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PLAINTIFF'S EXHIBIT

CAL-6

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

In re: Complex Asbestos Litigation

No. 828684

AMENDED ANSWER OF
DEFENDANT CALAVERAS
ASBESTOS, LTD. TO STANDARD
INTERROGATORIES
(GENERAL ORDER 129)

COMES NOW, defendant Calaveras Asbestos, Ltd. ("CALAVERAS") and in
response to plaintiffs' Standard Interrogatories to Defendants (General Order 129), and
without waiving any of its rights and objections, states as follows:

RESPONSE TO INTERROGATORY NO. 1 :

Daryl Larsen.

RESPONSE TO INTERROGATORY NO. 2 :

Daryl Larsen, 11/10/75 - 1988.

(a) Controller

RESPONSE TO INTERROGATORY NO. 3 :

N/A.

RESPONSE TO INTERROGATORY NO. 4 :

No.

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

2 N/A.

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

4 Limited partnership.

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

6 Gordon Coats, c/o Adams • Nye • Siminu • Walker, 633 Battery St., Fifth Floor, San
7 Francisco, CA 94111.

8 Wilbur Ellis Corporation, at the address known to counsel for Plaintiffs.

9 Calaveras Natural Resources Inc., 10670 Campo Seco Road, Jamestown, California
10 95327.

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

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

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

17 See CALAVERAS' RESPONSE TO INTERROGATORY NO. 8, incorporated
18 herein as though fully set forth herein.

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

20 CALAVERAS owned, operated, and maintained an asbestos mine from 1975 to 1987.
21 CALAVERAS mined, packaged, and sold RAW ASBESTOS. CALAVERAS did not handle
22 or contract to handle any amount of ASBESTOS-CONTAINING PRODUCT(s) as that term
23 is defined for purposes of this set of Interrogatories. Accordingly, the response to this
24 interrogatory is limited to information relating to CALAVERAS's handling of RAW
25 ASBESTOS:

26 (a) The person most knowledgeable about CALAVERAS's only "acquisition" of
27 RAW ASBESTOS, which was through mining that material, is Daryl Larsen, who
28 can be contacted by request to Douglas G. Wah, at the address above.

1 (b) CALAVERAS owned, operated, and maintained an asbestos mine;
2 Accordingly, even limiting the scope of this interrogatory to RAW ASBESTOS,
3 CALAVERAS responds at no time did it ever "use" RAW ASBESTOS in any sense
4 of that word, except as the substance was "used" in the process of mining and
5 packaging the RAW ASBESTOS.

6 (c) CALAVERAS hired employees to mine RAW ASBESTOS, and to package
7 and prepare the RAW ASBESTOS for sale. If that activity is within the definition of
8 contracting with others to use or handle RAW ASBESTOS, then the person most
9 knowledgeable about CALAVERAS's contracting with others to do work involving
10 use or handling of RAW ASBESTOS is Daryl Larsen, who can be contacted by
11 request to Douglas G. Wah, at the address above.

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

13 CALAVERAS owned, operated, and maintained an asbestos mine from 1975 to 1987.
14 CALAVERAS mined, packaged, and sold RAW ASBESTOS. CALAVERAS did not handle
15 or contract to handle any amount of ASBESTOS-CONTAINING PRODUCT(s) as that term
16 is defined for purposes of this set of Interrogatories, and specifically was not involved in the
17 MARKETING of ASBESTOS-CONTAINING PRODUCTS. Accordingly, CALAVERAS's
18 response to this interrogatory is limited to identifying the medical director employed at its
19 mine for the health and safety of its employees. Robert Hoylman was employed as the
20 director of Health and Safety from the beginning of CALAVERAS's operations until
21 approximately 1980 or 1981. Thereafter, until CALAVERAS ceased mining operations, the
22 director of Health and Safety was Joey Toney. Mr. Hoylman's current address and phone
23 number are currently unknown to CALAVERAS. Mr. Toney's current address is P.O. Box
24 127, Copperopolis, CA, 95228.

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

26 Yes.

27 See Exhibit "E", attached hereto and incorporated herein, which sets forth the
28 information responsive to this interrogatory.

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

2 CALAVERAS owned, operated, and maintained an asbestos mine from 1975 to 1987.
3 CALAVERAS mined, packaged, and sold RAW ASBESTOS. CALAVERAS did not handle
4 or contract to handle any amount of ASBESTOS-CONTAINING PRODUCT(s) as that term
5 is defined for purposes of this set of Interrogatories, and specifically was not involved in the
6 MARKETING of ASBESTOS-CONTAINING PRODUCTS. CALAVERAS was a member
7 of the Asbestos Information Association/North America at some point within the time frame
8 defined by the Interrogatories.

