

FILE NAME: Calaveras (CALV)

DATE: 1998

DOC#: CALV018

DOCUMENT DESCRIPTION: Legal – Further Answers of Defendant to
Standard Interrogatories

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BRAYTON HARLEY CURTIS
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PLAINTIFF'S EXHIBIT

CAL-1

9 SUPERIOR COURT OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SAN FRANCISCO

11 In re: Complex Asbestos Litigation)

No. 828684

12) FURTHER ANSWERS OF
13) DEFENDANT CALAVERAS
14) ASBESTOS, LTD. TO STANDARD
15) INTERROGATORIES
16) (GENERAL ORDER 129)

17 COMES NOW, defendant Calaveras Asbestos, Ltd. ("CALAVERAS") and
18 responds further to plaintiffs' Standard Interrogatories to Defendants (General Order 129),
19 and without waiving any of it's rights and objections, states as follows:

20 RESPONSE TO INTERROGATORY NO. 1 :

21 Daryl Larsen =

22 RESPONSE TO INTERROGATORY NO. 2 :

23 Daryl Larsen 11/10/75 - 1988.

24 a) Controllor

25 RESPONSE TO INTERROGATORY NO. 3 :

26 N/A.

27 RESPONSE TO INTERROGATORY NO. 4 :

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1 No.

2 **RESPONSE TO INTERROGATORY NO. 5 :**

3 N/A.

4 **RESPONSE TO INTERROGATORY NO. 6 :**

5 Limited partnership

6 **RESPONSE TO INTERROGATORY NO. 7 :**

7 Gordon Coats

8 Wilbur Ellis Corporation

9 Calaveras Natural Resources Inc.

10 **RESPONSE TO INTERROGATORY NO. 8 :**

11 All existing records and documents, are located at Calaveras Asbestos Mines, P.O.
12 Box 127, Copperopolis, CA, 95228. The custodian of records for CALAVERAS is Daryl
13 Larsen, Box 127, Copperopolis, CA 95228. Arrangements to review any such existing
14 documents should be made by contacting Douglas G. Wah, counsel for CALAVERAS.

15 **RESPONSE TO INTERROGATORY NO. 9 :**

16 See CALAVERAS' RESPONSE TO INTERROGATORY NO. 8

17 **RESPONSE TO INTERROGATORY NO. 10 :**

18 N/A. CALAVERAS did not "acquire" either "RAW ASBESTOS and/or ASBESTOS
19 CONTAINING PRODUCTS", as the word "acquire" is commonly used. CALAVERAS
20 owned, operated, and maintained an asbestos mine and only supplied other entities with raw
21 asbestos fibers.

22 **RESPONSE TO INTERROGATORY NO. 11 :**

23 N/A. CALAVERAS owned, operated, and maintained an asbestos mine and only
24 supplied other entities with raw asbestos fibers. CALAVERAS did not market ASBESTOS
25 CONTAINING PRODUCTS.

26 **RESPONSE TO INTERROGATORY NO. 12 :**

27 N/A

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1 **RESPONSE TO INTERROGATORY NO. 13 :**

2 CALAVERAS was a member of the Asbestos Information Association (AIA).

3 CALAVERAS was not a member of any of the other listed organizations. (V.)

4 CALAVERAS was a member of The California Mining Association. (W). CALAVERAS did
5 not sponsor a representative member at any of the listed organizations.

6 **RESPONSE TO INTERROGATORY NO. 14 :**

7 A. CALAVERAS was a member of the AIA between 1976 and 12/31/87.

8 B. None.

9 C. None.

10 A. CALAVERAS was a member of the California Mining Association between
11 1975 and 1987.

12 B. None

13 C. None

14 **RESPONSE TO INTERROGATORY NO. 15 :**

15 No. CALAVERAS was not formed until 1975.

16 **RESPONSE TO INTERROGATORY NO. 16 :**

17 No. CALAVERAS was not formed until 1975.

18 **RESPONSE TO INTERROGATORY NO. 17 :**

19 No. CALAVERAS was not formed until 1975.

20 **RESPONSE TO INTERROGATORY NO. 18 :**

21 No. CALAVERAS was not formed until 1975.

22 **RESPONSE TO INTERROGATORY NO. 19 :**

23 Yes. CALAVERAS communicated with various companies including Johns-
24 Mansville, as well as various Federal, State and local agencies regarding the results of tests
25 and studies relating to the possible physiological reaction(s) to asbestos exposure.
26 CALAVERAS is unable to recall each company or individual with whom such
27 communication occurred, nor the specific dates of such communications. The custodian of
28

1 any records for CALAVERAS which are responsive to this interrogatory is Daryl Larsen,
2 Box 127, Copperopolis, CA 95228. Arrangements to review any such existing documents
3 should be made by contacting Douglas G. Wah, counsel for CALAVERAS.

