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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

JEAN LACY, Individually and as Successor-In-Interest to ARTHUR LACY; MELODY JONES, Plaintiffs, vs. ALBAY CONSTRUCTION CO.; et al., Defendants.	Case No. RG15764231

DEPOSITION OF DONALD TRUEBLOOD

DATE: May 27, 2016 (Friday)

TIME: 10:16 a.m.

LOCATION: 180 Grand Avenue
Oakland, CA 94612

REPORTER: RENEE FLEMING, CSR
Certified Shorthand Reporter #13847

I N D E X

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A P P E A R A N C E S

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E X H I B I T S

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Exhibit 9 Metalclad's annual (1998) supplemental responses to general order 129 interrogatories.....74

Exhibit A Objections to plaintiffs' notice of taking deposition of and request for production of documents.....(premarked)

MR. JACKSON: Before the court reporter administers the oath, let's just identify what we've premarked at this point and we'll put a couple stipulations on the record.

So plaintiff's Exhibit 1 is notice of taking deposition and request for production of documents on Metalclad Insulation LLC in the Lacy case.

Plaintiff's Exhibit 2 is a cover letter dated May 2nd, 2016, to all counsel in the Lacy case confirming the date, time, and location of the deposition today.

Exhibit 3 is a declaration of Donald Trueblood from another matter, the Keith Turley lawsuit. That declaration is dated May 2nd, 2016.

(Whereupon, Plaintiff's Exhibits 1-3 were marked for identification.)

MR. JACKSON: And defense Exhibit A are Metalclad's objections to plaintiffs' notice of taking deposition and request for production of documents.

(Whereupon, Defendant's Exhibit A was marked for identification.)

MR. JACKSON: And there are some other things that we haven't yet marked that we'll identify as we go forward. I'll stipulate an objection by any defense counsel participating in the deposition today either in

person or on the phone may be deemed joined by all defense counsel, same with any motions to strike or reservations of rights. If anyone doesn't want to enter in that stipulation, they can either state so now or they can opt out of the objection at the time it's made. Okay. Hearing nothing.

Mr. Trueblood, we will now have the court reporter administer the oath.

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DONALD TRUEBLOOD,

having been sworn by the Certified Shorthand Reporter, Renee Fleming, to tell the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION BY J. BRUCE JACKSON, ESQ.

Q. Once again, good morning, Mr. Trueblood. You understand that you've just been placed under oath to give a deposition of lawsuit filed by the heirs of the decedent, Mr. Arthur Lacy?

A. Yes, I do.

Q. And you understand that you're here today to testify as a corporate representative of Metalclad Insulation LLC, formerly known as Metalclad Insulation Corporation?

A. Yes.

Q. And do you understand that capacity your testimony may be deemed not just admissions as to you personally but as to the defendant, Metalclad Insulation LLC?

MR. BERFIELD: Objection; legal conclusion.

THE WITNESS: Yes.

BY MR. JACKSON:

Q. I deposed you not too long ago, May 11th, 2016, in the Keith Turley matter. Do you recall that

THE WITNESS: I believe that that's incorrect. I think Mr. Meyer was incorrect -- inaccurate in his statement because of two things -- two items there.

BY MR. JACKSON:

Q. Okay. What's -- what are the items that you

believe to be incorrect?

A. Well, first off, the acquisition we believe was an acquisition of the assets with Metalclad Insulation Company. And secondly, the acquisition was not by Metalclad Insulation Corporation at that time; it was Sweetser Enterprises. That's kind of splitting hairs because a month later Sweetser Enterprises name changed to Metalclad Insulation Corporation.

Q. Alright. So if I understand that, Metalclad was started by Leland Sweetser and at the time he started his company in '67 it's was Sweetser Enterprises?

A. In September of '67.

Q. And he shortly thereafter changed the name to Metalclad Insulation Corporation?

A. In October '67.

Q. Okay. So at the time Metalclad Insulation Company was acquired by Metalclad, Metalclad was actually known as Sweetser Enterprises?

A. At the time the assets were purchased it was -- it was known as Sweet -- Metalclad Insulation Corporation was known as Sweetser Enterprises.

