

FILE NAME: Bechtel (BECH)

DATE: 2002 Aug 23

DOC#: BECH001

DOCUMENT DESCRIPTION: Letter to Attorney Petty from Attorney Gross with Attachments

**KAZAN, McCLAIN, EDISES, ABRAMS,
FERNANDEZ, LYONS & FARRISE**

A Professional Law Corporation

Steven Kazan
David M. McClain
Victoria Edises
Denise Abrams
Francis E. Fernandez
Dianna Lyons
Simona A. Farrise

171 Twelfth Street, Third Floor
Oakland, California 94607
(510) 465-7728 • (510) 893-7211
FAX: (510) 835-4913
e-mail: postmaster@kazanlaw.com
www.kazanlaw.com

Frances C. Schreiber
Terry N. Gross
Gordon D. Greenwood
James L. Oberman*
Andrea Huston
Diana Esquivel
Anthony D. Prince
Petra DeJesus
Karen L. Creech
Wes Wagon
Anyu Fuchs
Ronald K. Herron
Yvonne Huggins-McLean
Carlos J. E. Guzmán

August 23, 2002

Via Facsimile and First Class Mail

Ross Petty, Esq.
Thelen, Reid & Priest, LLP
101 Second Street, Suite 1800
San Francisco, CA 94105

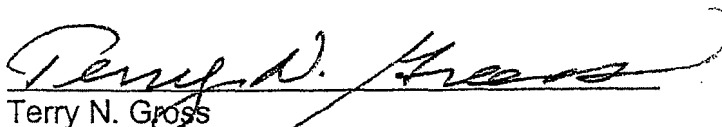
6 PM?
Depo Sept 3

**Re: John Jensen, et. al. v. ABB Lummus Global, Inc., et. al. - Alameda County
Superior Court Number 2002-044879
Your Client: Bechtel/Sequoia Ventures, Inc.**

Dear Mr. Petty:

Attached please find additional documents plaintiffs intend to use at trial including, Bechtel's 1950 membership card for the National Safety Council, excerpts from Robert Maracek's deposition, corporate librarian for the National Safety Council, authenticating the membership card, and Bechtel's June 1997 discovery responses to General Order 129 Interrogatories admitting membership but no "information regarding dates prior to 1986".

Sincerely,


Terry N. Gross

TNG/pck
Encls.

