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GABRIEL A. JACKSON, State Bar No. 98119
PETER K. RENSTROM, State Bar No. 148459
ANA T. PORTILLO, State Bar No. 206193
JACKSON & WALLACE LLP
55 Francisco Street, 6th Floor
San Francisco, CA 94133
Tel: 415.982.6300
Fax: 415.982.6700

Attorneys for Defendant
J.A. SEXAUER MANUFACTURING INC.

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Records
re: Hogan

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

IN RE:

COMPLEX ASBESTOS LITIGATION

J.A. SEXAUER MANUFACTURING CO.,
INC.'S RESPONSE TO PLAINTIFFS'
FIRST SET OF DIEDEN
INTERROGATORIES

PROPOUNDING PARTY: Plaintiff, AMY HOGAN, et al.

RESPONDING PARTY: Defendant J.A. SEXAUER MANUFACTURING CO., INC.

SET NUMBER: One

Comes now Defendant, J.A. Sexauer Manufacturing Co., Inc., herewith responds to
plaintiff's standard case specific interrogatories as follows:

GENERAL OBJECTIONS AND RESERVATIONS

1. The defendant is a plumbing supplier. Since the complaint and discovery to date fails to identify the specific defendant's product which is alleged to have caused or contributed to his injury and the period involved, this defendant objects to the interrogatories as being unduly burdensome, oppressive, over broad, designed to cause this defendant unnecessary time and expense, and not reasonably calculated to lead to the discovery of admissible evidence and outside the scope of discovery.

2. Defendant objects to plaintiff's interrogatories to the extent that they seek information which is subject to the attorney-client privilege and/or is protected by the attorney work product doctrine.
3. Defendant objects to plaintiff's interrogatories to the extent that they seek information that is not within the personal knowledge of defendant's current employees.
4. Defendant objects to plaintiff's interrogatories as overly broad and unduly burdensome and oppressive in that to date no plaintiff or product identification witness has identified any asbestos-containing product of defendant at any specific job site.
5. Defendant objects to these interrogatories on the grounds that they are unduly burdensome in that they seek to require defendant to: (a) provide information other than that which may be obtained through a reasonably diligent search of its records; (b) respond other than in accordance with the applicable rules; (c) locate or interview former employees, insurance carriers, consultants or any other person not presently employed or engaged by defendant (d) respond to any aspect of an interrogatory not described with reasonable particularity by the express language of the interrogatory; (e) provide an expert opinion which is beyond the scope of defendant's knowledge or obligation to respond; or (f) provide information which is equally as available to plaintiff as it is to defendant
6. Defendant further objects to these interrogatories on the grounds that they are irrelevant and overly broad in time and scope in that they seek to require defendant to respond to questions about (a) products other than the products at issue in these actions; (b) dates outside of the period at issue in these actions; (c) non-employees of defendant; and (d) persons and other matters having no connection with defendant or this litigation. Inquiry into such areas is neither relevant nor reasonably calculated to lead to the discovery of relevant, admissible evidence.
7. Defendant objects to these interrogatories on the grounds that they are vague, unintelligible, nonspecific and/or that they use undefined terms capable of more than one interpretation or which require defendant to speculate as to the specific information demanded by plaintiff, thereby, rendering the interrogatories as propounded incapable of being answered precisely.
8. Defendant objects to these interrogatories on the grounds that they are redundant, argumentative, inflammatory or otherwise unfair and, in addition, they assume facts not in evidence in these actions.
9. Defendant objects to these interrogatories on the ground that they are overly broad and unduly oppressive and harassing in time and scope, in that they designate extensive periods of time or request information without limiting or specifying the time period or facts to the time/facts alleged by the plaintiffs. As a result of plaintiffs' failure to specify the relevant time period, many of the discovery

requests fail to distinguish relevant from irrelevant matter. Many of the interrogatories call for defendant to provide a response concerning events and records spanning a period of more than seven decades.

10. Defendant also objects to these interrogatories on the ground that they assume the truth of matters not in evidence, and on the ground that they seek information which is not relevant to the subject matter of this litigation and not reasonably calculated to lead to the discovery of relevant, admissible evidence.
11. Defendant does not concede that any of its responses to these interrogatories are or will be deemed admissible evidence at the trial or any of these actions, and defendant does not waive any objection or privilege on any ground, whether or not asserted herein, to the use of any such response at trial.
12. Defendant objects to plaintiffs' interrogatories to the extent that they seek disclosures of information generated by persons other than defendant that has come into the possession of defendant's counsel during the course of discovery and trial preparation in asbestos-related litigation.
13. These general objections are explicitly made a part of and incorporated by reference into each response hereinafter provided, regardless of whether each such individual response so states.

Without waiver of any of the foregoing objections, defendant states as follows:

INTERROGATORY NO. 1:

With respect to the individual verifying these answers on your behalf, state the following:

- a. their name;
- b. their present business address;
- c. their present job title;
- d. their date of first employment with you, and the dates and titles of each job position they have held while they were employed by you.

RESPONSE:

- a. Carmelo Sbezzi,
- b. 222 Martling Ave. Apt. 4P
Tarrytown, NY 10591
- c. none
- d. 1963, former Vice President for Sales and Purchasing

INTERROGATORY NO. 2:

State whether YOU are a corporation. If so, state:

- 1 a. YOUR full corporate name;
2 b. the state of incorporation;
3 c. the date of incorporation;
4 d. the address of YOUR principal place of business;
5 e. if YOU are wholly-owned or if more than five (5) percent of the ownership
6 interest of YOUR COMPANY is owned by another business entity, state that entity's name and
7 principal place of business.

