container that had the consistency of cake frosting, what
18 color was it?
19 A. I recall it as being an off-white.
20 Q. And did your father use any tools in conjunction
21 with applying this Bondo-type material?
22 A. Yes, spatula -- excuse me. What do you call it,
23 the -- putty knife-type --
24 Q. Putty knife. Okay.
25 A. -- type of product.

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1 Q. Okay. All right.
2 A. And then it would dry and be reworked with
3 rasps, sanded.
4 Q. And did you ever see your father use any rasps
5 to work the Bondo material after it was applied?
6 A. Yes, I did.
7 Q. Okay. Besides the rasps, did he use any other
8 sort of -- any other tools or anything to smooth out the
9 Bondo material?
10 A. A sanding device, grinder.
11 Q. Electric or hand?
12 A. I recall all pneumatic.
13 Q. Pneumatic.
14 This Bondo-type material, do you know who
15 supplied that material to Walker Brothers?
16 A. I do not know that.
17 Q. Do you know what it was made up of, in other
18 words what --
19 A. No, I don't --
20 Q. -- the component parts --
21 A. -- beyond there was a Part A and Part B.
22 Q. What was the Part A?
23 A. I do not know that.
24 Q. Well, okay. I'm trying to get an idea of the
25 two parts. We've got the stuff that came in a 2-pound

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1 container that looks like cake frosting.
 2 A. Right. And then there was a catalyst that you
 3 mixed with it that caused the hardening process. I just
 4 can't tell you which was A and which was B.
 5 Q. And then the catalyst material, how did that
 6 come packaged?
 7 A. I recall it being like a toothpaste container.
 8 Q. Okay. In a tube?
 9 A. In a tube.
 10 Q. And do you know the brand name or manufacturer
 11 of that catalyst material?
 12 A. It was part of the material. It was possible
 13 that the tube came attached at the top of the container.
 14 Q. Okay.
 15 A. They were sold as one unit.
 16 Q. The catalyst material that was in the tube, what
 17 did the catalyst look like?
 18 A. Toothpaste, toothpaste material.
 19 Q. Was it --
 20 MS. TRAN: Sorry, belated objection. Move to
 21 strike speculative portions of the previous answer.
 22 MS. RENDAHL: Q. Was it white?
 23 A. I recall it being gray and turning red upon
 24 mixing it together.
 25 Q. And do you know any of the component parts of

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1 that catalyst material?
 2 A. No, I do not.
 3 MS. RENDAHL: I think that we'll do follow-up on
 4 each one of these products as we -- as we go through. I
 5 think that might be the easiest thing to do.
 6 So does anyone have any follow-up on the
 7 Bondo-type material?
 8 EXAMINATION BY MS. TRAN
 9 MS. TRAN: Q. Hi, sir, how are you? Right
 10 here. I have a few follow-up questions regarding the
 11 Bondo product that we just talked about.
 12 You said that the product came in a container.
 13 Can you describe, other than the fact that it was a
 14 2-pound bucket, any other markings, writings or logos on
 15 the container?
 16 A. I -- I believe the color of the container was
 17 white.
 18 Q. Okay.
 19 A. With the distinct name of "Bondo" on it.
 20 Q. Was the bucket -- strike that.
 21 Did the bucket have a handle on it?
 22 A. I do not recall. No, I do not know.
 23 Q. Did the bucket -- how was the bucket opened?
 24 Was it a --
 25 A. A plastic lid that had to be pried off.

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1 Q. Before we get into the details of it --
 2 actually, let me establish the years in which you observed
 3 this work.
 4 When was the first time you saw your father work
 5 with a Bondo product?
 6 A. The time period would have been 1961, '62
 7 through 1972.
 8 Q. So 1972 was the last time you observed your
 9 father work with a Bondo product, is that correct?
 10 A. That I can associate with a bucket saying
 11 "Bondo" on it.
 12 Q. Thank you.
 13 And each time that you observed your father work
 14 with this Bondo product, was it at Walker Brothers only or
 15 at any other locations?
 16 A. My specific recollection was at Walker Brothers.
 17 Q. Let's get to the specifics, then.
 18 Back to the container, you said that there was
 19 the word "Bondo" on it. How was the word "Bondo" written?
 20 A. In bold type.
 21 Q. Was it in capital letters, italics?
 22 A. Capital letters, but I believe it was like the
 23 "B" would be a capital, then the -- the other letters were
 24 small case, but they were large letters.
 25 Q. On a 2-pound container, plastic size, can you

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1 estimate for me the size of the font in comparison with
 2 that? Like was it 2 inches, 3 inches, 4 inches?
 3 A. 2 inches.
 4 Q. Was it in the middle of the container, on the
 5 top of the container, on the bottom of the container?
 6 A. Middle of the container.
 7 Q. Were there any writings, markings or logos, for
 8 example, other words, characters that were on the bucket?
 9 A. There was a label with the information on it.
 10 Q. The label -- sorry, let me go back.
 11 The word "Bondo," was it printed onto the
 12 bucket, stamped on or was it stamped on a label that was
 13 stamped onto the picture?
 14 MR. SULLIVAN: If you recall.
 15 THE WITNESS: I recall a label.
 16 MS. TRAN: Q. And then do you recall what the
 17 additional language was --
 18 A. No, I do not.
 19 Q. Okay. Other than the word "Bondo," do you
 20 recall anything else about the bucket?
 21 A. No.
 22 Q. Did it give you -- like underneath "Bondo," was
 23 there a type of product that's indicated?
 24 MR. SULLIVAN: Objection. Asked and answered.
 25 THE WITNESS: I do not know.

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1 A. Only as -- as learning the job.
 2 Q. Okay. So it would be limited to less than two
 3 to three of the times you mixed it?
 4 A. Yeah.
 5 Q. Okay. How many coats would you have to put
 6 on -- how many coats would your father have to put on
 7 before -- strike that.
 8 Did your father put on one coat or more than one
 9 coat?
 10 A. Multiple coats.
 11 Q. When you say "multiple," how many are you
 12 indicating?
 13 A. I'm indicating as many as six.
 14 Q. Okay. So let's go through each of that phase.
 15 After he'd mix the product, he'd put one coat
 16 on.
 17 A. Yes.
 18 Q. How long would he have to wait for it to dry
 19 before putting on another coat?
 20 A. Thirty minutes to an hour.
 21 Q. Okay. Did he have to sand it, the first coat,
 22 before putting on another coat?
 23 A. Yes, he would.
 24 Q. So he would wait about 30 minutes to an hour,
 25 come back, sand it?

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1 A. What I recall is he would work his way around
 2 the automobile.
 3 Q. Okay.
 4 A. And then when a portion was ready for Bondo, he
 5 would mix the portion he needed for that amount of time
 6 Q. Okay.
 7 A. Apply it and then move on to another part of the
 8 automobile and then start the process over again.
 9 Q. Okay. So every time he applied a new coat, he
 10 would have to mix the Bondo product over?
 11 A. Yes.
 12 Q. And then each time he applied it he would have
 13 to sand it?
 14 A. Yes, he did.
 15 Q. Do you know why he would have to put multiple
 16 coats on a vehicle?
 17 A. To get the smooth finish required for the -- the
 18 parts to look like it was original, brought back to
 19 original condition.
 20 Q. Okay. Did he fill in that particular area full
 21 and then sand it down to smooth it, or did he just put one
 22 layer at a time and then come back to put another layer?
 23 A. It would be a very thin layer --
 24 Q. Okay.
 25 A. -- because you obviously didn't want to sand

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1 more than you had to. And it was being used as a filler.
 2 So he was using it to contour -- to what they couldn't
 3 mechanically repair with bodyworking tools, this was the
 4 finishing touch. So it would be applied, dried, sanded
 5 down. And then they would come back to fill --
 6 Q. Okay.
 7 A. -- any voids, pinpricks. I remember they had a
 8 name for -- hollows, I think they called it, because it --
 9 it had to be built up --
 10 Q. Right.
 11 A. -- in that area.
 12 Q. Okay. So the coat you said is very thin, can
 13 you give me an idea how thin it was each time he applied
 14 it?
 15 MR. SULLIVAN: Objection. Calls for
 16 speculation.
 17 THE WITNESS: Less than a quarter of an inch.
 18 MS. TRAN: Q. Okay. You know, you mentioned
 19 earlier something called lead to fill in dents. How is
 20 that different from body filler?
 21 A. The older cars were really built like tanks.
 22 And they would hammer them out and they would use the lead
 23 to fill in the seams between the bodies.
 24 Q. Okay.
 25 A. So really, it was to fill in where two parts

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1 would butt together, to fill in that seam.
 2 Q. Okay.
 3 A. It could be built up --
 4 Q. Okay.
 5 A. -- higher.
 6 Q. That's the lead.
 7 A. That's what the lead was used for.
 8 Q. Okay. Let's -- so after each coat was put on --
 9 let's go to the second coat now.
 10 Would actually -- did each coat differ in amount
 11 when he put it on the car, or was it always approximate a
 12 quarter of an inch?
 13 A. When you -- again, the profile -- you know, if
 14 there was a dent and it was a slightly deeper dent, they
 15 would start with a slightly thicker coat.
 16 The very last coat could be -- was just to fill
 17 in any pinpricks that hadn't filled in.
 18 Q. Okay.
 19 A. They had to -- what I distinctly remember is
 20 they had to get it as smooth, blemish-free as possible.
 21 Because once they painted it, it would really stand out.
 22 And any of those little spots, tiny little --
 23 maybe they were air bubbles at one time or something, once
 24 you painted it, they stood out like a sore thumb. So you
 25 were getting a finish that could stand up to a high-gloss

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1 MR. SULLIVAN: We're going to go tomorrow. 2 MR. SHIN: We are? 3 MR. SULLIVAN: Yeah, we are going to have to. 4 MS. RENDAHL: We're going to go tomorrow? 5 MR. SULLIVAN: Yeah. 6 MS. RENDAHL: I thought you had a problem with 7 Berry & Berry. 8 MR. SULLIVAN: Well, we do have a problem with 9 Berry & Berry, but the deposition has to continue. 10 MS. RENDAHL: Okay. All right. Then if we are 11 going to go tomorrow, then why don't we stop now. 12 MR. SHIN: 8:30. 13 TELEPHONE COUNSEL: So 8:30 tomorrow? 14 MS. RENDAHL: Yes. 15 TELEPHONE COUNSEL: Great. Thanks. Bye. 16 MS. RENDAHL: Off on the record. 5:06. 17 (Whereupon, the deposition was adjourned at 5:06 18 p.m.) 19 ---oOo--- 20 21 22 23 24 25 Page 341	1 STATE OF CALIFORNIA) 2) 3 COUNTY OF MARIN) 4 I, MARJORIE FORMAN, a Certified Shorthand Reporter of 5 the State of California, hereby certify that the witness 6 in the foregoing deposition, was by me duly sworn to tell 7 the truth, the whole truth, and nothing but the truth in 8 the within-entitled cause; that said deposition was taken 9 at the time and place therein stated; that the testimony 10 of said witness was reported by me in shorthand writing 11 and was thereafter transcribed by computer under my 12 direction; that the foregoing is a full, complete, and 13 true record of said testimony; and that the witness was 14 given an opportunity to read and correct said deposition 15 and to subscribe the same. 16 I further certify that I am not of counsel or 17 attorney for any of the parties in the foregoing 18 deposition or in any way interested in the outcome of the 19 cause named in said caption. 20 21 MARJORIE FORMAN, CSR #2783 22 I hereby certify this copy is 23 a true and exact copy of the original 24 25 MARJORIE FORMAN, CSR 2783 DATE Page 343
1 2 CERTIFICATE OF WITNESS 3 I, THOMAS RUBINO, hereby declare that I have read the 4 foregoing testimony, and the same is a true and correct 5 transcription of my said testimony except as I have 6 corrected. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 Page 342	1 Tooker & Antz 2 Court Reporting & Video Services 3 350 Sansome Street, Suite 700 4 San Francisco, California 94104 5 415-392-0650 Fax 415-392-3897 6 7 Mr. Thomas Rubino 8 c/o Harowitz & Tigerman, LLP 9 450 Sansome Street, 3rd Floor 10 San Francisco, California 94111 11 Attn: BRENDEN G. SULLIVAN, Attorney at Law 12 RE: Rubino vs. ACandS, Inc., et al. 13 Dear Mr. Rubino: 14 Your deposition taken in the above-entitled matter has 15 been transcribed. This deposition will be available at 16 our offices for reading and signing by you for a period of 17 thirty (30) days from the date of this letter, after which 18 time the original of your deposition will be sealed and 19 sent to the office which Noticed the deposition, in 20 accordance with Section 2025.520(b) of the California Code 21 of Civil Procedure. 22 Sincerely, 23 Marjorie Forman, CSR 2783 24 Tooker & Antz 25 cc: All Counsel Page 344

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EXHIBIT "II"

JAMES TURNER - March 14, 2012

1 SUPERIOR COURT OF CALIFORNIA 2 COUNTY OF SAN FRANCISCO - UNLIMITED JURISDICTION 3 4 —oOo— 5 6 THOMAS RUBINO, Individually and 7 as Successor-in-Interest to 8 CARMINE RUBINO, JR., Decedent; 9 DANIEL RUBINO; and DOES ONE 10 through TEN, inclusive, 11 12 Plaintiffs, 13 14 vs. NO. CGC-08-274556 15 16 AC and S, INC., et al., 17 Defendants. 18 19 20 VIDEOTAPED DEPOSITION OF JAMES TURNER 21 22 Wednesday, March 14, 2012 23 24 REPORTED BY: 25 GISELLE GIRARD CSR #12901 TOOKER & ANTZ COURT REPORTING & VIDEO SERVICES 350 SANSOME STREET, SUITE 700 SAN FRANCISCO, CALIFORNIA 94104	1 EXHIBITS 2 (Cont.) 3 4 DEPOSITION EXHIBITS: PAGE 5 7 Photograph, Group of People 15 6 8 Photograph, Group of People 15 7 9 Photograph, Carmine Rubino 15 8 10 Photocopy of Business Cards 15 9 11 Photocopy of Dupont 16 10 12 Photocopy of Bando 16 11 13 Photocopy of Victor 16 12 14 Photocopy of Goodyear 16 13 15 Photocopy of Borg Warner 16 14 16 Defendant Illinois Tool Works 51 15 Cross-Notice of Deposition (8 pgs.) 16 17 Defendant Goodyear Tire & Rubber 114 17 Company's Notice of Deposition 18 (14 pgs.) 19 20 QUESTIONS MARKED OR INSTRUCTED NOT TO ANSWER 21 22 PAGE LINE 23 99 19 24 25 —oOo—
Page 1	Page 3
1 EXAMINATION INDEX 2 DEPOSITION OF JAMES TURNER 3 MARCH 14, 2012 4 EXAMINATION BY: PAGE 5 6 MR. TIGERMAN 17, 105 7 MR. GRANNIS 44, 107 8 MR. PARTOS 52, 108 9 MS. JOHNSON 64 10 MS. SMITH 77 11 MR. CHUSID 100 12 MT. DITTOE 103 13 MS. JEW 111 14 15 EXHIBITS 16 DEPOSITION EXHIBITS: PAGE 17 1 Plaintiffs' Motion for Protective 11 18 Order, et cetera (65 pgs.) 19 2 Declaration of Willie Mae Turner in 12 20 Support of Motion for Protective 21 Order (4 pgs.) 22 3 Notice of Videotaped Deposition 13 23 (7 pgs.) 24 4 Declaration of James Turner (3 pgs.) 14 25 5 6 Photographs, Automobiles (1 pg.) 14 6 6 Photographs, Automobiles and 14 People (1 pg.)	1 BE IT REMEMBERED that, pursuant to Notice of 2 Taking Deposition, and on Wednesday, March 14, 2012, 3 commencing at the hour of 1:12 p.m., at 4709 West 4 18th Street, Los Angeles, California 90019, before 5 me, GISELLE GIRARD, a Certified Shorthand Reporter 6 in and for the State of California, personally 7 appeared 8 9 JAMES TURNER, 10 called as a witness by the Plaintiffs, and the said 11 witness, being by me first duly sworn, was thereupon 12 examined and testified as hereinafter set forth. 13 14 APPEARANCES 15 16 HAROWITZ & TIGERMAN, LLP, 450 Sansome 17 Street, Third Floor, San Francisco, California 18 94111, represented by, STEPHEN M. TIGERMAN, Attorney 19 at Law, appeared as counsel on behalf of Plaintiffs; 20 21 BASSI EDLIN HUIE & BLUM, LLP, 500 Washington 22 Street, Suite 700, San Francisco, California 94111, 23 represented by, ROBERT S. KRAFT, Attorney at Law, 24 appeared telephonically as counsel on behalf of 25 Defendant J.T. Thorpe & Son, Inc.;
Page 2	Page 4