4 **RESPONSE TO INTERROGATORY NO. 20 :**

5 No.

6 **RESPONSE TO INTERROGATORY NO. 21 :**

7 N/A. CALAVERAS owned, operated, and maintained an asbestos mine and only
8 supplied other entities with raw asbestos fibers. CALAVERAS did not manufacture, process
9 or assemble ASBESTOS CONTAINING PRODUCTS.

10 **RESPONSE TO INTERROGATORY NO. 22 :**

11 N/A. CALAVERAS owned, operated, and maintained an asbestos mine and only
12 supplied other entities with raw asbestos fibers. CALAVERAS did not manufacture, process
13 or assemble ASBESTOS CONTAINING PRODUCTS which were installed, utilized or
14 removed.

15 **RESPONSE TO INTERROGATORY NO. 23 :**

16 No.

17 **RESPONSE TO INTERROGATORY NO. 24 :**

18 Yes.

19 a) Yes

20 b) Mandatory

21 c) Unknown at this time. Discovery is still continuing.

22 d) The custodian of any records for CALAVERAS which are responsive to this
23 interrogatory is Daryl Larsen, Box 127, Copperopolis, CA 95228. Arrangements to review
24 any such existing documents should be made by contacting Douglas G. Wah, counsel for
25 CALAVERAS.

26 **RESPONSE TO INTERROGATORY NO. 25 :**

27 No. CALAVERAS was not formed until 1975.
28

1 **RESPONSE TO INTERROGATORY NO. 26 :**

2 The effective dates, amounts and periods of coverage for each of the following
3 policies are as follows:

4	<u>Policy No.:</u>	<u>Company:</u>	<u>Effective Dates:</u>	<u>Coverage:</u>	<u>Limits:</u>
5	5578-89-06	Truck Ins. Exch.	12/1/75 to 12/1/76	Primary	\$ 100,000
	5271-3563	Mid-Century	12/1/75-12/1/76	Excess	100,000
6	1155-9097	Truck Ins. Exch.	12/1/76 to 12/1/82	Primary	400,000
	271-00-14	Mid-Century Ins.	12/76 to 12/76	Excess	400,000
7	5420-08-75	Truck Ins.	12/1/75 to 12/1/76	Umbrella	5,000,000
	1155-90-98	Truck Ins.	12/1/76 to 12/10/80	Umbrella	5,000,000
8	M866522	Mission Insurance	12/1/80 to 12/1/81	Umbrella	10,000,000

9 **RESPONSE TO INTERROGATORY NO. 27 :**

10 No.

11 **RESPONSE TO INTERROGATORY NO. 28 :**

12 a) 1/76 - 12/87

13 b) 1/76 - 12/87

14 c) 1/76 - 12/87

15 d) N/A

16 e) M/A

17 f) 1/76 - 12/87

18 g) N/A

19 h) 11/75 - 12/87

20 i) N/A

21 **RESPONSE TO INTERROGATORY NO. 29 :**

22 a) Calaveras Asbestos Ltd.

23 b) In December 1975 an amount of raw asbestos fiber was exported on a test basis.

24 The first domestic sale of raw asbestos fiber by CALAVERAS occurred in March, 1976.

25 c) December, 1987

26 d) The grades of raw asbestos fibers , before 1980 were: 4t, 5r, 5k, 6r, 6d, 7d, 7m,

27 and 7r. After 1980, only the following grades were mined by CALAVERAS; 4t, 5r and 6d.

28

1 Please see the Material Safety Data Sheet attached hereto as "Exhibit A".

2 e) Please see the Material Safety Data Sheet attached hereto as "Exhibit A" and the
3 reproduction of a CALAVERAS package/container attached hereto as "Exhibit B".