8 **RESPONSE:**

- 9 a. J.A. Sexauer, Inc.
10 b. Delaware
11 c. 1921
12 d. 531 Central Park Avenue, Scarsdale, NY 10583
13 e. Interline Brands, Inc. 801 West Bay Street, Jacksonville, FL 32204

14 **INTERROGATORY NO. 3:**

15 Has THIS DEFENDANT ever been identified, known, or done business under any other
16 name? If so, please state such name or names and the time period during which THIS
17 DEFENDANT was so known or identified.

18 **RESPONSE:**

19 J.A. Sexauer Manufacturing Co., Inc. from 1921 to September 1973.

20 **INTERROGATORY NO. 4:**

21 State whether YOU have ever been registered or qualified to do business in the State of
22 California. If so, state the date YOU became qualified to conduct business in the State of
23 California.

24 **RESPONSE:**

25 No.

26 **INTERROGATORY NO. 5:**

27 Does THIS DEFENDANT currently have; or has THIS DEFENDANT had a department,
28 division, subdivision, branch or group responsible for the design, development, manufacture,

1 testing and use of ASBESTOS-CONTAINING PRODUCT(S). If so, state:

2
3 a. the name of each present or former corporate department, division, subdivision,
4 branch or group;

5 b. the IDENTITY of the person most knowledgeable about such department,
6 division, subdivision, branch or group.

7 **RESPONSE:**

8 No.

9 **INTERROGATORY NO. 6:**

10 Has THIS DEFENDANT engaged in the MARKETING of ASBESTOS-CONTAINING
11 PRODUCT(S) comprised in whole or in part of amosite asbestos fiber; if so, please state:

12 a. the trade, brand name and/or generic name of each type of product;

13 b. the date(s) THIS DEFENDANT first MARKETED each type of product;

14 c. the date(s) THIS DEFENDANT ceased MARKETING each type of product;

15 d. a general description of the chemical composition of each type of product,

16 including:

17 (i) the type(s) and/or grade(s) of RAW ASBESTOS FIBER contained in each
18 type of product;

19 (ii) the quantitative percentage of the type(s) of RAW ASBESTOS FIBER in
20 each type of product;

21 e. the NATURE of each type of product;

22 f. a description of any wording, markings and/or logo on each type of product;

23 g. the recommended use(s) of each type of product, including temperature limits;

24 h. the name(s) of the manufacturer(s) of each type of product;

25 i. the name(s) and address(es) of the supplier(s) of the amosite asbestos fiber used in
26 each type of product;

27 j. the IDENTITY of the person(s) most knowledgeable concerning the purchase of
28 amosite asbestos fiber by THIS DEFENDANT.

1 **RESPONSE:**

2 No.

3 **INTERROGATORY NO. 7:**

4 Has THIS DEFENDANT engaged in the MARKETING of amosite asbestos fiber; if so,
5 please state:

- 6 a. the name and location of each amosite asbestos mine which THIS DEFENDANT
7 presently operates, has operated, or in which THIS DEFENDANT presently operates, has
8 operated, or in which THIS DEFENDANT has or had an ownership interest, including the dates
9 of such ownership, and the grade of amosite asbestos fiber mined;
- 10 b. the date(s) THIS DEFENDANT first MARKETING amosite asbestos fiber;
- 11 c. the date(s) THIS DEFENDANT ceased MARKETING amosite asbestos fiber;
- 12 d. the grade(s) of such amosite asbestos fiber MARKETING by THIS DEFENDANT.
- 13 e. the recommended use(s) of each grade of such amosite asbestos fiber, including
14 any temperature limits;
- 15 f. the name(s) and address(es) of the supplier(s) of amosite asbestos fiber to THIS
16 DEFENDANT.

17 **RESPONSE:**

18 No.

19 **INTERROGATORY NO. 8:**

20 Has THIS DEFENDANT engaged in MARKETING of ASBESTOS-CONTAINING
21 PRODUCT(S) comprised in whole or in part of chrysotile asbestos fiber; if so, please state:

- 22 a. the trade, brand name and/or generic name of each type of product;
- 23 b. the date(s) THIS DEFENDANT first MARKETING each type of product;
- 24 c. the date(s) THIS DEFENDANT ceased MARKETING each type of product;
- 25 d. a general description of the chemical composition of each type of product,
26 including:
- 27 (i) the type(s) and grade(s) of asbestos fiber contained in each type of product;
- 28 (ii) the quantitative percentage of the types of asbestos fiber in each type of

1 product;

2 (iii) any change(s) in the quantitative percentages of the type(s) of asbestos
3 fiber in each type of product;

4 e. the NATURE of each type of product;

5 f. a description of any wording, markings, and/or logo on each type of product;

6 g. the recommended use(s) of each type of product, including temperature limits;

7 h. the name of the manufacturer of each type of product;

8 i. the name(s) and address(es) of the supplier(s) of the chrysotile asbestos fiber used
9 in each type of product;

10 j. the IDENTITY of the person(s) most knowledgeable concerning the purchase of
11 chrysotile asbestos fiber by THIS DEFENDANT.

12 **RESPONSE:**

13 Defendant MARKETED a limited volume of gaskets and packings purchased from others
14 sometimes containing chrysotile asbestos fibers. Copies of catalogues are available describing
15 such products when the specific products are identified.

16 e.- g. Graphited Asbestos Stem Packings were packaged in 1/2 lb. spools. The packings
17 were graphite-lubricated prior to forming the finished packing. The packings were sold for use
18 on water, steam, and air valves; and oil valves, rods or shafts. Strands of twisted packing could
19 be separated to make smaller packings.