1 (Pages 1 to 4)

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20	350 Sansome Street, Suite 700
21	San Francisco, California 94104
22	Phone (415) 392-0650 Fax (415) 392-3897
23	
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1	HAROWITZ & TIGERMAN, LLP, 450 Sansome Street,
2	3rd Floor, San Francisco, California 94111, represented by
3	BRENDEN SULLIVAN, Attorney at Law, appeared as counsel on
4	behalf of the Plaintiffs.
5	NIXON PEABODY LLP, ATTORNEYS AT LAW, One
6	Embarcadero Center, 18th Floor, San Francisco, California
7	94111-3600, represented by LAUREN M. MICHALS, Attorney at
8	Law, appeared as counsel on behalf of the Defendants Ford
9	Motor Company; GM-Corporation.
10	WALSWORTH, FRANKLIN, BEVINS & MCCALL, 601
11	Montgomery Street, 9th Floor, San Francisco, California
12	94111, represented by STEVEN J. SHIN, Attorney at Law,
13	appeared as counsel on behalf of the Defendants Quintec
14	Industries, Inc.; Thomas Dee Engineering; Dowman Products,
15	Inc.
16	LAW OFFICES OF PRINDLE, DECKER & AMARO, 369 Pine
17	Street, Suite 800, San Francisco, California 94104,
18	represented by MATTHEW COLE, Attorney at Law, appeared as
19	counsel on behalf of the Defendants ITT Corporation; Syd
20	Carpenter Marine Contractor.
21	VASQUEZ & ESTRADA, 1000 Fourth Street, Suite 700,
22	San Rafael, California 94901, represented by MEGAN M.
23	MYERS, Attorney at Law, appeared as counsel on behalf of
24	the Defendant Hill Brothers Chemical Company.
25	WALSWORTH, FRANKLIN, BEVINS & MCCALL, 601

1 Lead.
2 Q. They used lead?
3 A. Lead.
4 Q. Was that to fill in the dents?
5 A. Fill in dents.
6 Q. Any other products you can recall your father
7 using to do his body and fender work?
8 A. They would put the tires back on the cars.
9 The -- they would take the cars apart so that the car --
10 and then -- which could require the wheel coming off, the
11 brakes could come off, et cetera, and then they would put
12 those back on.
13 Q. As opposed to the mechanics doing that, then
14 you're saying the body and fender -- part of their job was
15 to physically take the car apart?
16 A. Physically take the car apart and physically
17 reassemble it.
18 Q. Anything else you recall seeing your father do
19 or products your father used?
20 A. They would buff out the cars when it came out.
21 MR. SULLIVAN: Just -- she is talking about
22 products.
23 MS. RENDAHL: Q. Products.
24 What did they use to buff the cars out?
25 A. Again, there was a 3M product, buffing product

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1 that they used.
2 Q. Any other products you recall seeing your father
3 use?
4 A. I cannot recall at this moment any further ones.
5
6 Q. Okay. I am going to go through these one by
7 one. And there will probably be follow-up. And as we go,
8 you may think of more products, and you can feel free to
9 tell me at any time. All right.
10 First of all, the type of material that you're
11 calling Bondo -- and is this Bondo, again, in a generic
12 sort of way?
13 A. It is.
14 MR. SULLIVAN: Objection. Misstates facts,
15 misstates testimony.
16 A. It was Bondo -- the container used said "Bondo."
17 Q. Okay. And describe for me what the material --
18 first of all, what -- what type of container did this
19 Bondo material come in?
20 A. I recall a plastic container.
21 Q. Like a bucket?
22 A. A bucket.
23 Q. All right. Do you know what -- the size or
24 dimensions of that container?
25 A. 2-pound container.

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1 Q. Okay. And what was the consistency of the
2 material inside the container?
3 A. Like a cake mix -- a cake frosting, but it had a
4 catalyst that would bind to it.
5 Q. And what color was the -- well, strike that.
6 First of all, was there more than one kind of
7 Bondo material that you saw your father use or did all of
8 the Bondo material you saw your father use come in this
9 2-pound plastic container?
10 A. I'm recalling a container that said "Bondo" on
11 it.
12 Q. Okay. And what use did your father make of
13 the -- this product? What did he use it for?
14 A. To smooth out the original profile of the car
15 component -- body component that he was working on.
16 Q. All right. The material inside the 2-pound
17 container that had the consistency of cake frosting, what
18 color was it?
19 A. I recall it as being an off-white.
20 Q. And did your father use any tools in conjunction
21 with applying this Bondo-type material?
22 A. Yes, spatula -- excuse me. What do you call it,
23 the -- putty knife-type --
24 Q. Putty knife. Okay.
25 A. -- type of product.

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1 Q. Okay. All right.
2 A. And then it would dry and be reworked with
3 rasps, sanded.
4 Q. And did you ever see your father use any rasps
5 to work the Bondo material after it was applied?
6 A. Yes, I did.
7 Q. Okay. Besides the rasps, did he use any other
8 sort of -- any other tools or anything to smooth out the
9 Bondo material?
10 A. A sanding device, grinder.
11 Q. Electric or hand?
12 A. I recall all pneumatic.
13 Q. Pneumatic.
14 This Bondo-type material, do you know who
15 supplied that material to Walker Brothers?
16 A. I do not know that.
17 Q. Do you know what it was made up of, in other
18 words what --
19 A. No, I don't --
20 Q. -- the component parts --
21 A. -- beyond there was a Part A and Part B.
22 Q. What was the Part A?
23 A. I do not know that.
24 Q. Well, okay. I'm trying to get an idea of the
25 two parts. We've got the stuff that came in a 2-pound

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1 container that looks like cake frosting. 2 A. Right. And then there was a catalyst that you 3 mixed with it that caused the hardening process. I just 4 can't tell you which was A and which was B. 5 Q. And then the catalyst material, how did that 6 come packaged? 7 A. I recall it being like a toothpaste container. 8 Q. Okay. In a tube? 9 A. In a tube. 10 Q. And do you know the brand name or manufacturer 11 of that catalyst material? 12 A. It was part of the material. It was possible 13 that the tube came attached at the top of the container. 14 Q. Okay. 15 A. They were sold as one unit. 16 Q. The catalyst material that was in the tube, what 17 did the catalyst look like? 18 A. Toothpaste, toothpaste material. 19 Q. Was it -- 20 MS. TRAN: Sorry, belated objection. Move to 21 strike speculative portions of the previous answer. 22 MS. RENDAHL: Q. Was it white? 23 A. I recall it being gray and turning red upon 24 mixing it together. 25 Q. And do you know any of the component parts of Page 185	1 Q. Before we get into the details of it -- 2 actually, let me establish the years in which you observed 3 this work. 4 When was the first time you saw your father work 5 with a Bondo product? 6 A. The time period would have been 1961, '62 7 through 1972. 8 Q. So 1972 was the last time you observed your 9 father work with a Bondo product, is that correct? 10 A. That I can associate with a bucket saying 11 "Bondo" on it. 12 Q. Thank you. 13 And each time that you observed your father work 14 with this Bondo product, was it at Walker Brothers only or 15 at any other locations? 16 A. My specific recollection was at Walker Brothers. 17 Q. Let's get to the specifics, then. 18 Back to the container, you said that there was -- 19 the word "Bondo" on it. How was the word "Bondo" written? 20 A. In bold type. 21 Q. Was it in capital letters, italics? 22 A. Capital letters, but I believe it was like the 23 "B" would be a capital, then the -- the other letters were 24 small case, but they were large letters. 25 Q. On a 2-pound container, plastic size, can you Page 187
1 that catalyst material? 2 A. No, I do not. 3 MS. RENDAHL: I think that we'll do follow-up on 4 each one of these products as we -- as we go through. I 5 think that might be the easiest thing to do. 6 So does anyone have any follow-up on the 7 Bondo-type material? 8 EXAMINATION BY MS. TRAN 9 MS. TRAN: Q. Hi, sir, how are you? Right 10 here. I have a few follow-up questions regarding the 11 Bondo product that we just talked about. 12 You said that the product came in a container. 13 Can you describe, other than the fact that it was a 14 2-pound bucket, any other markings, writings or logos on 15 the container? 16 A. I -- I believe the color of the container was 17 white. 18 Q. Okay. 19 A. With the distinct name of "Bondo" on it. 20 Q. Was the bucket -- strike that. 21 Did the bucket have a handle on it? 22 A. I do not recall. No, I do not know. 23 Q. Did the bucket -- how was the bucket opened? 24 Was it a -- 25 A. A plastic lid that had to be pried off. Page 186	1 estimate for me the size of the font in comparison with 2 that? Like was it 2 inches, 3 inches, 4 inches? 3 A. 2 inches. 4 Q. Was it in the middle of the container, on the 5 top of the container, on the bottom of the container? 6 A. Middle of the container. 7 Q. Were there any writings, markings or logos, for 8 example, other words, characters that were on the bucket? 9 A. There was a label with the information on it. 10 Q. The label -- sorry, let me go back. 11 The word "Bondo," was it printed onto the 12 bucket, stamped on or was it stamped on a label that was 13 stamped onto the picture? 14 MR. SULLIVAN: If you recall. 15 THE WITNESS: I recall a label. 16 MS. TRAN: Q. And then do you recall what the 17 additional language was -- 18 A. No, I do not. 19 Q. Okay. Other than the word "Bondo," do you 20 recall anything else about the bucket? 21 A. No. 22 Q. Did it give you -- like underneath "Bondo," was 23 there a type of product that's indicated? 24 MR. SULLIVAN: Objection. Asked and answered. 25 THE WITNESS: I do not know. Page 188

1 A. Only as -- as learning the job.
 2 Q. Okay. So it would be limited to less than two
 3 to three of the times you mixed it?
 4 A. Yeah.
 5 Q. Okay. How many coats would you have to put
 6 on -- how many coats would your father have to put on
 7 before -- strike that.
 8 Did your father put on one coat or more than one
 9 coat?
 10 A. Multiple coats.
 11 Q. When you say "multiple," how many are you
 12 indicating?
 13 A. I'm indicating as many as six.
 14 Q. Okay. So let's go through each of that phase.
 15 After he'd mix the product, he'd put one coat
 16 on.
 17 A. Yes.
 18 Q. How long would he have to wait for it to dry
 19 before putting on another coat?
 20 A. Thirty minutes to an hour.
 21 Q. Okay. Did he have to sand it, the first coat,
 22 before putting on another coat?
 23 A. Yes, he would.
 24 Q. So he would wait about 30 minutes to an hour,
 25 come back, sand it?

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1 A. What I recall is he would work his way around
 2 the automobile.
 3 Q. Okay.
 4 A. And then when a portion was ready for Bondo, he
 5 would mix the portion he needed for that amount of time
 6 Q. Okay.
 7 A. Apply it and then move on to another part of the
 8 automobile and then start the process over again.
 9 Q. Okay. So every time he applied a new coat, he
 10 would have to mix the Bondo product over?
 11 A. Yes.
 12 Q. And then each time he applied it he would have
 13 to sand it?
 14 A. Yes, he did.
 15 Q. Do you know why he would have to put multiple
 16 coats on a vehicle?
 17 A. To get the smooth finish required for the -- the
 18 parts to look like it was original, brought back to
 19 original condition.
 20 Q. Okay. Did he fill in that particular area full
 21 and then sand it down to smooth it, or did he just put one
 22 layer at a time and then come back to put another layer?
 23 A. It would be a very thin layer --
 24 Q. Okay.
 25 A. -- because you obviously didn't want to sand

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1 more than you had to. And it was being used as a filler.
 2 So he was using it to contour -- to what they couldn't
 3 mechanically repair with bodyworking tools, this was the
 4 finishing touch. So it would be applied, dried, sanded
 5 down. And then they would come back to fill --
 6 Q. Okay.
 7 A. -- any voids, pinpricks. I remember they had a
 8 name for -- hollows, I think they called it, because it --
 9 it had to be built up --
 10 Q. Right.
 11 A. -- in that area.
 12 Q. Okay. So the coat you said is very thin, can
 13 you give me an idea how thin it was each time he applied
 14 it?
 15 MR. SULLIVAN: Objection. Calls for
 16 speculation.
 17 THE WITNESS: Less than a quarter of an inch.
 18 MS. TRAN: Q. Okay. You know, you mentioned
 19 earlier something called lead to fill in dents. How is
 20 that different from body filler?
 21 A. The older cars were really built like tanks --
 22 And they would hammer them out and they would use the lead
 23 to fill in the seams between the bodies.
 24 Q. Okay.
 25 A. So really, it was to fill in where two parts

Page 195

1 would butt together, to fill in that seam.
 2 Q. Okay.
 3 A. It could be built up --
 4 Q. Okay.
 5 A. -- higher.
 6 Q. That's the lead.
 7 A. That's what the lead was used for.
 8 Q. Okay. Let's -- so after each coat was put on --
 9 let's go to the second coat now.
 10 Would actually -- did each coat differ in amount
 11 when he put it on the car, or was it always approximate a
 12 quarter of an inch?
 13 A. When you -- again, the profile -- you know, if
 14 there was a dent and it was a slightly deeper dent, they
 15 would start with a slightly thicker coat.
 16 The very last coat could be -- was just to fill
 17 in any pinpricks that hadn't filled in.
 18 Q. Okay.
 19 A. They had to -- what I distinctly remember is
 20 they had to get it as smooth, blemish-free as possible.
 21 Because once they painted it, it would really stand out.
 22 And any of those little spots, tiny little --
 23 maybe they were air bubbles at one time or something, once
 24 you painted it, they stood out like a sore thumb. So you
 25 were getting a finish that could stand up to a high-gloss