4 f) Calaveras Asbestos products were intended for asbestos cement products.

5 g) No

6 h) The custodian of any records for CALAVERAS which are responsive to this
7 interrogatory is Daryl Larsen, Box 127, Copperopolis, CA 95228. Arrangements to review
8 any such existing documents should be made by contacting Douglas G. Wah, counsel for
9 CALAVERAS.

10 i) The custodian of any records for CALAVERAS which are responsive to this
11 interrogatory is Daryl Larsen, Box 127, Copperopolis, CA 95228. Arrangements to review
12 any such existing documents should be made by contacting Douglas G. Wah, counsel for
13 CALAVERAS.

14 **RESPONSE TO INTERROGATORY NO. 30 :**

15 No. CALAVERAS owned, operated, and maintained an asbestos mine and only
16 supplied other entities with raw asbestos fibers. CALAVERAS did not manufacture, process
17 or assemble ASBESTOS CONTAINING PRODUCTS.

18 **RESPONSE TO INTERROGATORY NO. 31 :**

19 N/A.

20 **RESPONSE TO INTERROGATORY NO. 32 :**

21 N/A.

22 **RESPONSE TO INTERROGATORY NO. 33 :**

23 N/A.

24 **RESPONSE TO INTERROGATORY NO. 34 :**

25 No.

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27 **RESPONSE TO INTERROGATORY NO. 35 :**

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1 No. CALAVERAS owned, operated, and maintained an asbestos mine and only
2 supplied other entities with raw asbestos fibers. CALAVERAS did not manufacture, process
3 or assemble ASBESTOS CONTAINING PRODUCTS.

4 **RESPONSE TO INTERROGATORY NO. 36 :**

5 No. CALAVERAS owned, operated, and maintained an asbestos mine and only
6 supplied other entities with raw asbestos fibers. CALAVERAS did not manufacture, process
7 or assemble ASBESTOS CONTAINING PRODUCTS.

8 **RESPONSE TO INTERROGATORY NO. 37 :**

9 Yes.

10 a) Please see "Exhibits C1 & C2", reproductions of the warnings which were
11 printed and placed on each package or container of CALAVERAS raw asbestos fiber which
12 left the facility.

13 b) No.

14 c) 1976 - 1987

15 d) All changes, if any, were made promptly at OSHA requests. The dates of such
16 changes are unknown at this time.

17 e) Gordon Coats

18 **RESPONSE TO INTERROGATORY NO. 38 :**

19 No. CALAVERAS owned, operated, and maintained an asbestos mine and only
20 supplied other entities with raw asbestos fibers. CALAVERAS did not manufacture, process
21 or assemble ASBESTOS CONTAINING PRODUCTS.

22 **RESPONSE TO INTERROGATORY NO. 39 :**

23 No.

24 **RESPONSE TO INTERROGATORY NO. 40 :**

25 No.

26 **RESPONSE TO INTERROGATORY NO. 41 :**

27 None.

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1 **RESPONSE TO INTERROGATORY NO. 42 :**

2 **No.**

3 **RESPONSE TO INTERROGATORY NO. 43 :**

4 **N/A.**

5 **RESPONSE TO INTERROGATORY NO. 44 :**

6 Various members of CALAVERAS were aware of an association between asbestos
7 exposure and disease in human beings in varying degrees. CALAVERAS did not come into
8 existence as an entity until 1975, by which date the dangers involved in working with and/or
9 around asbestos were common knowledge.

10 **RESPONSE TO INTERROGATORY NO. 45 :**

11 By 1975, when CALAVERAS came into existence, the dangers associated with
12 working with and/or around asbestos were commonly known to the community at large,
13 including CALAVERAS. Various members of CALAVERAS became aware of an
14 association between asbestos exposure and disease in human beings prior to the formation of
15 CALAVERAS, through varying means, including, but not limited to news media, television
16 and radio reports, newspapers, correspondence and communication with various
17 manufacturers, Federal, State and local agencies and publications, and scientific and trade
18 association publications. These news reports, etc., were not documents maintained by
19 CALAVERAS, having pre-dated the formation of the corporation, and therefore cannot be
20 produced.

21 **RESPONSE TO INTERROGATORY NO. 46 :**

22 Because CALAVERAS was aware of the association between asbestos exposure and
23 disease in human beings at the time it came into existence in 1975, there are no
24 DOCUMENTS which are responsive to this Interrogatory, which assumes acquisition of this
25 knowledge at some specific point in time.