20 Asbestos Wicking was packaged in 1/2 lb. balls and made from strands of heavy roving
21 that was twisted together. The wicking was used principally for packing on hot water lines, or
22 cold water lines after dipping in hot tallow or paraffin.

23 Treated Asbestos Yarn was sold 1/4 lb. spools comprising approximately 70 yards of yarn.
24 It was made of 3-strand long-staple asbestos, impregnated with a waterproof agent for packing
25 faucet or valve bonnets and other connections.

26 Teflon-Asbestos Packing was comprised of a combination of materials and lubricated with
27 mineral oil. It was sold in twisted or braided form on metal spools with protective sleeves.
28 Temperature specifications were given for Teflon of 200F to 500F.

1 h. Eureka Packing Company, Garlock Inc., Johns-Manville Sales Corporation and
2 Raybestos Manhattan, Inc.

3 **INTERROGATORY NO. 9:**

4 Has THIS DEFENDANT engaged in the MARKETING of chrysotile asbestos fiber; if so,
5 please state:

6 a. the name and location of each chrysotile asbestos mine which THIS
7 DEFENDANT presently operates, has operated, or in which THIS DEFENDANT has or had an
8 ownership interest, including dates of such ownership, and the grade of chrysotile asbestos fiber
9 mined;

10 b. the date(s) THIS DEFENDANT first MARKETED chrysotile asbestos fiber;

11 c. the date(s) THIS DEFENDANT ceased MARKETING chrysotile asbestos fiber;

12 d. the grade(s) of such chrysotile asbestos fiber MARKETED by THIS
13 DEFENDANT.

14 e. the recommended use(s) of each grade of such chrysotile asbestos fiber, including
15 temperature limits;

16 f. the name(s) and address(es) of the supplier(s) of chrysotile asbestos fiber to THIS
17 DEFENDANT.

18 **RESPONSE:**

19 No.

20 **INTERROGATORY NO. 10:**

21 Has THIS DEFENDANT engaged in the MARKETING of ASBESTOS-CONTAINING
22 PRODUCT(S) comprised in whole or in part of crocidolite asbestos fiber; if so, please state:

23 a. the trade, brand name and/or generic name of each type of product;

24 b. the date(s) THIS DEFENDANT first MARKETED each type of product;

25 c. the date(s) THIS DEFENDANT ceased MARKETING each type of product;

26 d. a general description of the chemical composition of each type of product,
27 including:

28 (i) the type(s) and grade(s) of asbestos fiber contained in each type of product;

- 1 (ii) the quantitative percentage of the type(s) of fiber in each type of product;
2 (iii) any change(s) in the quantitative percentage of the type(s) of asbestos fiber
3 in each type of product;
4 e. the NATURE of each type of product;
5 f. a description of any wording, markings and/or logo on each type of product;
6 g. the recommended use(s) of each type of product, including temperature limits;
7 h. the name of the manufacturer of each type of product;
8 i. the name(s) and address(es) of the supplier(s) of the crocidolite asbestos fiber used
9 in each type of product;
10 j. the IDENTITY of the person(s) most knowledgeable concerning the purchase of
11 crocidolite asbestos fiber by THIS DEFENDANT.

12 **RESPONSE:**

13 No.

14 **INTERROGATORY NO. 11:**

15 Has the defendant engaged in the MARKETING of crocidolite asbestos fiber; if so, please
16 state:

- 17
18 a. the name and location of each crocidolite asbestos mine which THIS
19 DEFENDANT presently operates, has operated, in the, and/or in which the defendant has or had
20 an ownership interest, including the dates of such ownership, and the grade of asbestos fiber
21 mined;
22 b. the date(s) THIS DEFENDANT first MARKETING crocidolite asbestos fiber;
23 c. the date(s) THIS DEFENDANT ceased MARKETING crocidolite asbestos fiber;
24 d. the grade(s) of such crocidolite asbestos fiber MARKETING by THIS
25 DEFENDANT;
26 e. the recommended use(s) of each grade of such crocidolite asbestos fiber, including
27 temperature limits;
28 f. the name(s) and addresses of the supplier(s) of crocidolite asbestos fiber to THIS

1 DEFENDANT.

2 **RESPONSE:**

3 No.

4 **INTERROGATORY NO. 12:**

5 Does or did THIS DEFENDANT have a controlling ownership interest in any
6 COMPANY which MARKETED ASBESTOS-CONTAINING PRODUCT(S); if so, please state:

- 7 a. the name of such COMPANY;
8 b. the date of incorporation of such COMPANY;
9 c. the state of incorporation of such COMPANY;
10 d. the date such interest was acquired;
11 e. the date such interest was changed or terminated, if applicable;
12 f. the name and location of each facility of such COMPANY;
13 g. the name of each type of ASBESTOS-CONTAINING PRODUCT(S)

14 manufactured, processed, and/or assembled by such COMPANY.

15 **RESPONSE:**

16 No.

17
18 **INTERROGATORY NO. 13:**

19 Does or did THIS DEFENDANT have a controlling ownership interest in any
20 COMPANY that MARKETED RAW ASBESTOS FIBER; if so, please state:

- 21 a. the name of the COMPANY
22 b. the date of incorporation or charter of such COMPANY;
23 c. the state or country of incorporation of such COMPANY;
24 d. the date such interest was acquired;
25 e. the dates such interest changed or terminated, if applicable;
26 f. the name and location of each asbestos mine owned by such COMPANY;
27 g. the grade and type of RAW ASBESTOS FIBER mined at each mine.