" NSC Member Organizations BY Sort Name ~~~~~Z

☐ ~~~~~ NSC Member Organization

~~~~~Z

> Sort Name: Bechtel Corp                      Constit ID: 0063800007>  
> Bill To Parent:                      Y/N: Status: A                      >  
> Company: Bechtel Corp                      >  
> Contact: S                      C Burkhammer                      Last Inv#: 96944852 >  
> Title: Vp Sfty Svc & Hlth                      >  
>                      Notes?: Y                      >  
> Address: Primary                      Key Code:                      >  
>                      BP2 1C 3                      SIC Code: 1500                      >  
>                      5275 Westview Drive                      SSN:                      >  
>                      Frederick                      MD 21703-8306                      >  
> Business: (301) 228-7507                      Ext:                      Unlisted? N                      >  
> Fax: (301) 663-7737                      Ext:                      Unlisted? N                      >  
> Dues Category: NEWORGOSHA Dues Amt/List:                      387.50 /                      387.50 >  
> Renewal Yr/Mo: 2002 / 02                      Expiration Yr/Mo: 2002 / 01                      >  
> Comments: Mbr renewal entered on 11/15/00 per BTarnowski/IS                      >  
> Orig By: Scoopuse 12/24/95 Chgd By: murriete 11/15/00

sc 12/01/50 JOIN      Member converted                      NATLCNS

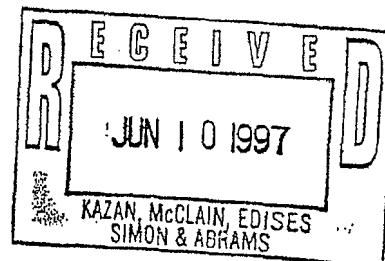
DEPOSITION  
EXHIBIT

ASC 158

DM / DA

JENNIFER KUENSTER, State Bar No. 104607  
THELEN, MARRIN, JOHNSON & BRIDGES LLP  
Two Embarcadero Center, Suite 2100  
San Francisco, California 94111  
Telephone: (415) 392-6320

Attorneys for Defendant  
SEQUOIA VENTURES INC.



NMW copy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

IN RE:

COMPLEX ASBESTOS LITIGATION

NO. 828684

SEQUOIA VENTURES INC.'S  
RESPONSES TO PLAINTIFFS'  
STANDARD INTERROGATORIES  
TO ALL DEFENDANTS PURSUANT  
TO GENERAL ORDER 129

INTERROGATORY NO. 1:

IDENTIFY the person verifying these answers on YOUR behalf.

RESPONSE TO INTERROGATORY NO. 1:

Richard Pugliese.

INTERROGATORY NO. 2:

State the date of first employment with YOU, and the dates and  
titles of each job position the person verifying these  
interrogatories has held while employed by YOU.

RESPONSE TO INTERROGATORY NO. 2:

Mr. Pugliese was first employed in May 1989.

1 e. Richard Kopf in the following cases:

- 2 1. James Battistessa, SF No. 948352, Brayton,  
3 Harley, Curtis.  
4 2. Robert Fisher, SF No. 963843, Brayton, Harley,  
5 Curtis.  
6 3. William Tomskey, SF No. 969912, Brayton,  
7 Harley, Curtis.  
8 4. Margaret McDonnell, SF No. 972446, Brayton,  
9 Harley, Curtis.  
10 5. Robert Durenberger, SF No. 975212, Brayton,  
11 Harley, Curtis.  
12 6. Henrietta Mitchell, SF No. 965292, Brayton,  
13 Harley, Curtis.  
14 7. Camille Almada, SF No. 978160, Brayton,  
15 Harley, Curtis.

16 INTERROGATORY NO. 13:

17 For each of the following, please state whether, at any time  
18 within the time frame or until such time as any defendant which had  
19 been engaged in MARKETING RAW ASBESTOS or ASBESTOS- CONTAINING  
20 PRODUCTS discontinued the MARKETING of such products, THIS DEFENDANT  
21 was a member or paid dues for any representative of THIS DEFENDANT  
22 (excluding faculty members of educational institutions) to be a  
23 member of the following:

- 24 A. American Conference of Governmental Industrial  
25 Hygienists;  
26 B. American Industrial Hygiene Association;  
27 C. American Petroleum Institute;

1 D. American Railroad Association;  
2 E. Asbestos Cement Producers Association;  
3 F. Asbestos Information Association (AIA) (please  
4 answer through date of your answers);  
5 G. Asbestos Information Association/North America  
6 (AIA/NA) (please answer through date of your answers);  
7 H. Asbestos Textile Institute (ATI);  
8 I. Industrial Hygiene Foundation and/or Industrial  
9 Health Foundation (IHF);  