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1 MR. SULLIVAN: We're going to go tomorrow.
 2 MR. SHIN: We are?
 3 MR. SULLIVAN: Yeah, we are going to have to.
 4 MS. RENDAHL: We're going to go tomorrow?
 5 MR. SULLIVAN: Yeah.
 6 MS. RENDAHL: I thought you had a problem with
 7 Berry & Berry.
 8 MR. SULLIVAN: Well, we do have a problem with
 9 Berry & Berry, but the deposition has to continue.
 10 MS. RENDAHL: Okay. All right. Then if we are
 11 going to go tomorrow, then why don't we stop now.
 12 MR. SHIN: 8:30.
 13 TELEPHONE COUNSEL: So 8:30 tomorrow?
 14 MS. RENDAHL: Yes.
 15 TELEPHONE COUNSEL: Great. Thanks. Bye.
 16 MS. RENDAHL: Off on the record. 5:06.
 17 (Whereupon, the deposition was adjourned at 5:06
 18 p.m.)
 19 ---oOo---
 20
 21
 22
 23
 24
 25

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1 STATE OF CALIFORNIA)
)
 2 COUNTY OF MARIN)
 3 I, MARJORIE FORMAN, a Certified Shorthand Reporter of
 4 the State of California, hereby certify that the witness
 5 in the foregoing deposition, was by me duly sworn to tell
 6 the truth, the whole truth, and nothing but the truth in
 7 the within-entitled cause; that said deposition was taken
 8 at the time and place therein stated; that the testimony
 9 of said witness was reported by me in shorthand writing
 10 and was thereafter transcribed by computer under my
 11 direction; that the foregoing is a full, complete, and
 12 true record of said testimony; and that the witness was
 13 given an opportunity to read and correct said deposition
 14 and to subscribe the same.
 15 I further certify that I am not of counsel or
 16 attorney for any of the parties in the foregoing
 17 deposition or in any way interested in the outcome of the
 18 cause named in said caption.
 19
 20 MARJORIE FORMAN, CSR #2783
 21 I hereby certify this copy is
 22 a true and exact copy of the original
 23
 24 MARJORIE FORMAN, CSR 2783 DATE
 25

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1
 2 CERTIFICATE OF WITNESS
 3 I, THOMAS RUBINO, hereby declare that I have read the
 4 foregoing testimony, and the same is a true and correct
 5 transcription of my said testimony except as I have
 6 corrected.
 7
 8
 9 Signature
 10
 11
 12 Date
 13
 14
 15
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1 Tooker & Antz
 Court Reporting & Video Services
 2 350 Sansome Street, Suite 700
 San Francisco, California 94104
 3 415-392-0650 Fax 415-392-3897
 4
 5
 6
 7 Mr. Thomas Rubino
 8 c/o Harowitz & Tigerman, LLP
 9 450 Sansome Street, 3rd Floor
 10 San Francisco, California 94111
 11 Attn: BRENDEN G. SULLIVAN, Attorney at Law
 12 RE: Rubino vs. ACandS, Inc., et al.
 13 Dear Mr. Rubino:
 14 Your deposition taken in the above-entitled matter has
 15 been transcribed. This deposition will be available at
 16 our offices for reading and signing by you for a period of
 17 thirty (30) days from the date of this letter, after which
 18 time the original of your deposition will be sealed and
 19 sent to the office which Noticed the deposition, in
 20 accordance with Section 2025.520(b) of the California Code
 21 of Civil Procedure.
 22 Sincerely,
 23 Marjorie Forman, CSR 2783
 24 Tooker & Antz
 25 cc: All Counsel

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EXHIBIT "II"

JAMES TURNER - March 14, 2012

1	SUPERIOR COURT OF CALIFORNIA
2	COUNTY OF SAN FRANCISCO - UNLIMITED JURISDICTION
3	
4	—oOo—
5	THOMAS RUBINO, Individually and
6	as Successor-in-Interest to
7	CARMINE RUBINO, JR., Decedent;
8	DANIEL RUBINO; and DOES ONE
9	through TEN, inclusive,
10	
11	Plaintiffs,
12	vs. NO. CGC-08-274556
13	AC and S, INC., et al.,
14	Defendants.
15	
16	VIDEOTAPED DEPOSITION OF JAMES TURNER
17	Wednesday, March 14, 2012
18	
19	REPORTED BY:
20	GISELLE GIRARD
21	CSR #12901
22	
23	TOOKER & ANTZ
24	COURT REPORTING & VIDEO SERVICES
25	350 SANSOME STREET, SUITE 700
	SAN FRANCISCO, CALIFORNIA 94104

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1	BE IT REMEMBERED that, pursuant to Notice of
2	Taking Deposition, and on Wednesday, March 14, 2012,
3	commencing at the hour of 1:12 p.m., at 4709 West
4	18th Street, Los Angeles, California 90019, before
5	me, GISELLE GIRARD, a Certified Shorthand Reporter
6	in and for the State of California, personally
7	appeared
8	
9	JAMES TURNER,
10	called as a witness by the Plaintiffs, and the said
11	witness, being by me first duly sworn, was thereupon
12	examined and testified as hereinafter set forth.
13	
14	APPEARANCES
15	
16	HAROWITZ & TIGERMAN, LLP, 450 Sansome
17	Street, Third Floor, San Francisco, California
18	94111, represented by, STEPHEN M. TIGERMAN, Attorney
19	at Law, appeared as counsel on behalf of Plaintiffs;
20	
21	BASSI EDLIN HUIE & BLUM, LLP, 500 Washington
22	Street, Suite 700, San Francisco, California 94111,
23	represented by, ROBERT S. KRAFT, Attorney at Law,
24	appeared telephonically as counsel on behalf of
25	Defendant J.T. Thorpe & Son, Inc.;

Page 4

1 (Pages 1 to 4)

1 products that pertain to the mechanics which you may
2 or may not know. Exhibit 13 is a picture that says
3 Victor Gaskets on it. As you sit here right now, is
4 that a name that's familiar to you at all?
5 A. Gaskets, I think it's like those
6 (indicating).
7 Q. Do you recall whether or not Victor Gaskets
8 was a brand that was used at Walker Brothers?
9 A. I can't recall really.
10 Q. Okay. You can put that one down.
11 Exhibit 14 are Goodyear gaskets. Now, is that a
12 name you recognize?
13 A. Yes, I recognize these.
14 Q. And is that a brand that was used at Walker
15 Brothers?
16 A. It was.
17 Q. Can you tell me whether or not that was a
18 brand that was commonly used?
19 A. Yes, they were -
20 DEFENSE COUNSEL: Can you ask the witness to
21 speak up, please. Can't hear his answers.
22 THE WITNESS: Yes, they were.
23 MS. SMITH: Vague.
24 BY MR. TIGERMAN:
25 Q. Did you ever see the mechanics scraping off

Page 29

1 engine gaskets?
2 A. Yes. Because what it is is we had to
3 clean -- steam clean the engines before they did the
4 work.
5 Q. So after they scraped it off, you would
6 steam --
7 A. No. We would steam clean the engines first,
8 and then they would take the gaskets off. Because
9 the engines had to be cleaned to get all the grease
10 and stuff, so we would steam clean them. And then
11 when we steam clean them, they would take the
12 gaskets off and do what they had to do.
13 Q. What kind of device did they use to scrape
14 off the gaskets?
15 A. It was like a -- I guess it was like a
16 knife. It was a scraper.
17 Q. Do you recall whether or not they ever used
18 any kinds of wire brushes to get off the residue?
19 MS. SMITH: Leading.
20 THE WITNESS: I can't recall.
21 BY MR. TIGERMAN:
22 Q. Now, during the time that you were there in
23 the '50s and '60s and '70s, do you recall the names
24 of any of the suppliers for the materials that were
25 used by the body shop?

Page 30

1 A. Yes. They used DuPont. They used Bondo,
2 and Thompson Lacquer.
3 Q. Now, how did you know, for example, that
4 they used Thompson Lacquer?
5 A. Because you have all the stuff around us. I
6 mean we was right in the vicinity when they did it.
7 They have a rack on the wall where they put
8 different stuff.
9 Q. Now, was Thompson Lacquer something that was
10 used in the '50s?
11 A. Yes.
12 Q. In the '60s?
13 A. Yes.
14 MR. PARTOS: Object as leading.
15 BY MR. TIGERMAN:
16 Q. And was it used in the '70s?
17 A. It was.
18 MR. GRANNIS: Same objection.
19 BY MR. TIGERMAN:
20 Q. The DuPont, was that paint or primer or
21 both?
22 A. DuPont was basically paint and like a
23 lacquer.
24 Q. And the Bondo, what was the Bondo used for?
25 A. Bondo was used for Bondo. That was the

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1 Bondo -- when they do the cars, they put the Bondo
2 on it and let it dry, and then they sand it off.
3 Q. And is that a brand that you saw in the
4 '50s?
5 A. Yes.
6 Q. Did you see it in the '60s?
7 A. Yes.
8 Q. Did you see it until the '70s?
9 A. In the '70s, I can't remember about the
10 '70s. Because when they used the Bondo in the '70s,
11 we was on a different side of the shop, so I didn't
12 come in contact in the '70s.
13 Q. Now, when we're talking about Bondo on
14 Exhibit 12, can you tell me whether or not that logo
15 looks recognizable to you?
16 A. Yes, that's the only logo with Bondo.
17 MS. JOHNSON: Objection; compound. There's
18 five different depictions on Exhibit 12.
19 BY MR. TIGERMAN:
20 Q. And when you say that you saw Bondo, do you
21 know the same way that you know the Thompson, which
22 is that you saw the cans?
23 A. Bondo came in a can something like this
24 (indicating).
25 Q. Pointing to the lower left corner?

Page 32

8 (Pages 29 to 32)

1 A. Yes.
 2 Q. And would you see those cans?
 3 A. Of course.
 4 Q. And when you saw Bondo -- and we can show
 5 this to the camera, if the videographer would be so
 6 kind (indicating), can you tell me whether or not
 7 you recall the lettering being B-o-n-d-o like it is
 8 depicted it here?
 9 A. That's what it was. That's the only one
 10 they had. That that's the only Bondo that I know
 11 that they use was that one.
 12 Q. So as far as the body fill goes, this is the
 13 only one you recall?
 14 A. Right.
 15 Q. And this is the main one that you recall?
 16 A. Right. When they do a car if it had any
 17 kind of -- what you call it -- then they put the
 18 Bondo in it and let it dry. And then after they let
 19 it dry, then sand it off.
 20 Q. And as you sit here right now this --
 21 A. This is the (indicating) --
 22 Q. Like the one on the bottom?
 23 A. Right.
 24 Q. You said this is the only one they used
 25 or --

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1 A. Well, that's the only one -- the Bondo I can
 2 remember was Bondo. And they may have used some
 3 other, but this is the one I was familiar with
 4 (indicating). That's the one that I seen the most.
 5 Q. For the body filler?
 6 A. Right, for the body filler.
 7 Q. I'm going to have you do a couple things
 8 here, and then I'm going to finish up. This Bondo
 9 body filler, tell me how that would be used. How
 10 does a person use a product like that?
 11 MS. JOHNSON: Objection; calls for
 12 speculation; lacks foundation.
 13 THE WITNESS: Well, they would use it with
 14 a spatula just like -- you know, a spatula. They
 15 would take it and smooth it on and then smooth it
 16 off and then let it dry. You would have little
 17 wrinkles in it because the spatula wouldn't be
 18 completely smooth, and then let it dry, and then
 19 they would sand it out.
 20 BY MR. TIGERMAN:
 21 Q. Did they use hand sanders or did they use
 22 electric sanders or both?
 23 MS. JOHNSON: Same objections.
 24 THE WITNESS: They used both. First they
 25 would use a hand sander, which would be like a file;

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1 they would file it down. And after they file it
 2 down, they would use an electric sander was to
 3 smooth it out. And that's the way you did it.
 4 BY MR. TIGERMAN:
 5 Q. Typically based on what you observed, was
 6 there only one coat of Bondo used, or did it
 7 sometimes require more than one coat?
 8 MS. JOHNSON: Calls for speculation; lacks
 9 foundation.
 10 THE WITNESS: It would depend on how smooth
 11 it was or how deep the hole were. Sometimes you had
 12 dents that was bigger than others.
 13 BY MR. TIGERMAN:
 14 Q. If there were multiple coats, would there be
 15 multiple sanding, or was there just one sanding at
 16 the end?
 17 MS. JOHNSON: Objection; compound; calls for
 18 speculation; lacks foundation; incomplete
 19 hypothetical.
 20 THE WITNESS: What they would do, if it was
 21 a deep dent in the car, they would use the first
 22 Bondo and then sand it. And if it wasn't smooth
 23 enough, they would put another coat on it and then
 24 let that dry. And then they would sand it and
 25 smooth it out. Because it was a filler; that's what

Page 35

1 it was.
 2 BY MR. TIGERMAN:
 3 Q. So it just depended?
 4 A. Yeah. It was a filler.
 5 Q. I'm going to hand you what we've marked as
 6 Exhibit 7. And I'm going to ask you to circle two
 7 people. First of all, I'm going to ask you to
 8 circle yourself.
 9 A. Okay (indicating).
 10 Q. And can you circle Mr. Rubino?
 11 A. (Indicating).
 12 Q. And I lied to you. I'm going to make you
 13 circle a third one: Ken Tanaka.
 14 A. (Indicating).
 15 Q. Thank you. And then this photograph,
 16 Exhibit 8, is Mr. Rubino in that photograph?
 17 A. I don't know. He's quite young there, but I
 18 think that's him (indicating). I'm not sure.
 19 Q. You're pointing to the third from the right?
 20 A. Yes.
 21 Q. And are you in this photograph or your
 22 uncle?
 23 A. My uncle is right here (indicating).
 24 Q. Circle your uncle for us, would you.
 25 A. (Indicating). And where would I be. Let's

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1 see --
2 Q. You might have been too young to get invited
3 to events like that. Looks like they're serving
4 booze.
5 A. I don't see myself.
6 Q. Now a couple other things. Exhibit 10, on
7 Exhibit 10 there's a card at the top for Thompson
8 Lacquer. Can you tell me if that's the way you saw
9 the name spelled on the cans that you saw?
10 A. Yes.
11 MR. PARTOS: Objection; leading.
12 BY MR. TIGERMAN:
13 Q. Is that the way the name was spelled; yes or
14 no?
15 MR. PARTOS: Leading.
16 THE WITNESS: Yes.
17 BY MR. TIGERMAN:
18 Q. And several cards down, there's a guy in
19 there named James Turner, who I think sole your
20 name?
21 A. That's my card.
22 Q. That's your card?
23 A. Yes.
24 Q. Now, why did you have your own card?
25 A. Because I wasn't working for Walker Brothers