28 **RESPONSE:**

1 No.

2 **INTERROGATORY NO. 14:**

3 Has THIS DEFENDANT warehoused any RAW ASBESTOS FIBER or ASBESTOS-
4 CONTAINING PRODUCT(S) in the State of California; if so, please state:

- 5 a. the address of each warehouse facility;
6 b. the year(s) THIS DEFENDANT utilized each facility;
7 c. the IDENTITY of the custodian of warehousing records.

8 **RESPONSE:**

9 No.

10 **INTERROGATORY NO. 15:**

11 Has THIS DEFENDANT owned or operated facilities anywhere in the United States in
12 which ASBESTOS-CONTAINING PRODUCT(S) have been manufactured, processed and/or
13 assembled; if so, state:

- 14 a. the address of each such facility, including city and state.

15 **RESPONSE:**

16 No.

17

18 **INTERROGATORY NO. 16:**

19 If THIS DEFENDANT owned or operated facilities in which ASBESTOS-
20 CONTAINING PRODUCT(S) have been manufactured, processed, and/or assembled, please
21 state:

- 22 a. the date said facilities began operation;
23 b. the date said facility ceased operation; and
24 c. the name of each type of ASBESTOS-CONTAINING PRODUCT(S)
25 manufactured, processed or assembled at each such facility.

26 **RESPONSE:**

27 No.

28 **INTERROGATORY NO. 17:**

1 Has THIS DEFENDANT purchased or otherwise acquired any rights to the manufacture
2 of ASBESTOS-CONTAINING PRODUCT(S) from another COMPANY? If so, state:

- 3 a. the date of purchase or acquisition of such rights;
4 b. the trade, brand, and/or generic name of such ASBESTOS-CONTAINING
5 PRODUCT(S);
6 c. the name and location of any COMPANY from which such rights were purchased
7 or acquired;
8 d. the IDENTITY of the custodian of records of such purchase(s) or acquisition(s).

9 **RESPONSE:**

10 No.

11 **INTERROGATORY NO. 18:**

12 Has THIS DEFENDANT applied for and/or received any patent(s) for any ASBESTOS-
13 CONTAINING PRODUCT(S). If so, state for each such ASBESTOS-CONTAINING
14 PRODUCT(S):

- 15 a. the product for which each patent was applied and/or issued;
16 b. the date(s) of application;
17 c. the date(s) of issuance of the patent(s), if granted;
18 d. the date(s) of renewal, if any;
19 e. the patent number(s);
20 f. the name of the individual or COMPANY to whom each patent was issued;
21 g. the IDENTITY of the custodian of patent records of THIS DEFENDANT.

22 **RESPONSE:**

23 No.

24 **INTERROGATORY NO. 19:**

25 Has THIS DEFENDANT registered any trademark(s) for any ASBESTOS-
26 CONTAINING PRODUCT(S); if so, state for each such ASBESTOS-CONTAINING
27 PRODUCT(S):

- 28 a. the product for which each trademark was registered;

- 1 b. whether the registration was State or Federal;
2 (i) if State, name the State;
3 c. the date(s) of registration;
4 d. the term(s) of registration;
5 e. the date(s) of renewal;
6 f. the name of the individual or COMPANY to whom each trademark was registered;
7 g. the IDENTITY of the custodian of such trademark records of THIS

8 DEFENDANT.

9 **RESPONSE:**

10 No.

11 **INTERROGATORY NO. 20:**

12 Did THIS DEFENDANT contract with General Services Administration and/or other
13 federal-government agency for the sale, anywhere in the United States, of RAW ASBESTOS
14 FIBER between 1930 and 1980; if so, state for each such sale:

- 15 a. the grade(s) and type(s) of RAW ASBESTOS FIBER;
16 b. the quantity;
17 c. the date(s) of delivery;
18 d. the location(s), including the address(es) of delivery;
19 e. the name(s) of the agency with which THIS DEFENDANT contracted;
20 f. the date(s) of execution of such contract(s);
21 g. the IDENTITY of the custodian of such contract records of THIS DEFENDANT.

22 **RESPONSE:**

23 No.

24 **INTERROGATORY NO. 21:**

25 Did THIS DEFENDANT contract with the General Services Administration and/or other
26 federal-government agency for the sale, anywhere in the United States, of ASBESTOS-
27 CONTAINING PRODUCT(S) between 1930 and 1980, please state for each such sale:

- 28 a. the type of product;

- b. the quantity;
- c. the date(s) of delivery;
- d. the location(s), including the address(es) of delivery;
- e. the name(s) of the agency with which THIS DEFENDANT contracted;
- f. the date(s) of execution such contract(s);
- g. the IDENTITY of the custodian of such contract records of THIS DEFENDANT.

RESPONSE:

No.

INTERROGATORY NO. 22:

Does THIS DEFENDANT have any records of the MARKETING, advertisement, or delivery of its RAW ASBESTOS FIBER and/or ASBESTOS-CONTAINING PRODUCT(S) in or to NORTHERN CALIFORNIA? If so, state:

- a. the manner in which the records are kept, (e.g., in boxes, files, on microfilm, microfiche or computer tape or disk);
- b. the location(s) and address(es) where such records are maintained;
- c. the IDENTITY of the custodian of such records;

RESPONSE:

No.

INTERROGATORY NO. 23:

If THIS DEFENDANT has in its possession any records of the MARKETING, advertisement, or delivery of its RAW ASBESTOS FIBER and/or ASBESTOS-CONTAINING PRODUCT(S) (including microfilm, microfiche, computer tape or disk, or any other system in which data is taken from other records), state whether THIS DEFENDANT has retained the original DOCUMENTS from which the data entered into these modes of storage was obtained. If THIS DEFENDANT has not retained such original DOCUMENTS, state:

- a. the date(s) when and location(s) where the original DOCUMENTS were disposed of;

1 b. the IDENTITY of the custodian of the original DOCUMENTS at the time of their
2 disposal.