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

10 N/A.

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

12 No. CALAVERAS was not formed until 1975.

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

14 No. CALAVERAS was not formed until 1975.

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

16 No. CALAVERAS was not formed until 1975.

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

18 No. CALAVERAS was not formed until 1975.

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

20 Calaveras is aware that Gordon Coats obtained information regarding these subjects
21 from various sources including Johns-Manville, as well as various Federal, State and local
22 agencies.

23 (a) CALAVERAS is unable to recall each company or individual with whom such
24 communication occurred, nor the specific dates of such communications.

25 CALAVERAS is aware that Gordon Coats obtained information from Cal-OSHA, the
26 Environmental Protection Agency, the Department of Interior Bureau of Mines, and
27 from Johns-Manville Corporation. He met with an individual employed by Johns-
28 Manville named Noel Hendry.

1 (b) Information regarding the results of tests and/or studies relating to asbestos
2 exposure in the workplace or the human health consequences of exposure to asbestos
3 was obtained from approximately July or August 1975 until October 1975. After
4 October 1975, CALAVERAS was periodically made aware of revisions to regulatory
5 requirements pertaining to the handling and processing of asbestos.

6 (c) The custodian of records of any DOCUMENTS reflecting any obtaining of
7 information by CALAVERAS as to the subjects of this Interrogatory, if any exist, is
8 Daryl Larsen, who can be reached by contacting Douglas G. Wah, at the address
9 above. Arrangements to review any such existing documents should be made by
10 contacting Douglas G. Wah, counsel for CALAVERAS.

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

12 No.

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

14 No.

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

16 No.

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

18 No.

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

20 Yes.

21 (a) Yes.

22 (b) Mandatory.

23 (c) CALAVERAS states on information and belief that such documents exist.

24 (d) The custodian of any records for CALAVERAS which are responsive to this
25 interrogatory, if any exist, is Daryl Larsen. Arrangements to review any such
26 existing documents should be made by contacting Douglas G. Wah, counsel for
27 CALAVERAS.

28 ////

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

2 No. CALAVERAS was not formed until 1975.

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

4 Yes. 1. Truck Insurance Exchange, Policy # 11559097, \$100,000.00 ;
5 2. Mid-Century Insurance Co., Policy # 0271-0014, \$400,000.00 ; 3. Truck Insurance
6 Exchange, Policy # 11559098, \$5,000,000.00. The effective dates and the dates of
7 coverage for each of the following policies is unknown. Discovery and investigation are
8 continuing.

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
24 basis. The first domestic sale of raw asbestos fiber by CALAVERAS occurred in
25 January, 1976.
26 (c) December, 1987
27 (d) The grades of raw asbestos fibers, before 1980 were: 4t, 5r, 5k, 6r, 6d, 7d,
28 7m, and 7r. After 1980, only the following grades were mined by CALAVERAS: 4t,

5r and 6d. Please see the Material Safety Data Sheet attached hereto as Exhibit "A", incorporated herein as though fully set forth.

(e) Please see the Material Safety Data Sheet attached hereto as Exhibit "A" and the reproduction of a CALAVERAS package/container attached hereto as Exhibit "B", incorporated herein as though fully set forth.

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

(g) No

(h) The custodian of any records for CALAVERAS which are responsive to this interrogatory is Daryl Larsen. Arrangements to review any such existing documents should be made by contacting Douglas G. Wah, counsel for CALAVERAS.

(i) The custodian of any records for CALAVERAS which are responsive to this interrogatory is Daryl Larsen. Arrangements to review any such existing documents should be made by contacting Douglas G. Wah, counsel for CALAVERAS.

RESPONSE TO INTERROGATORY NO. 30 :

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

RESPONSE TO INTERROGATORY NO. 31 :

N/A.

RESPONSE TO INTERROGATORY NO. 32 :

N/A.

RESPONSE TO INTERROGATORY NO. 33 :

N/A.

RESPONSE TO INTERROGATORY NO. 34 :

No.

RESPONSE TO INTERROGATORY NO. 35 :

No. CALAVERAS owned, operated, and maintained an asbestos mine and only supplied other entities with raw asbestos fibers. CALAVERAS did not manufacture, process

1 or assemble ASBESTOS CONTAINING PRODUCTS.