26
27 **RESPONSE TO INTERROGATORY NO. 47 :**

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1 a) CALAVERAS did not exist until 1975. In 1976, CALAVERAS advised its
2 employees, both in writing, and orally of the alleged danger of asbestos exposure, which by
3 then were well known. All new employees were given a 40 hour safety training program
4 regarding the potential dangers associated with working with and around asbestos. Some of
5 the training materials, consisting mainly of videotapes, are still in existence. Copies of such
6 materials, or arrangements to view the videotaped training materials, will be provided upon
7 written request to Douglas G. Wah, counsel for CALAVERAS.

8 b) The employee safety training program included lectures and videotapes as well as
9 some written materials. Copies of the materials still existing are located at the offices of
10 Adams Nye Simon Walker LLP, and may be reviewed on reasonable written notice.

11 c) The custodian of records for CALAVERAS is Daryl Larsen, Box 127,
12 Copperopolis, CA 95228. Arrangements to review any documents should be made by
13 contacting Douglas G. Wah, counsel for CALAVERAS.

14 d) The 'content of the warning' was a 40 hour training program, mandatory for all
15 employees prior to being allowed to work for CALAVERAS. The only remaining
16 DOCUMENTS, as that term is herein defined, which contain the 'content of the warning' are
17 contained in various videotapes and certain health and safety articles. An opportunity to
18 view these tapes, and articles related to subjects such as 'bronchitis', 'smoking', etc., will be
19 provided upon written request to Douglas G. Wah, counsel for CALAVERAS.

20 **RESPONSE TO INTERROGATORY NO. 48 :**

21 No.

22 **RESPONSE TO INTERROGATORY NO. 49 :**

23 Yes.

24 **RESPONSE TO INTERROGATORY NO. 50 :**

25 Yes. See "Exhibit D".

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27 **RESPONSE TO INTERROGATORY NO. 51 :**

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RESPONSE TO INTERROGATORY NO. 52 :

N/A.

RESPONSE TO INTERROGATORY NO. 53 :

Yes. Documents responsive to this Interrogatory are available at the offices of Adams Nye Simons Walker LLP, and will be made available for review and/or copying upon reasonable written notice to Douglas G. Wah, Esq., counsel for CALAVERAS.

7/27/98

ADAMS • NYE • SINUNU • WALKER

By: Douglas Garth Wah
Attorneys for Defendant
Calaveras Asbestos, Ltd.

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VERIFICATION

I, DARYL LARSEN, declare:

I am the former Controller of Calaveras Asbestos, Ltd., the defendant in the above-entitled action. The foregoing **FURTHER ANSWERS TO GENERAL ORDER 129 INTERROGATORIES FOR CALAVERAS ASBESTOS LTD.**, are true of my knowledge, except as to those matters which are therein stated on my information and belief and, as to those matters, I believe them to be true.

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

Executed on this 29th day of July, 1998 in the State of California and the County of Tuolumne.


DARYL LARSEN

Calaveras County
Our File No. CAL-001

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PROOF OF SERVICE BY HAND DELIVERY

I, ERIN GIBBONS, the undersigned, say:

I am now and at all times herein mentioned have been over the age of 18 years, a resident of and employed in San Francisco County, California, and not a party to the within action or cause; that my business address is 633 Battery Street, Fifth Floor, San Francisco, California 94111. I served copies of the attached document(s):

**FURTHER AMENDED ANSWERS TO DEFENDANT CALAVERAS ASBESTOS, LTD
TO STANDARD INTERROGATORIES (GENERAL ORDER 1209)**

by causing them to be hand delivered to the following address on July 10, 1998:

**FRANCINE S. CURTIS, ESQ.
BRAYTON HARLEY CURTIS
222 RUSH LANDING ROAD
NOVATO, CALIFORNIA 94948**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on July 9, 1998.



ERIN GIBBONS

Court Action No: 828684
Case Name: In Re: Complex Asbestos Litigation
OUR FILE NO. CAL-801 (CALAVERAS ASBESTOS LTD.)

7/28 This is wrong
Spoke to Erin
She is sending corrected
one & hand delivered 7/27
Jie