3 **RESPONSE:**

4 No.

5 **INTERROGATORY NO. 24:**

6 Does THIS DEFENDANT have in its possession any exemplar(s) of advertisements or
7 brochures describing its RAW ASBESTOS FIBER and/or ASBESTOS-CONTAINING
8 PRODUCT(S); if so, please state:

- 9 a. the location of such exemplar;
10 b. the year(s) in which said exemplar(s) was utilized;
11 c. the IDENTITY of the custodian of such exemplars.

12 **RESPONSE:**

13 No.

14 **INTERROGATORY NO. 25:**

15 State the following:

- 16 a. the address(es) where the corporate records of THIS DEFENDANT (including
17 minutes from the Board of Directors meetings and corporation annual reports), are currently
18 located;
19 b. the identity of the custodian of such records.

20 **RESPONSE:**

- 21 a. Interline Brands, Inc. 801 West Bay Street, Jacksonville, FL 32204.
22 b. Tom Tossavainen, 801 West Bay Street, Jacksonville, FL 32204.

23 **INTERROGATORY NO. 26:**

24 Describe the packaging or containers in which THIS DEFENDANT sold and/or
25 distributed RAW ASBESTOS FIBER, including composition, dimension, shape and color.

26 **RESPONSE:**

27 Not applicable.
28

1 **INTERROGATORY NO. 27:**

2 Describe any logo, design, marking or printing, including size and color, which appeared
3 on the packaging or containers in which THIS DEFENDANT sold and/or distributed RAW
4 ASBESTOS FIBER.

5 **RESPONSE:**

6 Not applicable.

7 **INTERROGATORY NO. 28:**

8 Describe the packaging or containers in which THIS DEFENDANT sold and/or
9 distributed ASBESTOS-CONTAINING PRODUCT(S), including composition, dimension, shape
10 or color.

11 **RESPONSE:**

12 Packaging of various sizes containing the defendant's name.

13 **INTERROGATORY NO. 29:**

14 Describe any logo, design, marking or printing, including size and color, which appeared
15 on the packaging or containers in which THIS DEFENDANT sold and/or distributed
16 ASBESTOS-CONTAINING PRODUCT(S).

17 **RESPONSE:**

18 Sometimes a drawing of a red colored mule and in various sizes. Also see response to
19 Interrogatory No. 8.

21 **INTERROGATORY NO. 30:**

22 Does THIS DEFENDANT have any exemplar(s) of packaging or containers in which its
23 RAW ASBESTOS FIBER and/or ASBESTOS-CONTAINING PRODUCT(S) were sold and/or
24 distributed; if so, state:

- 25 a. the location of such exemplar;
26 b. the year(s) in which said exemplar(s) were utilized;
27 c. the IDENTITY of the custodian of such exemplars.

28 **RESPONSE:**

1 No.

2 **INTERROGATORY NO. 31:**

3 Did THIS DEFENDANT put warnings of asbestos-related health hazards on bags of
4 RAW ASBESTOS FIBER; if so, please state:

- 5 a. the wording of such warning(s), including size, location, and color;
6 b. whether the warning was put on a tag attached to the bags;
7 c. the date such warning(s) was first used;
8 d. whether any change was made in the wording of such warnings, the date(s) of such
9 change, and the reasons for such change.

10 **RESPONSE:**

11 Not applicable.

12 **INTERROGATORY NO. 32:**

13 Did THIS DEFENDANT put warnings of asbestos-related health hazards on packaging or
14 containers of ASBESTOS-CONTAINING PRODUCT(S)? If so, please state:

- 15 a. the wording of such warnings, including size, location on the packaging or
16 containers, and color;
17 b. the date such warning(s) was first used;
18 c. whether any change was made in the wording of such warning(s), the date(s) of
19 such changes, and the reason(s) for such change.

20
21 **RESPONSE:**

22 No.

23 **INTERROGATORY NO. 33:**

24 Has THIS DEFENDANT distributed any brochures or pamphlets that contain warnings of
25 any asbestos-related health hazards; if so, please state:

- 26 a. the wording of such WARNING
27 b. the method used to distribute such brochure or pamphlets;
28 c. the date(s) such brochures or pamphlets were first issued;

- 1 d. whether THIS DEFENDANT has exemplar(s) of such brochures or pamphlets;
2 e. the IDENTITY of the custodian of such exemplar(s).

3 **RESPONSE:**

4 No.

5 **INTERROGATORY NO. 34:**

6 Did THIS DEFENDANT warn its employees and/or CONTRACT UNIT(S), anywhere in
7 the United States, that exposure to asbestos could be hazardous to human health. If so, state:

- 8 a. whether copies of DOCUMENTS containing such warnings exist;
9 b. the IDENTITY of the custodian of such DOCUMENT.

10 **RESPONSE:**

11 No.

12 **INTERROGATORY NO. 35:**

13 State the IDENTITY of medical directors and/or industrial hygienists retained by THIS
14 DEFENDANT in the United States.

15 **RESPONSE:**

16 None.

17 **INTERROGATORY NO. 36:**

18 Has any employee of THIS DEFENDANT testified by deposition on behalf of THIS
19 DEFENDANT in a third-party case, brought in the United States, wherein the plaintiff has
20 alleged an asbestos-related injury? If so, for each such third party case, please state:

- 21 a. the caption and case number;
22 b. the court of filing including state and county;
23 c. the date of the deposition;
24 d. the name and address of plaintiff's counsel of record.