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1 at that time. I started working for myself.
2 Q. So what year did you leave to go work for
3 yourself?
4 A. '77.
5 Q. So did you work with Mr. Rubino up until
6 1977? Was he there when you left?
7 A. Yes. He was there when I left, yes.
8 Q. Now, this photograph here, Exhibit 9, is
9 that what Mr. Rubino looked like as he got older
10 and --
11 A. That's Mr. Rubino with the gray hair, that's
12 him, and the half smile.
13 Q. And is that pretty much what he looked like
14 when you left?
15 A. When I left, yes.
16 -Q: Now, I know you did a declaration in this
17 case in which you mentioned some other products that
18 were used to repair cars, and one of them, I think,
19 you said had a parrot on it in the declaration. But
20 you and I had a talk today about that, didn't we?
21 A. Yes, we did.
22 Q. And is it fair to say that as you sit here
23 right now you do not recall that product anymore?
24 A. No, I don't remember that one. I don't
25 remember that parrot. It might have been, but I

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1 don't remember.
2 Q. Now, in your declaration on page -- on
3 Paragraph 7, I just want to make this clear --
4 MR. GRANNIS: Which declaration are you
5 talking about?
6 MR. TIGERMAN: Exhibit 4.
7 Q. You say, quote, Mr. Rubino and I performed
8 auto body refinishing work which involved sanding,
9 painting and detailing auto bodies.
10 Did Mr. Rubino do the body refinishing work?
11 A. Yes, Mr. Rubino did the body finishing work.
12 Q. The sanding, was that part of his job?
13 A. That was his job.
14 Q. The painting, was there a separate guy who
15 was a painter?
16 A. Yes.
17 Q. Was that Martel?
18 A. At the time -- yes, Joe Martel.
19 Q. And then it says "and detailing auto
20 bodies." Is that where you came in?
21 A. That's where we came in.
22 Q. Now, during the time that people were doing
23 work on brakes and clutches in the early years and
24 blowing out the dust, did anybody wear any masks?
25 A. Sometimes some would wear them; other times

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1 they wouldn't.
2 Q. And if they did, what kinds of masks are we
3 talking about? Are we talking about fancy masks or
4 just little paper --
5 A. No, just a little paper cloth mask, white
6 cloth mask, and you put it around your ear on your
7 nose.
8 Q. When Mr. Rubino was sanding the body fills,
9 did he wear a mask?
10 A. Sometimes.
11 Q. Again, was that a fancy one or a little
12 paper one?
13 A. Just the paper ones.
14 Q. At any time did you ever have any notion
15 that any of that dust could be dangerous?
16 MS. JOHNSON: Objection; calls for
17 speculation; lacks foundation; assumes facts.
18 THE WITNESS: I think back then just about
19 every thing we worked with was dangerous.
20 BY MR. TIGERMAN:
21 Q. But did you consider that dust to be
22 different than any of the other dust?
23 MS. JOHNSON: Same objections --
24 MR. GRANNIS: Vague and ambiguous --
25 MR. TIGERMAN: I'll re-ask.

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1 MS. SMITH: Join.
 2 BY MR. TIGERMAN:
 3 Q. Did you have any idea that brake dust could
 4 cause cancer back then?
 5 A. No.
 6 Q. Did you have any idea that the auto body
 7 fillers, if they can, could cause cancer?
 8 A. No --
 9 MS. JOHNSON: Objection; assumes facts;
 10 lacks foundation; improper hypothetical; calls for
 11 speculation.
 12 MR. GRANNIS: Join; it's also argumentative.
 13 BY MR. TIGERMAN:
 14 Q. Did you give any thought at all to the idea
 15 that there was asbestos being used at that time?
 16 A. No.
 17 MS. JOHNSON: Same objections.
 18 MR. GRANNIS: Same objections.
 19 MR. PARTOS: Join.
 20 BY MR. TIGERMAN:
 21 Q. Now, also in your declaration in
 22 Paragraph 10, you said that Walker Brothers used
 23 mostly DuPont body fillers, primers and paints.
 24 And again, we spoke about that today, and I
 25 just want to make it clear: Is the DuPont the

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1 primers and the paints?
 2 A. The DuPont was most of the paints.
 3 Q. And then you go on to say, "As fill-in, we
 4 typically used Bondo and Fiberglas Evercoat." Did
 5 Bondo make paint?
 6 A. Bondo, I don't think so.
 7 Q. So the B-o-n-d-o cans that you saw were just
 8 the body fillers?
 9 A. That was just the body fillers.
 10 Q. And you say also something about Fiberglas
 11 Evercoat. Do you recall that brand as you sit here
 12 right now?
 13 A. I can't recall that because back then they
 14 didn't have much cause for fiberglass.
 15 Q. And just so we get this straight, is it fair
 16 to say that most of the paint was DuPont and
 17 Thompson?
 18 A. Right.
 19 Q. And most of the body fill --
 20 MR. PARTOS: Object as leading.
 21 BY MR. TIGERMAN:
 22 Q. All right. Were there any major brands of
 23 paint that you recall besides the Thompson and the
 24 DuPont?
 25 A. No.

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1 Q. Are there any brands of primers that you
 2 recall as you sit here right now besides Thompson
 3 and DuPont?
 4 MR. CHUSID: Objection; misstates prior
 5 testimony.
 6 BY MR. TIGERMAN:
 7 Q. And are there any brands of body fill that
 8 you recall other than the B-o-n-d-o, Bondo.
 9 A. That's the only one I recall -- that's all
 10 they used. That's all they was using back then.
 11 MS. JOHNSON: Move to strike; calls for
 12 speculation; lacks foundation; improper
 13 hypothetical.
 14 MR. TIGERMAN: That's all I have. So I'll
 15 turn the questioning over. If somebody would like
 16 the microphone, I can just give you the mic.
 17 MR. GRANNIS: Why don't you just pass it
 18 over here, and I think I can ask just a few
 19 questions.
 20 MR. TIGERMAN: There's a mic right here
 21 (indicating) --
 22 MR. GRANNIS: Thank you.
 23
 24
 25 ///

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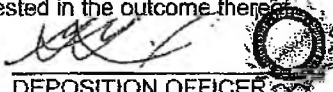
1 EXAMINATION
 2 BY MR. GRANNIS:
 3 Q. Mr. Turner, my name is John Grannis, and I
 4 represent a company called Illinois Tool Works in
 5 this case. I'm going to try and be brief. I have a
 6 couple of just detail questions.
 7 First of all, what's your date of birth?
 8 A. 8/31/38.
 9 Q. And how long have you lived at this address
 10 approximately?
 11 A. 40 years, 50 years. It's been a long time.
 12 Q. And do you have any plans to move?
 13 A. No.
 14 Q. Now, I heard you say in response to
 15 Mr. Tigerman's questions that you left Walker
 16 Brothers in 1977?
 17 A. Yes, the latter part of '77.
 18 Q. And that was to start your own detail
 19 business?
 20 A. Yes.
 21 Q. And after 1977 you did not work on the
 22 premises at Walker Brothers; is that right?
 23 A. That's right.
 24 Q. Now, I also heard you tell Mr. Tigerman that
 25 when you were looking at one of the photographs that

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1 THE WITNESS: No, ma'am. 2 MS. SMITH: Goodyear is the only type of 3 gasket that you recall? 4 THE WITNESS: That's all I can recall. 5 MS. SMITH: Thank you, sir. 6 MR. TIGERMAN: And with that we've got to 7 wrap. I want to thank everybody for being courteous 8 and professional. I want to thank Mr. Turner for 9 taking time out of his life and going through the 10 burden and the oppression of having to deal with all 11 these lawyers. And we now can get out of what 12 little hair he has left. 13 MR. GRANNIS: Before we close the record, I 14 want to present Mr. Turner with a trial subpoena in 15 the event his testimony is needed at trial. I 16 realize we have a video record, but I want to give 17 that to him on the record if you'd pass that along 18 (indicating). 19 MR. TIGERMAN: And we'll talk about this 20 later because there's case law that says you can't 21 do that. And he's also not going to be able to make 22 it to San Francisco. 23 MR. GRANNIS: I understand. And that's my 24 cover letter offering to put you on call-- 25 THE WITNESS: I'm going to tell you this, Page 113	1 MR. TIGERMAN: I'll make sure he gets his 2 witness fee. 3 MR. GRANNIS: We already -- 4 MR. TIGERMAN: Did you send him a fee? 5 MR. GRANNIS: We tendered it with the 6 subpoena. 7 MR. TIGERMAN: Can we make a statement for 8 the record, and then we're going to close up. We're 9 going to go off the record right now, and we're 10 going to go off the video right now. We're going to 11 let people on the phone submit their requests for 12 transcripts. People here can submit their requests 13 for transcripts, and then we're all going to clear 14 out of here really quickly. So let's go off the 15 record -- 16 MR. PARTOS: But for the record, you'll get 17 him a witness fee. 18 MR. TIGERMAN: I will get him a witness fee. 19 So we're off the record. 20 THE VIDEOGRAPHER: We're going off the 21 record. The time is approximately 3:10 p.m. This 22 marks the end of Disc 1 and the end of today's 23 deposition of James Turner. All master copies of 24 today's deposition will be held in the possession of 25 Legal Point Corporation. Page 115
1 sir. 2 MR. GRANNIS: Yes. 3 THE WITNESS: What you got today is all 4 you're going to get from me. I don't care what you 5 say. You can take me to jail or whatever. Sir, 6 what you got today is all you're going to get. 7 MR. GRANNIS: Mr. Turner, I understand -- 8 THE WITNESS: No, you're not going to get no 9 more. That's it. 10 MR. GRANNIS: I understand. 11 THE WITNESS: This here you can take on back 12 (indicating). 13 MR. TIGERMAN: Keep it and we'll talk about 14 it -- 15 MR. GRANNIS: I have copies. 16 THE WITNESS: Whatever. That's all you're 17 going to get. 18 MR. GRANNIS: Thank you, sir. 19 MS. SMITH: While we're on the record, I 20 also want to mark Goodyear's notice of deposition as 21 the next in order. 22 (Deposition Exhibit-17 was marked for 23 identification and attached hereto.) 24 MR. PARTOS: Did we get a witness fee for 25 this witness? Page 114	1 MR. TIGERMAN: Thank you. Anybody on the 2 phone want copies? 3 MS. JEW: Yes, I do. This is Michelle Jew. 4 MR. GRANNIS: Copy, and I would like an 5 E-trans and a mini and electronic copies of all 6 exhibits, please. 7 MR. DITTOE: Same here. 8 MR. PARTOS: Copy with exhibits. 9 MR. CHUSID: We'll need a copy. 10 (Whereupon, at the hour of 3:12 p.m., the 11 deposition was adjourned.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25 SIGNATURE OF WITNESS Page 116

1 CERTIFICATE OF DEPOSITION OFFICER
2 I, GISELLE GIRARD, duly authorized to
3 administer oaths Pursuant to Section 2093(b) of the
4 California Code of Civil Procedure, hereby certify
5 that at the commencement of the foregoing
6 deposition, the witness stated he or she would
7 testify the truth, the whole truth, and nothing but
8 the truth in the within-entitled cause; that said
9 deposition was taken at the time and place therein
10 stated; that the testimony of the said witness was
11 reported by me and transcribed into a
12 computer-assisted transcript under my direction;
13 that the foregoing is a full, complete and true
14 record of said testimony; and that the witness was
15 given an opportunity to read, correct and sign said
16 deposition and to subscribe same.

17 I further certify that I am neither counsel
18 for nor related to any Party to said action nor in
19 any way interested in the outcome thereof.
20


DEPOSITION OFFICER

DATE OF CERTIFICATION

23
24 I hereby certify that this copy is a true and exact
25 copy of the original.

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30 (Page 117)

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EXHIBIT "JJ"

KEN TANAKA - September 23, 2010

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA 2 COUNTY OF SAN FRANCISCO 3 UNLIMITED CIVIL JURISDICTION 4 5 THOMAS RUBINO, individually and) 6 as Successor-in-Interest to) 7 CARMINE RUBINO, JR., Decedent;) Case No. CGC-08-274556 8 DANIEL RUBINO; and DOES 1) 9 through 10, inclusive,) 10 Plaintiffs,) 11 vs.) 12 ACandS, Incorporated, et al.,) 13 Defendants.) 14 15 _____) 16 17 18 19 Deposition of: KEN TANAKA 20 21 Date: September 23, 2010 22 23 Reported by: Lori Arias 24 25 CSR 9433	1 APPEARANCES (continued): 2 For the Defendants Alco Industries, Inc., 3 Oatey Company: 4 WALSWORTH, FRANKLIN, BEVINS & McCALL, LLP 5 BY: HELEN M. LUETTO, ESQ. 6 One City Boulevard West, Fifth Floor 7 Orange, California 92868 8 (714) 634-2522 9 For the Defendant E.I. DuPont De Nemours & Company: 10 GLYNN & FINLEY, LLP 11 BY: RUTA PASKEVICIUS, ESQ. 12 One Walnut Creek Center, Suite 500 13 100 Pringle Avenue 14 Walnut Creek, California 94596 15 (925) 210-2806 16 For the Defendant BASF Corporation: 17 REED SMITH LLP 18 BY: JOHN E. DITTOE, ESQ. 19 101 Second Street, Suite 1800 20 San Francisco, California 94105 21 (415) 659-4771 22 23 24 25
1 Deposition of KEN TANAKA, taken on behalf of the 2 Plaintiffs, before Lori Arias, a Certified Shorthand 3 Reporter, commencing at the hour of 10:04 a.m., 4 Thursday, September 23, 2010, at Holiday Inn Buena Park 5 Hotel & Conference Center, 7000 Beach Boulevard, Buena 6 Park, California. 7 8 9 APPEARANCES: 10 For the Plaintiffs: 11 HAROWITZ & TIGERMAN, LLP 12 BY: BRENDEN G. SULLIVAN, ESQ. 13 450 Sansome Street, 3rd Floor 14 San Francisco, California 94111 15 (415) 788-1588 16 For the Defendants Hamilton Materials, Inc., 17 Dowman Products, Inc., NMBFil, Inc.: 18 WALSWORTH, FRANKLIN, BEVINS & McCALL, LLP 19 BY: DANIEL C. SIGLER, ESQ. 20 One City Boulevard West, Fifth Floor 21 Orange, California 92868 22 (714) 634-2522 23 24 25	1 APPEARANCES (continued): 2 For the Defendant R.T. Vanderbilt Company: 3 SELMAN BREITMAN LLP 4 BY: ROD J. CAPPY, ESQ. 5 11766 Wilshire Boulevard, 6th Floor 6 Los Angeles, California 90025 7 (310) 445-0800 8 For the Defendant Pfizer, Inc.: 9 TUCKER ELLIS & WEST LLP 10 BY: FERLIN P. RUIZ, ESQ. 11 135 Main Street, Suite 700 12 San Francisco, California 94105 13 (415) 617-2222 14 For the Defendant Pneumo Abex LLC: 15 BRYDON, HUGO & PARKER 16 BY: MICHELLE M. CLOWSER, ESQ. 17 135 Main Street, Suite 2000 18 San Francisco, California 94105 19 (415) 808-0300 20 (Appearing Telephonically) 21 22 23 24 25

Page 3

Page 2

Page 4

1 (Pages 1 to 4)

1 Q. Could you spell that for me, please?
 2 A. K-u-r-l-a-n-d, Motors.
 3 Q. And where is that located?
 4 A. In Denver.
 5 Q. In Denver. How long did you work there
 6 for?
 7 A. About three years, I guess.
 8 Q. So you said 1944 you started there?
 9 A. No, no. I started in '47.
 10 Q. Okay. I'm sorry. 1947 until about 1950;
 11 is that about right?
 12 A. Yeah.
 13 Q. And at what point did you come back to
 14 Long Beach?
 15 A. 1956.
 16 Q. Okay.
 17 A. So I was in Denver about 13 years, or
 18 something like that, or Colorado.
 19 Q. So you came back to Long Beach in 1963; is
 20 that fair?
 21 A. No.
 22 Q. What year did you come back to Long Beach?
 23 A. '56.
 24 Q. Oh, 1956. Okay. And where did you begin
 25 work in 1956?