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

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

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

7 CALAVERAS owned, operated, and maintained an asbestos mine from 1975 to 1987.
8 CALAVERAS mined, packaged, and sold RAW ASBESTOS. CALAVERAS did not handle
9 or contract to handle any amount of ASBESTOS-CONTAINING PRODUCT(s) as that term
10 is defined for purposes of this set of Interrogatories. Accordingly, the following responses to
11 this interrogatory are limited to information regarding RAW ASBESTOS:

12 **Yes.**

13 **(A) through (D):**

14 The asbestos fiber was pressure packed in sealed plastic bags, often enclosed in
15 plastic shrink wrap inside containers or trucks; the fiber was sold under the name "Calaveras
16 "Asbestos, Ltd." From 1975 on, each bag of asbestos fiber distributed by CALAVERAS had
17 printed on it the warning mandated by OSHA. Between 1975 and approximately 1980 or
18 1981, pursuant to OSHA requirements, the following warning was printed on each bag:

19 **CAUTION**
20 **Contains Asbestos Fibers**
21 **Avoid Creating Dust**
22 **Breathing Asbestos Dust May Cause**
23 **Serious Bodily Harm**

24 Thereafter, each bag of asbestos fiber distributed by CALAVERAS had printed on it the
25 following warning mandated by OSHA:

26 **DANGER**
27 **Contains Asbestos Fibers**
28 **Avoid Creating Dust**
29 **Cancer and Lung Disease Hazard**

30 The warning language was on the front of the bag and was in black or brown or green or
blue letters on a white ground. Please see Exhibits "C1" and "C2", reproductions of the

1 warnings which were printed and placed on each package or container of CALAVERAS raw
2 asbestos fiber which left the facility, incorporated herein as though fully set forth.

3 (e) Gordon Coats. Arrangements to speak with Mr. Coats should be made
4 by contacting Douglas G. Wah, counsel for CALAVERAS.

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

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

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

10 No.

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

12 No.

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

14 None.

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

16 No.

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

18 N/A.

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

20 CALAVERAS first became aware that there is an association between asbestos
21 exposure and disease in human beings in 1975.

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

23 Various members of CALAVERAS became aware of an association between asbestos
24 exposure and disease in human beings through varying means, including, but not limited to
25 news media, television and radio reports, newspapers, correspondence and communication
26 with various manufacturers, Federal, State and local agencies and publications, and scientific
27 and trade association publications.

28 CALAVERAS is aware that Gordon Coats became aware of an association between

1 asbestos exposure and disease in human beings when he obtained information from Cal-
2 OSHA, the Environmental Protection Agency, the Department of Interior Bureau of Mines,
3 and from Johns-Manville Corporation. When meeting with an individual employed by Johns-
4 Manville named Noel Hendry, Mr. Coats read and signed a document stating that it had been
5 alleged that asbestos could cause bodily harm if not handled properly.

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

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

10 **RESPONSE TO INTERROGATORY NO. 47 :**

11 (a) In 1975, CALAVERAS advised its employees, both in writing and orally, that
12 exposure to asbestos could be hazardous to human health.

13 (b) A good faith effort has been made to investigate whether documents that may
14 be responsive to this interrogatory still exist. CALAVERAS ceased its business
15 operations in 1987. CALAVERAS states on information and belief that there are
16 documents which relate to employee health. A review of those documents has not,
17 thus far, disclosed the content of the actual warnings that were given to the
18 employees. The business records of CALAVERAS may be inspected on request to
19 Douglas G. Wah, counsel for CALAVERAS.

20 (c) The custodian of any records for CALAVERAS which are responsive to this
21 interrogatory, if any exist, is Daryl Larsen. Arrangements to review any such
22 existing documents should be made by contacting Douglas G. Wah, counsel for
23 CALAVERAS.

24 (d) A See (b) above.

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

26 No.

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

28 Yes.

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

2 On only one occasion was CALAVERAS cited for or otherwise charged by a public
3 agency with a violation in the GEOGRAPHIC AREA for any statute, ordinance, safety
4 order, regulation, or law pertaining to asbestos exposure. See Exhibit "D" hereto, attached
5 and incorporated herein as though fully set forth.

6 (a) CALAVERAS was charged with a violation of the visible dust regulations.

7 (b) Approximately 1985.

8 (c) Environmental Protection Agency.

9 (d) Gordon Coats; Counsel for CALAVERAS; United States Environmental
10 Protection Agency, and counsel for the EPA.

11 (e) Judgment was entered in favor of CALAVERAS, involuntarily dismissing the
12 plaintiff on the merits and awarding costs to CALAVERAS.

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

14 N/A.

15 **RESPONSE TO INTERROGATORY NO. 52 :**

16 N/A.

17 **RESPONSE TO INTERROGATORY NO. 53 :**

18 Yes.

19 CALAVERAS incorporates herein the documents responsive to this interrogatory,
20 which have been previously provided to counsel for plaintiffs. The custodian of any records
21 for CALAVERAS which are responsive to this interrogatory is Daryl Larsen. Arrangements
22 to review such existing documents should be made by contacting Douglas G. Wah, counsel
23 for CALAVERAS.

24 DATED: May 11, 1998

ADAMS • NYE • SINUNU • WALKER LLP

26 By: _____

27 Daniel M. Fuchs
Attorneys for Defendant
28 CALAVERAS ASBESTOS, LTD.

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