25 **RESPONSE:**

- 26 1. a. Raymond M. and Joyce Nack v. A. C. & S. Inc., et al
27 b. DELAWARE, New Castle County, Case No. 98C-05-047
28 c. November 3, 1998

- 1 d. Jacobs & Crumplar, P.A., 2 East 7th Street, Wilmington, DE 19899
- 2
- 3 2 a. James P. Renew, Executor for the Estate of Larry Stephen Renew, Deceased,
- 4 v. Pittsburgh Corning Corp., et al
- 5 b. GEORGIA, Fulton County, Superior Court, 1999CV12072
- 6 c. Carmen Sbezzi, April 23, 2002
- 7 d. Middleton, Adams & Tate, P.C., 622 Drayton Street, Savannah, GA 31412

8 **INTERROGATORY NO. 37:**

9 Has THIS DEFENDANT been a member of the following:

- 10 a. Asbestos Textile Institute (ATI);
- 11 b. Industrial Hygiene Foundation and/or Industrial Health Foundation (IHF);
- 12 c. Mineral Wool Institute;
- 13 d. Industrial Mineral Insulation Manufacturers Institute;
- 14 e. Magnesite Silica Insulation Manufacturers Association;
- 15 f. National Insulation Manufacturers Association (NIMA);
- 16 g. Thermal Insulation Manufacturers Association (TIMA);
- 17 h. Asbestos Information Association (AIA)
- 18 i. Quebec Asbestos Mining Association (QAMA);
- 19 j. National Safety Council;
- 20 k. Asbestos Cement Producers Association;
- 21 l. Refractories Institute;
- 22 m. any other organization or association of manufacturers, miners, distributors,
- 23 importers, labelers, suppliers and/or sellers of ASBESTOS-CONTAINING PRODUCT(S);
- 24 (i) please state the name(s) of such organizations or associations.

25 **RESPONSE:**

26 No.

27 **INTERROGATORY NO. 38:**

28 For each organization, association or other entity identified in your Response to

Interrogatory No. 37, please state:

- a. the dates during which THIS DEFENDANT was a member;
- b. the name(s) of any publication(s) received by THIS DEFENDANT from such association or organization;
- c. the name of such committee or subcommittee of which THIS DEFENDANT was a member, and the dates of such committee or subcommittee membership.

RESPONSE:

Not applicable.

INTERROGATORY NO. 39:

Has THIS DEFENDANT received any documents containing results or conclusions of any studies and/or tests conducted by the Saranac Laboratory at the Trudeau Foundation relating to the human health consequences of exposure to asbestos? If so, please:

- a. IDENTIFY all such DOCUMENT(S);
- b. state the date upon which THIS DEFENDANT first received such DOCUMENT(S);
- c. the IDENTITY of the custodian of such DOCUMENT(S).

RESPONSE:

No.

INTERROGATORY NO. 40:

State whether THIS DEFENDANT has ever maintained a library (or libraries) in the United States which contains books, articles, periodicals, journals and/or reference materials that relate to the subjects of asbestos, industrial hygiene, medicine, safety, occupational disease and/or engineering. If so, state:

- a. the date each such library was established;
- b. the location of each such library;
- c. the IDENTITY of each librarian or other person in charge of such library;

RESPONSE:

No.

1 **INTERROGATORY NO. 41:**

2 Has THIS DEFENDANT exchanged documents containing the results of or
3 communicated with any individual or other COMPANY regarding tests and/or studies of the
4 relationship between the inhalation of asbestos fibers and development of disease(s); if so, please
5 state:

- 6 a. each individual or COMPANY with whom the information was exchanged or to
7 whom it was communicated;
8 b. the date(s) of any such exchanges or communications;
9 c. the IDENTITY of the custodian of such documents.

10 **RESPONSE:**

11 No.

12 **INTERROGATORY NO. 42:**

13 Has any employee of THIS DEFENDANT testified before the Occupational Safety and
14 Health Administration, the National Institute of Occupational Safety and Health, or any
15 committee or subcommittee of the United States Congress on the inhalation of asbestos dust and
16 the development of disease; if so, please state:

- 17 a. the entity before whom such testimony was given;
18 b. the date(s) and location(s) of such testimony;
19 c. the IDENTITY of the individual(s) who so testified;
20 d. whether any DOCUMENTS were presented to the entity before such testimony
21 was given;
22 e. whether copies of DOCUMENTS presented were retained by THIS
23 DEFENDANT;
24 f. if so, state the IDENTITY of the custodian of the DOCUMENT(S).

25 **RESPONSE:**

26 No.

27 **INTERROGATORY NO. 43:**

28 At any of the physical facilities identified in the response to Interrogatory No. 15, has

1 THIS DEFENDANT conducted, or caused to be conducted, tests and/or studies of ambient
2 asbestos dust created during the manufacture, processing and/or assembling of ASBESTOS-
3 CONTAINING PRODUCT(S); if so, please state:

4 a. each manufacturing facility, including location and address, at which any such test
5 and/or study was conducted;

6 b. the date of each such test and/or study;

7 c. the individuals or entity conducting each such test and/or study;

8 d. whether THIS DEFENDANT has any document containing the results and/or
9 conclusions of each such study;

10 e. the IDENTITY of the custodian of the documents.

11 **RESPONSE:**

12 No.

13 **INTERROGATORY NO. 44:**

14 Has THIS DEFENDANT conducted, or caused to be conducted, any tests and/or studies
15 on ambient asbestos dust levels at any location or job site where its ASBESTOS-CONTAINING
16 PRODUCT(S) were utilized in the United States; if so, please state:

17 a. the location, including the name and address, at which each such test and/or study
18 was conducted;

19 b. the individual(s) or entity conducting each such test and/or study;

20 c. the date of each such test and/or study;

21 d. whether THIS DEFENDANT has any DOCUMENTS containing the results
22 and/or conclusions of each such test and/or study;

23 e. the IDENTITY of the custodian of these DOCUMENTS.