Page 21

1 A. Walker Brothers.
 2 Q. And when you started with Walker Brothers
 3 in 1956, do you recall what your job title was?
 4 A. Just body and fender man.
 5 Q. Body and fender man? Okay. Do you recall
 6 the location of Walker Brothers at that time?
 7 A. Olympic and Western.
 8 Q. Olympic and Western? Was -- do you know
 9 what Walker Brothers was, if you will? Was it just
 10 a body-and fender shop, or was it also a mechanic
 11 shop?
 12 A. It was a Nash dealership..
 13 Q. Nash dealership. Okay. Did you
 14 predominantly work on Nash cars?
 15 A. No. Worked on all kinds, but mostly the
 16 Nashes.
 17 Q. Okay. How long did you work at Walker
 18 Brothers?
 19 A. Until they quit.
 20 Q. So was it -- from 1956 until -- you said
 21 they quit. Was that around 1984?
 22 A. I can't remember when -- what year it was,
 23 but that's --
 24 Q. Sounds about right?
 25 A. Yeah.

Page 22

1 Q. Was Nash the predominant car that they
 2 worked on there?
 3 A. No. It became -- it became what? I guess
 4 they became -- got together with -- merged with
 5 Hudson, and then they became American Motors.
 6 Q. Do you know around what year it became
 7 American Motors?
 8 A. I have no idea now. I can't remember.
 9 Q. Okay. So were the cars that you worked
 10 on, were they predominant Nash then? They were
 11 American Motors for your time there?
 12 A. Yeah. Predominantly, yes.
 13 Q. So would you say like between 60 and
 14 70 percent, or how would you -- if you could.
 15 A. I guess so.
 16 Q. Okay. Now, when Walker Brothers was on
 17 Western and Olympic, was it just one building, if
 18 you know?
 19 A. The dealership and the mechanic section
 20 was all in one.
 21 Q. Okay.
 22 A. And the body shop was down the block --
 23 half a block away under -- it was a -- I guess it
 24 was a parking area for a hotel or apartment, I
 25 guess.

Page 23

1 Q. Okay.
 2 A. So that's where we were working until
 3 19-- -- 1958, I guess, we moved to their building on
 4 Olympic -- on the north side of Olympic. We were
 5 on the south side, and they had a plot -- lot on
 6 the north side of Olympic, so they built a -- put
 7 up a building there for mechanics and body shop and
 8 new car service.
 9 Q. Okay. So from 1956 to 1958, there was a
 10 dealership and a mechanic shop in one location and
 11 a body shop --
 12 A. Body shop.
 13 Q. -- in a separate location?
 14 A. Yeah. Yes.
 15 Q. Okay. Do you know a man by the name of
 16 Carmine Rubino?
 17 A. Yes.
 18 Q. Okay. Do you recall when you first met
 19 Carmine Rubino?
 20 A. Well, when I first started -- worked
 21 there. 19-- -- that was in August of 1956.
 22 Q. Okay. Was he working there when you got
 23 there?
 24 A. (No audible response.)
 25 Q. Okay. Do you know what his job title was?

Page 24

1 A. Same thing as mine, I guess. 2 Q. Okay. So he was a body and fender man as 3 well? 4 A. Yeah. 5 Q. Okay. Did you two work together? 6 A. You mean -- 7 Q. On the same cars? 8 A. No. 9 Q. Okay. 10 A. Two separate -- it was more or less he 11 worked on his car, and I worked on -- 12 Q. Okay. So from 1956 to 1958, when there 13 was the mechanic shop with the dealership and the 14 body shop, did you only work in the body shop? 15 A. Yes. 16 Q. Do you know, if you can remember, if 17 Carmine was only working in the body shop? 18 A. As far as I can remember, yes. 19 Q. Okay. Do you recall a man by the name of 20 James Turner? 21 A. Yes. 22 Q. Do you recall when you met James Turner? 23 A. That was I guess after -- after we moved 24 to the north side of Olympic, because he was the 25 cleanup -- polish cars, wash cars. Page 25	1 visit him. 2 Q. Do you know what would bring you over 3 there, besides your brother? Did you ever have to 4 go there to -- 5 A. Well, the parts department was there -- 6 Q. Okay. 7 A. -- in that building, so if we needed 8 parts, we'd go talk to them. 9 Q. Okay. And what parts are we talking 10 about? 11 A. Oh, fenders or whatever, doors or whatever 12 we needed, door locks. 13 Q. Okay. So when the body shop then moved 14 over to the north side of the street in 1958, was 15 there ever mechanical work performed there? 16 A. Huh? 17 Q. Was there ever mechanical work performed 18 in the shop? 19 A. Yeah. There was -- God. On the end was 20 the front end alignment setup, and then there was 21 another mechanic in between. 22 And this was kind of an L-shaped building, 23 so we were on this side, and on this section was 24 the new car service -- you know, the new cars that 25 come in from the factory were serviced before they Page 27
1 Q. Okay. So from 1958, is when you met James 2 Turner, after the shop had moved? 3 A. Yeah. 4 Q. And when you say the shop had moved, you 5 just mean the body shop; is that right? 6 A. (No audible response.) 7 Q. So the body shop that was open from '56 to 8 '58 closed down and moved to the north side of the 9 street in 1958? 10 A. Yeah. 11 Q. Was there ever any mechanical -- do you 12 understand what I mean when I say mechanical work 13 to a car? 14 A. Yeah. 15 Q. Was there ever any mechanical work 16 performed in the body shop -- 17 A. No. 18 Q. -- between 1954 and 1958 -- I mean '56 and 19 '58? 20 A. No, I don't. 21 Q. Did you ever have an opportunity to go to 22 the mechanic shop -- 23 A. Yes. 24 Q. -- as part -- 25 A. Because my brother was working there. I'd Page 26	1 were put out on the showroom. 2 Q. And we're talking about the facility in 3 1958 on the north end? 4 A. Uh-huh. 5 Q. Okay. If you could -- I'm -- if anybody 6 has an objection, I'm going to estimate this room 7 to be about 16 feet by -- starting from that wall 8 there -- by let's just say 22 feet. 9 Does that seem about right? 10 MR. SIGLER: Talking about the entire room? 11 MR. SULLIVAN: Don't count the little back 12 corner. 13 MR. SIGLER: Just that one wall there? 14 MR. SULLIVAN: Yes, sir. 15 Q. Would you say -- 16 A. How deep -- how deep is this? 17 Q. I figure it's about 16 to 20 feet. 18 What I'm trying to do is I'm trying to 19 figure out how large the L shape of the shop was. 20 A. Oh. 21 Q. Okay? Could you estimate for me how large 22 it was? 23 A. Well, it was from say the sidewalk to a 24 distance of about the alley, I guess. And this one 25 was a little shorter. This one was longer. Page 28

7 (Pages 25 to 28)

1 transcript -- you'll be provided a copy of this
2 transcript, and if there's any changes that you can
3 make, you can make them at that time.
4 A. Okay.
5 Q. So can you describe for me the process of
6 applying the body fill?
7 A. Well, say a dent, you grind all the paint
8 off of it until it's all metal, and then you mix
9 the Bondo and just apply it and let it -- it will
10 what? Self-harden? Ten minutes, maybe less, and
11 then you just smooth it down and -- with the
12 sander.
13 Q. Okay. So you -- first you said you grind
14 down the metal to take the paint off of it?
15 A. Yeah, because the Bondo will not stick to
16 paint. Or even if it did stick, when they -- it
17 might break the paint -- take the paint off of the
18 metal and fall off, so you have to have the Bondo
19 stuck to the metal, and you grind it so it's kind
20 of on the rough side.
21 Q. Okay. And is the tool that you use to
22 grind the paint off the fender, before you apply
23 the Bondo, the same tool that you used to sand down
24 the Bondo once it's cured?
25 A. You could, but then you usually don't.

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1 You use a --
2 Q. Is it sandpaper?
3 A. It's a sandpaper, long one -- narrow long
4 one with a handle, and you just -- more like
5 filing, only it's sandpaper.
6 Q. Okay. So then after the Bondo dried and
7 after you sanded it, what was the next step?
8 A. Well, after it's all smooth, then you send
9 it to the painter, and he puts primer over it and
10 paints it whatever color.
11 Q. Do you recall if you ever had to use more
12 than one coat of the body fill material?
13 MR. SIGLER: Leading.
14 THE WITNESS: Oh, sure, sure. Yeah, because --
15 BY MR. SULLIVAN:
16 Q. Hold on. I had an objection there, and I
17 want to respond.
18 THE REPORTER: I'm sorry. I didn't hear an
19 objection.
20 MR. SIGLER: Leading.
21 BY MR. SULLIVAN:
22 Q. You had to use more than one coat of body
23 fill; yes or no?
24 A. Yes.
25 MR. SIGLER: Leading.

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1 BY MR. SULLIVAN:
2 Q. Did you ever have to use more than two
3 coats of body fill?
4 A. Sometimes, yes.
5 MR. SIGLER: Leading.
6 BY MR. SULLIVAN:
7 Q. Did you ever have to use more than three
8 coats of body fill?
9 MR. SIGLER: Leading.
10 THE WITNESS: Yes.
11 BY MR. SULLIVAN:
12 Q. Okay. And was the process the same as
13 with the sanding between the coats?
14 A. Uh-huh, yes.
15 Q. And does that generally describe what you
16 would do with the body fill material --
17 A. Yes.
18 Q. -- to the fender or whatever affected
19 area?
20 A. Yeah.
21 Q. Do you recall if Carmine-Rubino ever did
22 this type of work?
23 A. You know, it never -- we never watched
24 each other. I never saw him do anything like that.
25 And you think maybe I'm lying, but you go to work,

Page 39

1 and you start your work. He's already working,
2 so -- he usually gets there -- work early, so he's
3 already busy working, so I never stopped to talk to
4 him. I just go do my work.
5 Q. But you were the two body repairmen at
6 Walker Brothers, right?
7 A. Yes.
8 Q. So when he's -- did you ever see a car
9 come into his bay that had a dent on it that came
10 out with body fill that was sent to paint?
11 A. I suppose I did. I'm not sure.
12 Q. But you saw him working on cars, right?
13 A. Oh, absolutely, yeah.
14 Q. And he had the same job that you had,
15 right?
16 A. Right.
17 Q. Did you ever -- did you clean up each
18 other's areas or only your area?
19 A. You just work on your area and that's it.
20 Q. Okay. And when that process was -- when
21 you were doing that body fill process, did that
22 create -- what -- did it create any dust?
23 MR. SIGLER: Leading.
24 THE WITNESS: Uh-huh, yes.
25 ///

Page 40

1 stalls, seven, eight -- and a paint booth, so
2 it's -- what did I say? Seven?
3 Q. Six car stalls, I think you said.
4 A. Six -- six car stalls -- no. Yeah, six
5 car stalls and two more for the painter, so that's
6 eight, and a paint booth, which is about a car
7 stall with -- a little bit bigger.
8 Q. Okay. And how far away were you working
9 from Carmine Rubino on a daily basis?
10 A. Right next -- well, ten feet.
11 Q. Did you ever have an opportunity to work
12 closer to him?
13 A. Very seldom. I don't remember.
14 Q. So it's approximately about ten feet?
15 A. Yeah.
16 Q. Okay. And you testified that when you
17 would do body work, you did some sanding, and the
18 sanding created dust, is that correct? Yes or no?
19 A. Yes.
20 Q. Yes? And you also testified that you had
21 to clean up your area with brooms and a dust pan;
22 is that correct?
23 A. Yes.
24 Q. Thank you. And when you cleaned up the
25 area, were you and Tom (sic) Rubino in the same
Page 61

1 vicinity? Were you both about ten feet away when
2 you cleaned up your work station? Yes or no?
3 DEF. COUNSEL: Assumes facts.
4 THE WITNESS: No. I don't think so.
5 BY MR. SULLIVAN:
6 Q. Okay.
7 A. No.
8 Q. Were you present when Carmine Rubino would
9 clean up his work station?
10 A. Well, we finished the jobs on a different
11 time, so when we finished, we'd clean up.
12 Q. Okay.
13 A. And when he finished, he cleaned up, and
14 I'd be -- maybe I'd be working with -- on my job.
15 Q. Okay. And you testified that -- or I
16 should just -- strike that.
17 When you cleaned up, did that create dust?
18 A. Yes.
19 Q. And when you sanded the body fill, did
20 that create dust?
21 A. Yes.
22 Q. And was that something that happened on a
23 regular basis during 1958 to 1984?
24 A. Yes.
25 DEF. COUNSEL: Vague and ambiguous, assumes
Page 62

1 facts.
2 DEF. COUNSEL: Misstates testimony as well.
3 DEF. COUNSEL: And leading.
4 BY MR. SULLIVAN:
5 Q. Is it true -- yes or no, did sanding the
6 body fill and cleaning up the body fill debris
7 create dust?
8 A. Yes.
9 DEF. COUNSEL: Same objections.
10 BY MR. SULLIVAN:
11 Q. Did you and Carmine Rubino work within ten
12 feet of each other?
13 A. Yes. Sometimes, yes.
14 Q. Okay. Did you ever see Tom -- Carmine
15 Rubino's work create dust?
16 A. Yeah. I guess so, yeah.
17 Q. Okay. Did you only use brooms and dust
18 pans to clean -- to clean up the work areas?
19 A. Sometimes we used an air hose, just blow
20 it out.
21 Q. Can you remember the earliest time when
22 Walker Brothers supplied air hoses to clean up your
23 work areas?
24 A. We always had an air hose with us, because
25 some of -- the sanding machine was air -- run with
Page 63