Q. Got it. Okay. It indicates this was done pursuant to a sales agreement -- and by it I should say interrogatory responses that we marked as Exhibit 4 of Metalclad, indicate that it was acquired Metalclad

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Insulation Company by sales agreement dated October 26, 1967. Do you --

A. August 26th?

Q. I'm sorry. Can I not even read what I'm -- by sales agreement dated August 26, 1967. Do you see what I'm referring to from the interrogatory?

A. Yes.

Q. Do you know if Metalclad has a copy of the August 26, 1967, sales agreement between Metalclad Insulation Company or Sweetser Enterprise?

A. To my knowledge we do not.

Q. Okay. Aside from the sales agreement itself, do you know if Metalclad has any other documentation that specifically references the acquisition of Metalclad Insulation Company by Sweetser Enterprises?

A. We do not.

Q. And do you know if Metalclad has any kind of documentation, for example, of correspondence between either Sweetser Enterprises, Mr. Sweetser or Metalclad Insulation Corporation with Metalclad Insulation Company?

A. There may be something like that, yes.

Q. Okay.

MR. BERFIELD: So I'll object. Move to strike based on speculation. Bruce, can I ask you a quick

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question?

MR. JACKSON: Yeah. Off the record?

MR. BERFIELD: Yes.

(off-the-record discussion was held.)

BY MR. JACKSON:

Q. At the time that Metalclad Insulation Company was acquired, and I don't need to go into any further details on the manner of acquisition but just the time period of 1967, Metalclad Insulation Corporation, or formerly known as Sweetser Enterprises, was that -- was the president of that -- of the business at that time Leland Sweetser?

A. Sweetser, yes.

Q. Sweetser. Is it --

A. S-W-E-E-T-S-E-R.

Q. Alright. Do you know how long Mr. Sweetser was president of Metalclad once it became Metalclad Insulation Corporation?

A. 15 years or so.

Q. Okay. So long enough that you knew him?

A. Oh, yes.

Q. Okay. Do you know if Mr. Sweetser has ever given a deposition in an asbestos case?

A. I don't believe he has.

Q. Okay. And --

A. And he is deceased.

Q. I knew that much. Do you know how long -- whether -- did he hold the president position with Metalclad up until the time he retired from the company?

A. I'm going to say -- my understanding is yes.

Q. And do you know when he retired from Metalclad, approximately?

BY MR. DUMONT:

Q. Okay. Do you see any indication on pages 26 or 27 of the deposition notice that Mr. Lacy was at Union Oil in 1983 or thereafter?

MR. BERFIELD: Objection; assumes facts. Document speaks for itself.

THE WITNESS: There are two references on page 27 to Unical, Rodeo. The first one is Bechtel Corporation -- or Bechtel Construction, September '84 through 1985. The second one is Rosendahl Industrial Maintenance in August of '87. Anything else?

BY MR. DUMONT:

Q. Do any of the records that you produced today for your deposition reflect any work that Metalclad did at those jobs as far as you can tell?

MR. BERFIELD: Objection; overbroad. Vague and ambiguous.

THE WITNESS: We did work at Unical, Rodeo, in or around June of 1987 and also November -- November of '86; so no for the Bechtel entry on the Exhibit A, but it would fall within the timeframe of the job site for the Rosendahl Industrial Maintenance project or employer.

MR. DUMONT: Okay. Thank you. That's all I have.

MR. JACKSON: Anyone else? Going once, going twice. Mr. Trueblood, thank you again for your time. That's concludes your deposition.

(Whereupon, the deposition of DONALD TRUEBLOOD concluded at 12:37 p.m.)

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STATE OF CALIFORNIA)
) ss
COUNTY OF SAN JOAQUIN)

The witness, DONALD TRUEBLOOD, in the foregoing deposition appeared before me, Renee Fleming, a Certified Shorthand Reporter in and for the State of California.

Said witness was then and there at the time and place previously stated, by me placed under oath to tell the truth, the whole truth and nothing but the truth in the testimony given on the date of the within deposition.

The testimony of the witness and all questions and remarks requested by Counsel and reported thereafter, under my direction and control, caused to be transcribed into typewritten form by means of Computer-Aided Transcription.

I am a Certified Shorthand Reporter licensed by the State of California. I further certify that I am not of counsel or attorney for either or any of the parties to the case named in the within caption, and that I am not related to any party thereto.

IN WITNESS WHEREOF, I have hereunto affixed my signature this ____ day of _____ 2016.

_____
Renee Fleming, CSR
Certified Shorthand Reporter #13847