24 **RESPONSE:**

25 No.

26 **INTERROGATORY NO. 45:**

27 Did THIS DEFENDANT have any laboratory or other facility anywhere in the United
28 States at which it conducted, or caused to be conducted, any tests and/or studies of its

1 ASBESTOS-CONTAINING PRODUCT(S) to measure the amount of asbestos dust generated by
2 any use for which such products were designed; if so, please state:

3 a. the location, including name and address, at which each such test and/or study was
4 conducted;

5 b. the individual(s) or entity conducting each such test and/or study;

6 c. the date of each such test and/or study;

7 d. whether THIS DEFENDANT has any DOCUMENTS containing the results
8 and/or conclusions of each such test and/or study;

9 e. the IDENTITY of the custodian of such DOCUMENTS.

10 **RESPONSE:**

11 No.

12 **INTERROGATORY NO. 46:**

13 Has THIS DEFENDANT made available to its employees engaged in the MARKETING
14 of its RAW ASBESTOS FIBER and/or its ASBESTOS-CONTAINING PRODUCT(S), a
15 medical examination program; if so, please state:

16 a. whether chest x-rays or pulmonary function tests were part of such program(s);

17 b. whether participation in any such program was a mandatory condition of
18 employment or was voluntary;

19 (i) if mandatory as a condition of employment, how frequently each employee
20 was required to undergo such examination;

21 c. whether THIS DEFENDANT has DOCUMENTS of such program;

22 d. the IDENTITY of the custodian of such DOCUMENTS.

23 **RESPONSE:**

24 No.

25 **INTERROGATORY NO. 47:**

26 Has THIS DEFENDANT notified in writing any individuals or COMPANIES to whom it
27 MARKETING RAW ASBESTOS FIBER and/or ASBESTOS-CONTAINING PRODUCT(S),
28 anywhere in the United States, of the potential relationship between exposure to asbestos and

1 disease; if so, please state:

- 2 a. the date(s) THIS DEFENDANT provided this information;
3 b. the means used for transmittal of such information;
4 c. whether THIS DEFENDANT has any copies of any DOCUMENTS transmitting
5 such information;
6 d. the IDENTITY of the custodian of such DOCUMENTS.

7 **RESPONSE:**

8 No.

9 **INTERROGATORY NO. 48:**

10 Has THIS DEFENDANT required any individual(s) who MARKETED its ASBESTOS-
11 CONTAINING PRODUCT(S) to wear respirators or face masks; if so, please state:

- 12 a. the job title(s) if known, of individual(s) required to wear respirators or face
13 masks;
14 b. the date(s) on which THIS DEFENDANT first required the wearing of respirators
15 or face masks;
16 c. the means by which the requirement to wear respirators or face masks was
17 communicated;
18 d. whether THIS DEFENDANT has any copies of DOCUMENTS communicating
19 such requirements;
20 e. the IDENTITY of the custodian of such DOCUMENTS.

21
22 **RESPONSE:**

23 No.

24 **INTERROGATORY NO. 49:**

25 Does or did THIS DEFENDANT utilize or employ any CONTRACT UNIT. If so, please
26 state:

- 27 a. the inclusive periods of time the CONTRACT UNIT(S) was utilized or employed;
28 b. the business address and name of the CONTRACT UNIT(S);

1 c. whether THIS DEFENDANT has any DOCUMENTS showing the location(s) of
2 the job site(s) where the CONTRACT UNIT(S) worked, and if so, state the IDENTITY of the
3 custodian of such DOCUMENTS.

4 **RESPONSE:**

5 No.

6 **INTERROGATORY NO. 50:**

7 Has THIS DEFENDANT received any written communication or other DOCUMENT,
8 other than a claim for workers' compensation, that any person was claiming injury as a result of
9 exposure to its RAW ASBESTOS FIBER and or ASBESTOS-CONTAINING PRODUCT(S); if
10 so, please IDENTIFY the first such written communication or DOCUMENT.

11 **RESPONSE:**

12 No.

13 **INTERROGATORY NO. 51:**

14 Has any person filed a claim for asbestos-related injury regarding THIS DEFENDANT
15 against any workers' compensation insurance carrier which provided coverage for THIS
16 DEFENDANT; if so, please state:

- 17 a. the date of such claim;
18 b. the name of claimant;
19 c. the caption;
20 d. the case number;
21 e. the court in which the claim was filed;
22 f. the IDENTITY of the custodian of such DOCUMENTS.

23 **RESPONSE:**

24 No.

25 **INTERROGATORY NO. 52:**

26 Has any person filed a workers' compensation claim for asbestos-related injury against
27 THIS DEFENDANT; if so, please state:

- 28 a. the date of such claim;

- b. the name of claimant;
- c. the caption;
- d. the case number;
- e. the court in which the claim was filed;
- f. the IDENTITY of the custodian of such documents.

RESPONSE:

No.

INTERROGATORY NO. 53:

Does THIS DEFENDANT have insurance available to cover judgment(s) entered against it in asbestos-related personal injury lawsuits; if so, please state:

- a. the name and effective date of such policy;
- b. the number and effective date of such policy;
- c. the amount(s) of coverage of each policy;
- d. the applicable dates of coverage;
- e. any reservation of rights contained in each such policy;
- f. the amount of coverage presently exhausted under each such policy;
- g. the amount of coverage presently available under each such policy;
- h. whether limits contained in each such policy include costs of defense.