1 air, I guess you would say.
2 Q. Did using the air hose, as opposed to a
3 broom and dust pan, create more dust or less?
4 A. More.
5 DEF. COUNSEL: Leading.
6 MR. SULLIVAN: All right. Well, thank you very
7 much, Mr. Tanaka. That's all I have for you today.
8 THE VIDEOGRAPHER: We're going off the record.
9 The time is 1:11 p.m.
10 (Break in proceedings.)
11 THE VIDEOGRAPHER: We're back on the record.
12 The time is 1:13 p.m.
13 MR. SIGLER: You want to put something on the
14 record?
15 MR. SULLIVAN: Yeah. This is Brenden Sullivan,
16 plaintiffs' counsel. I just wanted to make it
17 clear for the record that I had asked, just as a
18 courtesy, for defense counsel to let the witness
19 know who they represent -- not what law firm, but
20 what defendant they represent in the case before
21 they proceed with their questioning, and that
22 request has been denied.
23 MR. SIGLER: And I'd like to respond to that
24 and explain the basis of at least my case.
25 My denial on behalf of my clients is that
Page 64

1 right?
2 A. Oh, okay.
3 MR. SULLIVAN: That's a tough thing to do.
4 MS. HELWIG: Well, you know what, you're
5 correct there.
6 Q. Sir, I know that you've said that you did
7 not work in purchasing while at Walker Brothers.
8 At any time while you worked for Walker
9 Brothers, did you place any orders for supplies?
10 A. Take orders?
11 Q. Place orders for supplies.
12 A. Oh, no.
13 Q. Did you ever order supplies?
14 A. No, no.
15 Q. All right. And did you ever work in the
16 detailing department of Walker Brothers?
17 A. Detailing, detailing. Oh, no.
18 Q. Did you ever observe Carmine Rubino work
19 in the detailing department of Walker Brothers?
20 A. No.
21 Q. Sir, do you know what a buffing pad is?
22 A. Yes.
23 Q. And what is a buffing pad?
24 A. For polishing.
25 Q. And these buffing pads are made out of

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1 sheepskin; is that correct?
2 A. I think so, yes.
3 MR. SULLIVAN: Belated objection, foundation,
4 calls for speculation.
5 BY MS. HELWIG:
6 Q. Did you ever see anyone work with a
7 buffing pad in Mr. Rubino's presence?
8 A. I can't remember.
9 Q. Am I correct, sir, that when you were
10 doing your work repairing auto bodies, you would
11 not use a buffing pad to perform that work; is that
12 correct?
13 A. Yes.
14 Q. Is it also correct, sir, that you did not
15 observe Mr. Rubino use any buffing pads to perform
16 his work on auto bodies?
17 A. Yes.
18 Q. Have you ever heard of a company by the
19 name of One Grand Products, Incorporated?
20 A. One Grand -- no. I can't remember. One
21 Grand?
22 Q. Is it fair to say then, sir, that you have
23 no information or knowledge that Mr. Rubino worked
24 with or around any products manufactured,
25 distributed or supplied by One Grand Products,

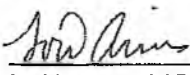
Page 114

1 Inc.?
2 A. Correct.
3 MR. SULLIVAN: Objection, foundation.
4 MS. HELWIG: Okay. Thank you, sir.
5 THE WITNESS: One Grand?
6 MR. SULLIVAN: Is that it on the phone?
7
8 FURTHER EXAMINATION
9 BY MR. SULLIVAN:
10 Q. Okay. I just had a few questions for
11 follow-up. Mr. Tanaka, when counsel for DuPont was
12 up here asking you questions about whether or not
13 you knew if Joe Martel purchased his -- the DuPont
14 paint products from Thompson Paint and Lacquer, and
15 you said, "No, I don't know," and then at the end
16 of that you said, "Well, because sometimes sales
17 guys would come in."
18 Was your understanding of her question
19 that Joe wouldn't do the purchasing, but the sales
20 guys would do it directly with Walker Brothers?
21 A. No. Joe would order whatever he needed
22 from the salesman.
23 Q. Right. So is it your -- do you know
24 whether or not Joe would order --
25 A. I guess so, yes.

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1 Q. Okay. Thank you.
2 MR. SULLIVAN: That's all I have. Anybody
3 else?
4 THE WITNESS: Can I go home now?
5 MR. SULLIVAN: Your deposition is now
6 concluded. Thank you very much for your time,
7 Mr. Tanaka.
8 THE WITNESS: Okay. Thank you.
9 MR. SULLIVAN: Thank you.
10 THE VIDEOGRAPHER: This concludes the
11 deposition of Ken Tanaka. The total number of
12 tapes is two. All original videotapes will be
13 retained by Tooker and Antz, 350 Sansome Street,
14 Suite 700, San Francisco, California 94101. The
15 phone number is (415) 392-0650.
16 We're going off the record. The time is
17 2:23 p.m.
18
19 (The deposition concluded at 2:23 P.M.)
20
21
22
23
24
25

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1 I hereby declare under penalty of perjury 2 under the laws of the State of California that I 3 have read the foregoing deposition and that the 4 testimony contained therein is a true and correct 5 transcript of my testimony given at said time and 6 place. 7 Dated this _____ day of _____ 8 2010, at _____ 9 (City) (State) 10 11 12 13 14 _____ 15 Signature of Witness 16 17 18 19 20 21 22 23 24 25 Page 117	
1 CERTIFICATE 2 OF 3 CERTIFIED SHORTHAND REPORTER 4 5 6 I, Lori L. Arias, Certified Shorthand 7 Reporter of the State of California, do hereby 8 certify: 9 That the foregoing deposition was taken 10 before me at the time and place therein set forth, 11 at which time the witness was duly sworn by me; 12 That the testimony of the witness and all 13 objections made at the time of examination were 14 recorded stenographically by me and thereafter 15 transcribed, said transcript being a true copy of 16 my shorthand notes thereof, and a true record of 17 the testimony given by the witness. 18 IN WITNESS WHEREOF, I have subscribed my 19 name this 7th day of October, 2010. 20 21  22 _____ 23 Lori L. Arias, CSR 24 Certificate No. 9433 25 Page 118	

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EXHIBIT "KK"

1 SUPERIOR COURT OF CALIFORNIA 2 COUNTY OF SAN FRANCISCO - UNLIMITED JURISDICTION 3 4 THOMAS RUBINO, individually and) CASE NO. 5 as Successor-in-Interest to) CGC-09-274556 6 CARMINE RUBINO, JR., Decedent;) 7 DANIEL RUBINO; and DOES ONE) 8 through TEN, inclusive,) 9 Plaintiffs,) 10 vs.) 11 AC and S, INC., et al.,) 12 Defendants.) 13 _____) 14 15 16 17 18 19 Deposition of: DOUGLAS DIDRIKSEN 20 21 Date: TUESDAY, JUNE 7, 2011 22 23 Reported by: Melanie A. Vizenor 24 25 CSR No. 4026	1 APPEARANCES - CONTINUED: 2 FOR DEFENDANT ILLINOIS TOOLWORKS, INC.: 3 POOLE & SHAFFERY, LLP 4 BY: CHARLES W. JENKINS, ESQ. 5 445 South Figueroa Street, Suite 2520 6 Los Angeles, California 90071 7 (213) 439-5390 8 FOR DEFENDANT BASF CORPORATION: 9 REED SMITH, LLP 10 BY: JOHN E. DITTOE, ESQ. 11 101 Second Street, Suite 1800 12 San Francisco, California 94105 13 (415) 659-4771 14 FOR DEFENDANT PFIZER, INC.: 15 TUCKER ELLIS & WEST, LLP 16 BY: FERLIN P. RUIZ, ESQ. 17 135 Main Street, Suite 700 18 San Francisco, California 94105 19 (415) 617-7222 20 FOR DEFENDANT ALCO INDUSTRIES, INC., AND OATEY COMPANY: 21 WALSWORTH, FRANKLIN, BEVINS & McCALL, LLP 22 BY: HELEN M. LUETTO, ESQ. 23 One City Boulevard West, Fifth Floor 24 Orange, California 92668-3677 25 (714) 634-2522
1 Deposition of DOUGLAS DIDRIKSEN, taken on 2 behalf of the Plaintiffs, before Melanie A. Vizenor, a 3 Certified Shorthand Reporter, commencing at the hour of 4 2:22 p.m., TUESDAY, JUNE 7, 2011, at Ayres Hotel, 12850 5 Seal Beach Boulevard, Seal Beach, California. 6 7 APPEARANCES: 8 FOR PLAINTIFFS: 9 HAROWITZ & TIGERMAN, LLP 10 BY: BRENDEN G. SULLIVAN, ESQ. 11 450 Sansome Street, 3rd Floor 12 San Francisco, California 94111 13 (415) 788-1588 14 FOR DEFENDANT EINISHMASTER, INC.: 15 COZEN O'CONNOR 16 BY: MICHAEL J. PARTOS, ESQ. 17 601 South Figueroa Street, Suite 3700 18 Los Angeles, California 90017 19 (213) 892-7900 20 FOR DEFENDANT E.I. duPONT deNEMOURS & COMPANY: 21 GLYNN & FINLEY, LLP 22 BY: RUTA PASKEVICIUS, ESQ. 23 100 Pringle Avenue, Suite 500 24 Walnut Creek, California 94596 25 (925) 210-2806	1 APPEARANCES - CONTINUED: 2 FOR DEFENDANT NMBFI, INC., AND DOWMAN PRODUCTS, INC.: 3 WALSWORTH, FRANKLIN, BEVINS & McCALL, LLP 4 BY: KAREN M. JOHNSON, ESQ. 5 One City Boulevard West, Fifth Floor 6 Orange, California 92668-3677 7 (714) 634-2522 8 FOR DEFENDANT CYPRUS AMAX MINERALS CO.: 9 BECHERER, KANNETT & SCHWEITZER 10 BY: ANTHONY "TONY" BENTIVEGNA, ESQ. - (telephonic) 11 2200 Powell Street, Suite 805 12 Emeryville, California 94608 13 (510) 658-3800 14 FOR DEFENDANT PNEUMO-ABEX, LLC, AND DANA COMPANIES, LLC: 15 BRYDON HUGO & PARKER 16 BY: MICHELLE M. CLOWSER, ESQ. - (telephonic) 17 135 Main Street, 20th Floor 18 San Francisco, California 94105 19 (415) 808-0300 20 FOR DEFENDANT BORG-WARNER CORPORATION: 21 BURNHAM BROWN 22 BY: WALTER C. RUNDIN, ESQ. - (telephonic) 23 1001 Harrison Street, 11th Floor 24 Oakland, California 94612-3501 25 (510) 444-6800

Page 3

Page 2

Page 4

1 (Pages 1 to 4)

1 MR. IRWIN: Hi. This is George Irwin of Gordon &
2 Rees for Goodyear Tire & Rubber.
3 MR. CONNELLY: Joe Connelly, representing
4 Kelly-Moore Paint Company.
5 MS. FINATERI SILBIGER: Good afternoon. Lynn
6 Finateri Silbiger, representing R.T. Vanderbilt Company.
7 MS. CLOWSER: Good afternoon. This is Michelle
8 Clowser with Brydon, Hugo & Parker, representing
9 Pneumo-Abex, LLC, and Dana Companies, LLC.
10 MR. RUNDIN: Good afternoon. This is Walter Rundin
11 with Burnham Brown, representing defendant Borg-Warner
12 Corporation.
13 MR. MURRAY: And this is Jim Murray on behalf of Syd
14 Carpenter Marine Contractor.
15 MR. SULLIVAN: Okay.
16 THE VIDEOGRAPHER: Any stipulations for the court
17 reporter?
18 MR. SULLIVAN: I'd like to stipulate an objection by
19 one defendant is an objection by all. Okay?
20 THE VIDEOGRAPHER: Court reporter, would you please
21 swear in the witness.
22
23 DOUGLAS DIDRIKSEN,
24 having been duly sworn, was examined and testified as
25 follows:

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1 THE WITNESS: I do.
2
3 EXAMINATION
4 BY MR. SULLIVAN:
5 Q. Good afternoon, sir.
6 Could you please state your name.
7 A. Douglas Didriksen.
8 Q. And, Mr. Didriksen, I understand that you have
9 been seeing a lot of doctors lately. Are you currently
10 under any medication that would affect your judgment or
11 your ability to remember today?
12 A. No.
13 Q. Okay. I'd like to give you what we call
14 admonitions, a few rules of the road, if you will,
15 regarding depositions. The first one is, it's - though
16 you're being videotaped, which is for trial preservation
17 only, Madam Court Reporter over here is recording every
18 word that you say. So it's very important that you
19 answer audibly with yes or no instead of shaking heads
20 or uh-huhs or huh-uhs. Okay?
21 The second is you are under the penalty of
22 perjury today. Even though we're in a very comfortable
23 setting just ten minutes away from your home, everything
24 you say can and will be used against you in a court of
25 law. Okay?

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1 So it is comfortable, but it means the same
2 thing as sitting in a courtroom. Okay?
3 The next is, I don't want you to speculate to
4 any answers to the questions I might pose to you.
5 For instance, you might be able to tell me how
6 far we're sitting away from each other with a pretty
7 accurate number. But if I asked you how much money I
8 had in my pocket, you would - It would be a guess.
9 That's the difference between speculation and answering
10 from what you remember.
11 Okay? Do you understand that?
12 A. I understand.
13 Q. Okay. Perfect.
14 So, Mr. Didriksen, what - what's your date of
15 birth?
16 A. 6-9-25.
17 Q. And where were you born?
18 A. Kearney, Nebraska.
19 Q. And when did you move to California?
20 A. 1926.
21 Q. Are you married, sir?
22 A. Yes.
23 Q. How long have you been married?
24 A. Since 1943.
25 Q. Congratulations. That's a very long time.

Page 11

1 Do you have any children?
2 A. Yes.
3 Q. How many?
4 A. Three.
5 Q. Okay. Did you attend college or university?
6 A. No.
7 Q. Were you ever in the military?
8 A. Yes.
9 Q. When were you in the military?
10 A. '43 to '46.
11 Q. And what branch of the military -
12 A. Navy.
13 Q. You were in the Navy.
14 Now, one other important point is try to make
15 sure that I finish my questions -
16 A. I'm sorry.
17 Q. It's okay. Also, because I may ask a question
18 that the defendants behind me may object to, and we want
19 to give them time to object, much like when they ask you
20 questions after I'm finished, you'll want to give a
21 pause there to give me time to object. Okay?
22 So when you returned in 1946, did you get a
23 job?
24 A. Yes.
25 Q. And where was that?

Page 12

1 A. Los Angeles.
 2 Q. Okay. And where were you employed?
 3 A. Walker Brothers.
 4 Q. Okay. And in 1946, where was the location of
 5 Walker Brothers?
 6 A. The main part of it was on Olympic Boulevard.
 7 Q. Okay. And you say "the main part of it." Was
 8 it a multi-type place? Did they have more than just --
 9 What did Walker Brothers do, for instance?
 10 A. Well, at that time they were a Nash Motors
 11 franchise dealer.
 12 Q. So they were a dealership. Okay. So you sold
 13 cars?
 14 A. Cars were sold there.
 15 Q. Okay. And when you first started there in
 16 1946, what was your capacity?
 17 A. I went to work in the service station. They
 18 had a service station.
 19 Q. Okay. So did Walker Brothers have anything
 20 other than a showroom, if you will, and a service
 21 station?
 22 A. They had a full array of repair --
 23 Q. Okay.
 24 A. -- shop.
 25 Q. So it had a showroom?

Page 13

1 A. Showroom.
 2 Q. And sort of a mechanical and engineer --
 3 mechanic department --
 4 A. Yes.
 5 Q. -- to fix engines and such?
 6 Did it have a body shop?
 7 A. Yes.
 8 Q. Okay.
 9 A. That was at a different location.
 10 Q. Okay. And where was that location?
 11 A. 1006 South Western.
 12 Q. Okay. How far was that away from the showroom,
 13 location?
 14 A. A few hundred yards.
 15 Q. Okay. And how long did Walker Brothers remain
 16 in that configuration?
 17 A. I would say till the mid fifty -- mid '50s.
 18 Q. Okay. And in the mid 1950s, how did the
 19 configuration change?
 20 A. They acquired the property on the northeast
 21 quadrant of Olympic and Oxford, and built a body shop
 22 and a repair shop.
 23 Q. So they built a new body shop in the mid '50s.
 24 A. (Witness nods head.)
 25 Q. And how long did that configuration last?

Page 14

1 A. Till 1963.
 2 Q. And what happened in 1963?
 3 A. They acquired the southeast corner of Oxford
 4 and Olympic and built a body shop.
 5 Q. So was the body shop from each location,
 6 or did you have several different body shops?
 7 A. No.
 8 Q. So the body shop went from one location to the
 9 next and then to the final one in 1963?
 10 A. Correct.
 11 Q. Did it -- did it remain in that configuration
 12 until its closing or did it expand again?
 13 A. No, that was it.
 14 Q. What year did it close, did Walker Brothers
 15 close?
 16 A. We gave up the franchise in 1992 --
 17 Q. Okay.
 18 A. -- June 1st of '92, but we actually closed the
 19 business in July 1st, or June 30th, of '93.
 20 Q. Okay. So other than the body shop moving, did
 21 any other departments move?
 22 A. No.
 23 Q. What filled the locations? For instance, in --
 24 the location when it moved from 1955 to -- on Olympic to
 25 1955, what filled that location from when it moved? Did

Page 15

1 it shut down or did --
 2 A. That was leased property. So we had nothing to
 3 do with that.
 4 Q. So you gave up that property.
 5 A. We gave up the lease on -- on Western Avenue.
 6 Q. Okay. And then when you went to the southeast
 7 corner in '63, did you give up that property or did you
 8 keep that?
 9 A. No. We just expanded the repair facility
 10 there.
 11 Q. So you were on three different corners there.
 12 A. Actually, we were on --
 13 Q. One corner --
 14 A. -- four.
 15 Q. Okay. Four corners. Okay.
 16 Did your office -- well, let me start over.
 17 In 1946, you started there at the service
 18 station.
 19 A. Correct.
 20 Q. After 1946, did you move up in the ranks? Did
 21 your job title change?
 22 A. Yes. I moved down to the 1006 South Western
 23 address.
 24 Q. Okay. And -- and what did you do at that
 25 address?

Page 16

4 (Pages 13 to 16)

1 Q. Okay. And can you -- you said it was multi --
2 A. Well, they'd put a coat of primer on and sand
3 it down; put another coat of primer on and sand it down.
4 It was a multistep process.
5 Q. Okay. Did anything -- in your observations,
6 did anything get applied to the primer before the paint?
7 If there was a dent in the car, for example.
8 A. I'm not aware of that.
9 Q. Okay. Well, you said Bondo. Did you ever see
10 any of that material applied to a car?
11 A. Yes.
12 Q. Okay. Was that applied before or after the
13 primer?
14 A. Before.
15 Q. Okay. And how was that applied?
16 MR. RUIZ: Objection. Lacks foundation.
17 THE WITNESS: Generally speaking, with a spatula.
18 BY MR. SULLIVAN:
19 Q. Okay. And did they prime over that right after
20 or -- what was the next step after they would apply a
21 coat of Bondo?
22 MR. RUIZ: Same objections.
23 THE WITNESS: Well, it had to dry completely, and
24 then they would either file it down with a body file or
25 a grinding wheel.

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1 BY MR. SULLIVAN:
2 Q. Okay. And your observations in the '60, '70s,
3 and '80s, did -- did sanding down the material create
4 dust?
5 MR. RUIZ: Objection. Calls for speculation.
6 THE WITNESS: What? I didn't understand that.
7 MR. RUIZ: Assumes facts.
8 BY MR. SULLIVAN:
9 Q. Did sanding down -- did sanding down the primer
10 material create dust?
11 MR. RUIZ: Calls for speculation, assumes facts,
12 vague, ambiguous, overbroad.
13 MR. PARTOS: Also leading. I'll join the other
14 objections.
15 MS. FINATERI SILBINGER: And compound.
16 BY MR. SULLIVAN:
17 Q. Do you recall if the process created dust?
18 MR. RUIZ: Same objections.
19 THE WITNESS: Yes.
20 BY MR. SULLIVAN:
21 Q. Did it create dust when they sanded down the
22 primers?
23 MR. RUIZ: Same objections.
24 THE WITNESS: No.
25 BY MR. SULLIVAN:

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1 Q. So if you can, can you explain, if you know --
2 Well, for instance, after Mike Michaels would
3 make an order of what he needed for the body shop, where
4 would that order go?
5 MR. PARTOS: Objection. Leading, no foundation,
6 calls for speculation.
7 THE WITNESS: In most cases Mike Michaels would not
8 order the material.
9 BY MR. SULLIVAN:
10 Q. Okay.
11 A. The painter and the body men had been with us a
12 long time, would call in the order themselves and even
13 write the purchase order.
14 Q. Is that how things were normally done: they
15 would be phoned in or they'd write their own purchase
16 orders?
17 A. They would call in, yeah.
18 Q. Okay. And at Walker Brothers, whose
19 responsibility was it to pay the bills in the 1950,
20 '60s, and '70s?
21 MR. PARTOS: Same objections. Calls for
22 speculation, no foundation.
23 BY MR. SULLIVAN:
24 Q. You were -- you were general manager of the
25 shop, right?

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1 A. Not totally.
2 Q. Not totally. But did you know where the bills
3 went for the body shop orders?
4 A. From about 1960 on.
5 Q. Okay. Let's just talk about that time frame,
6 then. And when the bills came in, who did they go to?
7 A. They would go to our office.
8 Q. Okay.
9 A. The main office.
10 Q. So did you ever have an opportunity to see the
11 bills?
12 A. Yes.
13 Q. Okay. Did you ever see any bills from
14 Thompson?
15 A. Yes.
16 Q. Okay. And who was responsible for signing the
17 checks to pay Thompson?
18 MR. PARTOS: Objection. Calls for speculation, no
19 foundation.
20 MS. FINATERI SILBINGER: Overbroad as to time.
21 THE WITNESS: It varied from time to time. At times
22 I was the one that signed the checks.
23 BY MR. SULLIVAN:
24 Q. Okay. So during that time frame, the '50s,
25 '60s, '70s, you recall making payment to Thompson

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12 (Pages 45 to 48)

1 BY MS. JOHNSON:
2 Q. You may answer.
3 A. No.
4 Q. Do you have any knowledge that Mr. Rubino
5 worked with or around a product manufactured,
6 distributed or supplied by Mar-Hyde Corporation?
7 MR. SULLIVAN: Same objection.
8 BY MS. JOHNSON:
9 Q. You may answer.
10 A. No.
11 Q. Have you heard of a company named Bondo,
12 hyphen, Mar-Hyde Corporation?
13 MR. SULLIVAN: Same objection.
14 I'm just going to have that continued.
15 BY MS. JOHNSON:
16 Q. You may answer.
17 A. I'm familiar with Bondo. I'm not familiar with
18 the other terms.
19 Q. Okay. So you're familiar with Bondo, but
20 you're not familiar with a company named Bondo-Mar-Hyde
21 Corporation. Is that correct?
22 A. Correct.
23 Q. And are you familiar with the word Bondo --
24 because you testified earlier that it was used in the
25 place of lead as an auto body filler at the auto body

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1 shop.
2 A. Correct.
3 Q. Do you consider Bondo to be a generic name of a
4 product similar to Kleenex is to tissue or Q-tip is to
5 cotton swab?
6 MR. SULLIVAN: Objection. Foundation, calls for
7 speculation.
8 BY MS. JOHNSON:
9 Q. You may answer.
10 A. Yes.
11 Q. Do you know who manufactured Bondo?
12 A. No.
13 Q. What color was Bondo?
14 A. Light gray.
15 Q. And what was the consistency?
16 A. I would say it was a paste to begin with, and
17 as it dried and was worked to smooth out, it became a
18 penetrating dust.
19 Q. Did you ever see Mr. Rubino work with a Bondo
20 product?
21 A. Yes.
22 Q. How many times?
23 A. Many.
24 Q. Do you know who supplied the Bondo product that
25 Mr. Rubino worked with?

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1 MR. PARTOS: Objection. Calls for speculation, no
2 foundation.
3 BY MS. JOHNSON:
4 Q. The question is: Do you know who supplied the
5 generic Bondo that Mr. Rubino worked with at the
6 location where you worked with him, Walker Brothers?
7 A. We had two suppliers. It was one of the two
8 suppliers.
9 Q. Which are the two suppliers or what are their
10 names?
11 A. Keller Paint and Thompson Paint.
12 Q. Do you know the ingredients of the Bondo
13 product that Mr. Rubino worked with?
14 A. No.
15 Q. Do you know whether the Bondo product that
16 Mr. Rubino worked with contained asbestos?
17 MR. SULLIVAN: Objection. Lacks foundation, calls
18 for speculation.
19 THE WITNESS: I've been told it did.
20 BY MS. JOHNSON:
21 Q. Who told you it did?
22 A. I can't recall that. I think it's common
23 knowledge.
24 Q. While you worked at --
25 Is it Tucker Brothers?

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1 MR. SULLIVAN: Walker.
2 BY MS. JOHNSON:
3 Q. I'm sorry. While you worked at Walker
4 Brothers, were you ever told that the Bondo product that
5 Mr. Rubino worked with contained asbestos?
6 A. I don't recall.
7 Q. Do you recall who told you that Bondo contained
8 asbestos?
9 MR. SULLIVAN: Asked and answered.
10 THE WITNESS: I do not.
11 BY MS. JOHNSON:
12 Q. And when you say it's common knowledge, do you
13 know the source of your information that you believe
14 Bondo contained asbestos?
15 A. Hearsay, I believe. I guess. I -- I don't
16 remember.
17 Q. Okay.
18 MR. SULLIVAN: Move to strike.
19 BY MS. JOHNSON:
20 Q. Do you know if the Bondo product Mr. Rubino
21 worked with contained talc?
22 MR. RUIZ: Lacks foundation.
23 THE WITNESS: I'm sorry. I didn't understand that.
24 BY MS. JOHNSON:
25 Q. Do you know -- excuse me -- whether or not the

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1 Bondo product that Mr. Rubino worked with contained
2 talc, t-a-l-c?
3 MR. RUIZ: Objection. Lacks foundation, assumes
4 facts, calls for speculation.
5 THE WITNESS: Well, the dried residue looked like
6 talcum powder, but whether it contained talc, I have no
7 idea.
8 MS. FINATERI SILBIGER: Move to strike nonresponsive
9 portions.
10 MR. PARTOS: Join.
11 BY MS. JOHNSON:
12 Q. Did the Bondo product that Mr. Rubino worked
13 with have a smell to it, if you remember?
14 A. Not to my remembrance.
15 Q. Did you ever see the packaging?
16 A. The cans that it came in is all I ever saw.
17 Q. Metal cans?
18 A. I believe they were.
19 Q. Can you describe for us the size of the metal
20 cans?
21 A. Probably a quart can, I would say.
22 Q. Did you only ever see Bondo packaged in quart
23 metal cans?
24 MR. SULLIVAN: Objection. Foundation.
25 BY MS. JOHNSON:

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1 Q. You may answer. I'm sorry?
2 A. That would be my guess.
3 MR. SULLIVAN: Move to strike.
4 BY MS. JOHNSON:
5 Q. Did you see any writing on the containers of
6 Bondo used at Walker Brothers by Mr. Rubino?
7 A. I didn't understand that.
8 Q. Did you see any writing on the quart metal cans
9 used by Mr. Rubino at Walker Brothers?
10 A. I don't recall.
11 Q. Do you recall any symbols, logos, labels,
12 anything of that nature on the quart metal cans used by
13 Mr. Rubino?
14 A. No.
15 MR. SULLIVAN: Objection. Foundation.
16 BY MS. JOHNSON:
17 Q. What was Bondo used for at Walker Brothers?
18 MR. SULLIVAN: Objection. Asked and answered.
19 THE WITNESS: To fill indentations in the metal so
20 that it could be sanded down and appear to be smooth.
21 BY MS. JOHNSON:
22 Q. Anything else?
23 A. Pardon?
24 Q. Anything else it was used for? Was Bondo used
25 for anything else other than to fill metal indentations

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1 at Walker Brothers?
2 A. Not to my knowledge.
3 Q. When Mr. Rubino worked with Bondo and he sanded
4 it, he always wore a mask. Is that correct?
5 MR. SULLIVAN: Objection. Assumes facts.
6 THE WITNESS: He should have. I don't know whether
7 he did.
8 BY MS. JOHNSON:
9 Q. Did Walker Brothers have a policy --
10 A. Yes.
11 Q. -- for its --
12 Let me finish the question, please.
13 Did Walker Brothers --
14 A. We furnished the masks.
15 Q. Let me get this out.
16 Walker Brothers had a policy that its employees
17 working with Bondo, sanding Bondo, must have worn masks
18 during sanding, correct?
19 A. Right. Correct.
20 Q. What type of mask?
21 A. I'm sorry?
22 Q. What type of mask?
23 A. A heavy-weight paper with a filter, as I
24 recall.
25 Q. Do you know who manufactured the mask?