RESPONSE:

Travelers Insurance company has agreed to primary coverage of various amounts for the period 1957 to 1967 and 1980 to 1983. Coverage amounts in the aggregate are \$300,000 for 1957 to 1967 and \$500,000 for 1980 to 1983. Ace, Liberty and AIG have agreed to defend the defendants in the asbestos lawsuits for the periods 1947 to 1957, 1971 to 1982 and 1983 to 1989 respectively and to settle such lawsuits as they agree on a case by case basis.

INTERROGATORY NO. 54:

Has THIS DEFENDANT owned or operated any petroleum refining facilities; if so, please state:

- a. whether any ASBESTOS-CONTAINING PRODUCT(S) were MARKETING on

1 the premises of such refining facilities;

2 b. the location, including the name and address of all such refining facilities;

3 d. the types of ASBESTOS-CONTAINING PRODUCT(S) MARKETING on such
4 premises;

5 e. the names of the manufacturers of any ASBESTOS-CONTAINING
6 PRODUCT(S) MARKETING on such premises;

7 f. whether THIS DEFENDANT has documents identifying such MARKETING;

8 g. the IDENTITY of the custodian of such documents.

9 **RESPONSE:**

10 No.

11 **INTERROGATORY NO. 55:**

12 Has THIS DEFENDANT held a controlling ownership interest in any COMPANY which
13 owned or operated petroleum refining facilities: if so, for the period(s) of time during which THIS
14 DEFENDANT held such interest, please state:

15 a. whether any ASBESTOS-CONTAINING PRODUCT(S) were MARKETING on
16 the premises of such refining facilities;

17 b. the location, including the name and address of all such refining facilities;

18 c. the dates of operation of such refining facilities;

19 d. the types of ASBESTOS-CONTAINING PRODUCT(S) MARKETING on such
20 premises;

21
22 e. the names of the manufacturers of any ASBESTOS-CONTAINING
23 PRODUCT(S) MARKETING on such premises;

24 f. whether THIS DEFENDANT has DOCUMENTS identifying such MARKETING;

25 g. the IDENTITY of the custodian of such DOCUMENTS.

26 **RESPONSE:**

27 No.

28 **INTERROGATORY NO. 57:**

1 Has THIS DEFENDANT contracted with any COMPANY for the MARKETING of
2 ASBESTOS-CONTAINING PRODUCT(S) on any premises owned or leased by THIS
3 DEFENDANT; if so please state;

- 4 a. the location, including name and address of such premises;
5 b. the name and address of each such COMPANY;
6 c. the types of ASBESTOS-CONTAINING PRODUCT(S);
7 d. the name of the manufacturers of such ASBESTOS-CONTAINING
8 PRODUCT(S);
9 e. whether THIS DEFENDANT has documents of such MARKETING;
10 f. the IDENTITY of the custodian of such DOCUMENTS.

11 **RESPONSE:**

12 No.

13 Dated: ~~Sept~~ ^{Sept} 1, 2006

JACKSON & WALLACE LLP

14
15 By:



ANA T. PORTILLO

Attorneys for Defendant

J.A. SEXAUER MANUFACTURING CO.,
INC.

PROOF OF SERVICE

I, Tyhera Y. Payton, declare:

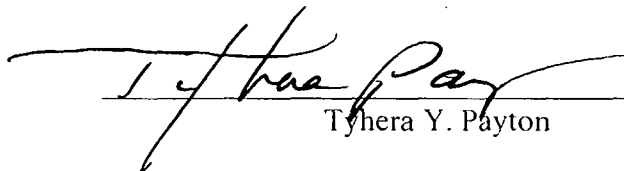
I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 55 Francisco Street, 6th Floor, San Francisco, California 94133. On ~~July 26~~ ^{September 1}, 2006, I served a copy of the within document(s): J.A. SEXAUER MANUFACTURING CO., INC.'S RESPONSE TO PLAINTIFFS' FIRST SET OF DIEDEN INTERROGATORIES

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed _____ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Kazan, McClain, et al.
171 Twelfth Street, Suite 300
Oakland, CA 94607

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on ~~August~~ ^{September} 1, 2006, at San Francisco, California.


Tyhera Y. Payton

VERIFICATION

I have read the foregoing **RESPONSES TO PLAINTIFFS' FIRST SET OF DIEDEN INTERROGATORIES**, and know its contents.

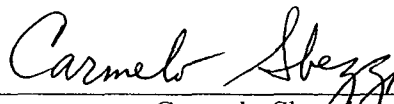
☐ I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am the former Vice President of Sales and Purchasing for J.A. Sexauer, Inc., a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document(s). I am informed and believe and on that ground allege that the matters stated in it are true.

☐ I am one of the attorneys of record for _____, a party to this action. Such party is absent from the county in which I have my office, and I make this verification for and on behalf of that party for that reason. I have read the foregoing document(s). I am informed and believe and on that ground allege that the matters stated in it are true.

Executed at (city and state) _____, on _____, 2006.

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


Carmelo Sbezzi

PROOF OF SERVICE

I, Tyhera Y. Payton, declare:

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 55 Francisco Street, 6th Floor, San Francisco, California 94133. On August 29, 2006, I served a copy of the within document(s): J.A. SEXAUER MANUFACTURING CO., INC.'S RESPONSE TO PLAINTIFFS' FIRST SET OF DIEDEN INTERROGATORIES

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.
- ☐ by placing the document(s) listed above in a sealed _____ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for delivery.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Kazan McClain Abrams Fernandez
Lyon Farrise & Greenwood
171 Twelfth Street, Third Floor
Oakland CA 94607

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 29, 2006, at San Francisco, California.


Tyhera Y. Payton