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1 A. I do not.
2 Q. Are these disposable paper masks?
3 A. Yes.
4 Q. Was the filter removable and interchangeable or
5 would you just dispose the whole mask and get a new one?
6 A. The whole mask was disposable.
7 MR. SULLIVAN: Also going to object vague as to
8 time.
9 BY MS. JOHNSON:
10 Q. Do you know why Walker Brothers had a policy
11 for its employees to wear masks during sanding?
12 MR. SULLIVAN: Objection. Vague as to time,
13 foundation, compound.
14 BY MS. JOHNSON:
15 Q. You may answer.
16 A. It was common sense as far as I was concerned.
17 Q. But other than common sense, was there a reason
18 why Walker Brothers had a policy for its employees to
19 wear a mask while sanding? Was it for safety?
20 A. It was for the employee's safety.
21 Q. I have a few more company names to go over with
22 you. The next one is Dynatron Corporation.
23 Have you ever heard of a company named Dynatron
24 Corporation?
25 A. How do you spell that?

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16 (Pages 61 to 64)

1 Tooker & Antz, 350 Sansome Street, Suite 700,
2 San Francisco, California 94104; phone number
3 (415) 392-0650.

4 Off the record at 6:18 p.m.
5 (At 6:18 p.m., the deposition concluded.)
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25
DOUGLAS DIDRIKSEN

Page 169

1 STATE OF CALIFORNIA)

2) ss.

3 COUNTY OF ORANGE)
4

5 I hereby certify that the witness in the
6 foregoing deposition, DOUGLAS DIDRIKSEN, was by me duly
7 sworn to testify to the truth, the whole truth, and
8 nothing but the truth, in the within-entitled cause;
9 that said deposition was taken at the time and place
10 herein-named; that the deposition is a true record of
11 the witness's testimony as reported by me, a duly
12 certified shorthand reporter and a disinterested person,
13 and was thereafter transcribed into typewriting by
14 computer.

15 I further certify that I am not interested in
16 the outcome of the said action, nor connected with, nor
17 related to any of the parties in said action, nor to
18 their respective counsel.

19 IN WITNESS WHEREOF, I have hereunto set my hand
20 this 16th day of June, 2011.



21
22 *Melanie A. Vizenor*

23 MELANIE A. VIZENOR, CSR 4026
24 STATE OF CALIFORNIA
25

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43 (Pages 169 to 170)

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EXHIBIT "LL"



Aug 6 2010
3:10PM

1 GLYNN & FINLEY, LLP
ANDREW T. MORTL, Bar No. 177876
2 RUTA PASKEVICIUS, Bar No. 127784
One Walnut Creek Center
3 100 Pringle Avenue, Suite 500
Walnut Creek, CA 94596
4 Telephone: (925) 210-2800
Facsimile: (925) 945-1975

5 Attorneys for defendant
6 E. I. du Pont de Nemours and Company

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

10
11
12
13 IN RE: COMPLEX ASBESTOS
14 LITIGATION

Case No. 828684

15
16
17
18 E.I. DU PONT DE NEMOURS AND
COMPANY'S SUPPLEMENTAL
RESPONSES TO STANDARD
INTERROGATORIES PURSUANT
TO GENERAL ORDER 129

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PREFACE

General Order 129 provides that responses are to be made "without objection except for the assertion of a claim of privilege." This shall not be construed as a waiver of any objection which would be applicable to any interrogatory. We reserve the right to make any and all such objections at trial, or in any other proceeding. DuPont specifically objects to the extent the interrogatories are vague and ambiguous and call for information protected by the attorney-client, work-product or trade secret privilege. E. I. Du Pont de Nemours and Company responds to this discovery with respect to itself, and not with respect to any entities which may be legally separate and distinct. The following responses are being provided in connection with a meet and confer agreement with plaintiffs' counsel to provide information in response to Interrogatory No. 31 regarding automotive refinishing products with respect to the 1952-1984 time period.

1 Defendant's review of its files and records is continuing, as is discovery. Defendant reserves the
2 right but undertakes no duty to make changes in its responses or to present new and additional
3 information at trial or any other proceeding. Notwithstanding and without waiving any
4 objections, defendant responds:

5 Interrogatory No. 31:

6 If your answer to any subpart of Interrogatory No. 31 regarding "ASBESTOS-
7 CONTAINING PRODUCTS" is in the affirmative, state:

8 A. The trade, brand name, and/or generic name of each such ASBESTOS-
9 CONTAINING PRODUCT MARKETED in any form or quantity between 1930
10 and 1985;

11 B. The date(s) each such ASBESTOS-CONTAINING PRODUCT was first placed
12 on the market, including the date(s) each such ASBESTOS-CONTAINING
13 PRODUCT was first MARKETED;

- 14 1. On an experimental basis;
15 2. On a test basis; or
16 3. For sale.

17 C. The date(s) each such ASBESTOS-CONTAINING PRODUCT:

- 18 1. Ceased to be produced; or
19 2. Was recalled from the market, if ever.

20 D. A detailed description of the chemical composition of each such ASBESTOS-
21 CONTAINING PRODUCT, including the type and/or grade of asbestos and/or
22 asbestos fiber contained in each such product and the quantitative percentage of
23 asbestos or asbestos fiber in each such product, and all nonasbestos components
24 of the ASBESTOS-CONTAINING PRODUCT, and if the chemical composition
25 changed over time, the inclusive dates of each formulation;

26 E. A description of the physical appearance and nature of each such ASBESTOS-
27 CONTAINING PRODUCT, including any color coding, distinctive marking
28 and/or logo, either on the product or on the packaging;

- 1 F. A detailed description of the intended use of each such ASBESTOS-
2 CONTAINING PRODUCT, including any temperature limits for each such use;
3 G. Whether any such ASBESTOS-CONTAINING PRODUCT was on the U.S.
4 Government's "Qualified Products List," and if so, the inclusive dates it was on
5 such list;
6 H. The name and address of the supplier of the RAW ASBESTOS used in each such
7 product and the time period of such supply;
8 I. Whether any of THIS DEFENDANT's RAW ASBESTOS OR ASBESTOS-
9 CONTAINING PRODUCTS have, at any time, been sold, shipped, or otherwise
10 distributed to any COMPANY (including power company or utility),
11 governmental agency or entity, shipyard, distributor, refinery, contractor, supplier,
12 manufacturer, PREMISE owner or occupant, ship owner, or other PREMISE or
13 site in the GEOGRAPHIC AREA. If so, state:
14 1. The names of each such COMPANY, governmental agency or entity,
15 shipyard, distributor, supplier, manufacturer, refinery, contractor,
16 PREMISE owner or occupant, ship owner, PREMISE or site;
17 2. The inclusive dates of each such sale, shipment, distribution, use or
18 installation and the amount (volume) and the trade or brand name of each
19 such ASBESTOS-CONTAINING PRODUCT sold;
20 3. Whether you have any records indicating any such sale, shipment,
21 distribution, use or installation and, if so, the name, address and job
22 classification of each person who currently has possession of such records.
23 J. Either (1) attach all DOCUMENTS evidencing the information sought in this
24 Interrogatory and its subparts to your answers to these Interrogatories, or (2) attach
25 disks containing such data, or (3) describe such DOCUMENTS with sufficient
26 particularity that they may be made the subject of a request for production of
27 documents.

28 Response to Interrogatory No. 31:

1 Defendant incorporates herein the above Preface. Without waiving any objections, based
2 on current investigation regarding automotive refinish products from 1952 to 1984, and
3 responding as to all of DuPont:

- 4 A. DuPont's investigation to date indicates that its automotive refinish products did
5 not contain asbestos as an ingredient. Available documents (DUP 0903179-
6 0903180 and DUP 0903196) indicate, however, that in April 1973, when
7 sanded, the primer product known as 65-Line Preparakote released dust which
8 may have contained a trace amount of asbestos fiber present as a naturally
9 occurring contaminant of the talc contained in the product. DuPont has not
10 located any information that its Preparakote primer product released asbestos
11 fiber at any other time in its existence, or in any other formulation. Discovery is
12 continuing.
- 13 B. The Preparakote line was first marketed in 1938. DuPont currently has no
14 information regarding when 65-Line Preparakote was first marketed. Discovery
15 is continuing.
- 16 C. DuPont currently has no information regarding the formulation of the 65-Line
17 Preparakote that was tested in April 1973, the results of which are described in
18 the documents referenced in subpart A above. Preparakote primers continued to
19 be manufactured throughout the time period at issue. Discovery is continuing.
- 20 D. With respect to the Preparakote product tested and referenced in subpart A,
21 above, DuPont currently has not located any information of the type requested by
22 this subpart D, other than the information that is provided by the referenced
23 documents. The Preparakote line was generally a synthetic type line of primer-
24 surfacers. Discovery is continuing.
- 25 E. Preparakote was generally a synthetic type line of primer-surfacer available in
26 quart and gallon cans bearing the DuPont name and trademark. 65-Line
27 Preparakote may also have been sold in dip tanks. For at least some portion of
28 the time, and for at least some Preparakote products, the product was red

1 oxide/rust-colored. DuPont does not currently have information as to whether
2 this was true regarding 65-Line Preparakote, and whether this was true during the
3 entire relevant period. DuPont currently has no other information regarding the
4 physical appearance of this product during the relevant time period. Discovery is
5 continuing.

6 F. The Preparakote line was generally a synthetic type line of primer-surfacer for
7 use under Lucite and Dulux finishes, for finishing and refinishing automobiles
8 and commercial vehicles. DuPont has not been able to locate information
9 regarding temperature limits for this line. Discovery is continuing.

10 G. To DuPont's knowledge, 65-Line Preparakote was not on the U.S. Government's
11 "Qualified Products List."

12 H. DuPont did not purchase RAW ASBESTOS for use in 65-Line Preparakote, and
13 therefore this interrogatory is not applicable.

14 I. DuPont does not have information responsive to this interrogatory regarding 65-
15 Line Preparakote during 1973 or during the relevant time period. DuPont does
16 not have information responsive to this interrogatory regarding the Preparakote
17 line generally during the relevant time period. 65-Line Preparakote was
18 presumably sold, shipped, or otherwise distributed as part of DuPont's
19 automotive refinishing products to various distributors, but DuPont does not have
20 any sales records from the relevant time period.

21 J. Documents regarding 65-Line Preparakote have been produced as part of
22 DuPont's corporate collection of documents as DUP 0903179-0903180 (4/4/73
23 memo from Thomas Nelson to E.E. Swain, Jr.) and DUP 0903196 (memo from
24 E.E. Swain to J.A. Zapp, Jr.). Discovery is continuing.

25 ///

26 ///

27 ///

28 ///

1
2 Dated: August 6, 2010

3 GLYNN & FINLEY, LLP
4 ANDREW T. MORTL
5 RUTA PASKEVICIUS
6 JON ELDREDGE
7 One Walnut Creek Center
8 100 Pringle Avenue, Suite 500
9 Walnut Creek, CA 94596

10
11 By Ruta Paskevicius
12 Attorneys for defendant
13 E. I. du Pont de Nemours and Company
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Attorneys for defendant
E. I. du Pont de Nemours and Company

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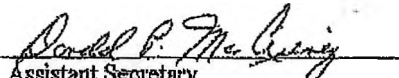
STATE OF DELAWARE)
) SS:
COUNTY OF NEW CASTLE)

- (1) I am Assistant Secretary of E. I. du Pont de Nemours and Company, a corporation,
- (2) I am authorized to execute this verification on behalf of E. I. du Pont de Nemours and Company,
- (3) that the facts stated in the foregoing Defendant E. I. du Pont de Nemours and Company's Supplemental Responses to Standard Interrogatories Pursuant to General Order 129 have been assembled by authorized employees and the attorneys of E. I. du Pont de Nemours and Company,

- (4) that certain of the matters stated therein are not of my personal knowledge, and
(5) that I am informed and verify that the facts stated therein are true and correct to the best of my information and belief.

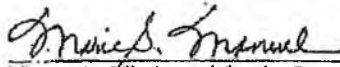
I declare under penalty of perjury that the foregoing is true and correct.

E. I. DU PONT DE NEMOURS AND COMPANY


Assistant Secretary

Sworn and subscribed to before me

this 6th day of August, 2010.


Notary Public in and for the State of Delaware

MARIE S. MANUEL
NOTARY PUBLIC
STATE OF DELAWARE
My commission expires Feb. 7, 2012

Docket No. 828684
PROOF OF SERVICE BY ELECTRONIC TRANSMISSION

I, Beverly Carter, the undersigned, declare:

1. I am, and was at the time of service of the documents herein referred to, over the age of 18 years, and not a party to the action;

2. I am employed in the County of Contra Costa, California;

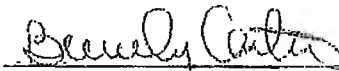
3. My business address is One Walnut Creek Center, 100 Pringle Avenue, Suite 500, Walnut Creek, CA 94596.

4. On the date executed below, I electronically served the document via LexisNexis File & Serve described as:

E.I. DU PONT DE NEMOURS AND COMPANY'S
SUPPLEMENTAL RESPONSES TO STANDARD
INTERROGATORIES PURSUANT TO GENERAL ORDER 129

on the recipients designated on the Transaction Receipt located on the LexisNexis File & Serve website.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed on this 6th day of August, 2010 at Walnut Creek, California.


Beverly Carter

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EXHIBIT "MM"



E. I. DU PONT DE NEMOURS & COMPANY

FABRICS & FINISHES DEPARTMENT

CC: R. S. Diem, Mar. Lab.

Marshall R & D Laboratory
April 4, 1973

E. E. SWAIN, JR.
B-2373
WILMINGTON

65-LINE PREPARAKOT®
SANDING DUST

Attached is a summary of the experiments I performed to determine the amount of airborne asbestos in sanding dust from 65-Line Preparakot®.

The level, in general, is within 1976 OSHA standards for asbestos (2 fibers longer than 5 microns - time weighted average). Unanswered still are:

- * The amount of encapsulated asbestos in the respirable dust
- * The effect of the encapsulated asbestos on the lung tissue.

I do not know how to determine the amount encapsulated - one guess - would put the maximum as the proportion of talc and asbestos in the paint solids. However, the amount is going to be less than that since we do not count fibers less than 5 microns in length and a significant part of the respirable dust would be less than 5 microns in diameter.

If we can be of further help, please contact me.

TJN:ip
4/4/73
ATTACH.

PROCESS CHEMISTRY SECTION
MANUFACTURING SUPPORT GROUP

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DUP OC-455

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SUMMARY SANDING SAMPLES

#1 - Taken at refinish training center while operator sanding fender.

Asbestos - 2.3 fibers/ml* (7 fibers/100 fields)

#2 - Taken while sanding panels laying flat on bench top. Filter was 6 inches to the side and 2 inches up from bench. 80% of dust particles flowed below filter.

Asbestos - 1.6 fibers/ml. (2 fibers/50 fields)

#3 - Taken while sanding on bench top. Filter 3-4 inches above sander.

Asbestos - 3.2 fibers/ml* (3 fibers/50 fields)

*NOTE: 1976 OSHA limit is 2 fibers/ml., in sample #1 - 6 hours sanding at this level would meet the 2 fiber limit and #3 - 5 hours. Sample #3 was probably higher in dust than operator would receive since the sample was close to source. In both cases - sanding for longer than 5 hours would be unlikely in a refinish shop.

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