10 J. Industrial Mineral Insulation Manufacturers  
11 Institute;  
12 K. Magnesia Insulation Manufacturers' Association;  
13 L. Magnesia Silica Insulation Manufacturers  
14 Association;  
15 M. Mineral Wool Institute;  
16 N. National Insulation Manufacturers Association  
17 (NIMA);  
18 O. National Safety Council;  
19 P. New York Academy of Sciences;  
20 Q. Quebec Asbestos Mining Association (QAMA);  
21 R. Refractories Institute;  
22 S. Safe Building Alliance (please answer through date  
23 of your answers);  
24 T. Thermal Insulation Manufacturers Association  
25 (TIMA);  
26 U. U.S. Maritime Commission;  
27 V. IDENTIFY any other organizations, associations or

groups of manufacturers, miners, distributors, importers, labelers,  
suppliers, and/or sellers of ASBESTOS-CONTAINING PRODUCTS of which  
THIS DEFENDANT was a member;

W. IDENTIFY any such representative of THIS DEFENDANT.

RESPONSE TO INTERROGATORY NO. 13:

A. No.

B. No.

C. Yes.

D. No.

E. No.

F. No.

G. No.

H. No.

I. No.

J. No.

K. No.

L. No.

M. No.

N. No.

O. Yes.

P. No.

Q. No.

R. No.

S. No.

T. No.

U. No.

V. None.

1 INTERROGATORY NO. 14:

2 For each organization, association or other entity identified  
3 in YOUR Response to Interrogatory No. 13, please state:

4 A. The dates during which THIS DEFENDANT was a member;

5 B. The name(s) of any publication(s) received by THIS  
6 DEFENDANT from such association or organization;

7 C. The name of any committee or subcommittee of which  
8 THIS DEFENDANT was a member, and the dates of such committee or  
9 subcommittee membership.

10 RESPONSE TO INTERROGATORY NO. 14:

11 A. Defendant believes that corporate or individual  
12 memberships in the organizations identified in Interrogatory No. 13  
13 were held as follows:

14 National Safety Council:

15 a. No information regarding dates prior to

16 1986,

17 b. unknown

18 c. unknown

19 American Petroleum Institute:

20 a. 1955 through 1985

21 b. unknown

22 c. unknown

23 INTERROGATORY NO. 15:

24 Had THIS DEFENDANT prior to 1973 received any DOCUMENTS  
25 containing results or conclusions of any studies and/or tests  
26 conducted by Bonsib for Standard Oil of New Jersey relating to  
27 asbestos exposure in the workplace or the human health consequences

maracek .

0001

IN THE CIRCUIT COURT FOR BALTIMORE CITY  
24X00000378

IN RE: BALTIMORE CITY  
ASBESTOS LITIGATION

GEORGE HICKS, et al.,  
Plaintiff,

vs. Case # X99002160

AC and S, INC., et al.  
Defendants.

CASE AFFECTED:  
Alexander Wilson

Evidence videotaped deposition of ROBERT  
MARECEK, taken before LAURA SARNO, CSR, Notary Public, at  
the National Safety Council, 1121 Spring Lake Drive, in  
the City of Itasca, DuPage County, Illinois, commencing  
at 11:00 o'clock a.m. on the 15th day of August, 2001.

APPEARANCES:

MR. JONATHAN RUCKDESCHEL  
Attorney at Law  
Parker, Dumler & Kiely, LLP  
Charles Center South  
36 South Charles Street  
Baltimore, Maryland 21201  
(410)625-9330  
On behalf of the Plaintiff;

MR. STEVEN A. ALLEN  
Attorney at Law  
Hodes, Ulman, Pessin & Katz, P.A.  
901 Dulaney Valley Road  
Suite 400  
Towson, Maryland 21204  
(410)339-6769  
On behalf of the Defendant PEPCO;

APPEARANCES CONTINUED:  
(Telephonically)

MR. VINCE PALMIOTTO

maracek

5 Attorney at Law  
6 Church & Houff  
7 2 North Charles  
8 Suite 600  
9 Baltimore, Maryland 21201  
10 (410)539-3900  
11 On behalf of the Defendants  
12 Certainteed and T&N;  
13 .

14 MS. BECKY BRELSFORD  
15 Attorney at Law  
16 Robinson, Woolson  
17 217 East Redwood  
18 Suite 1500  
19 Baltimore, Maryland 21202  
20 (410)625-0000  
21 On behalf of te Defendant  
22 John Crane;  
23 .  
24 .

0004

1 APPEARANCES CONTINUED:  
2 (Telephonically)  
3 .

4 MS. NANCY WELLER  
5 Attorney at Law  
6 Goldfein & Hosmer  
7 18 West Street  
8 Annapolis, Maryland 21401  
9 (410)263-3660  
10 On behalf of the Defendants  
11 Anchor & Garlock;  
12 .

13 MR. RICHARD L. FLAX  
14 Attorney at Law  
15 Zauner, Gawlik & Flax  
16 100 North Charles Street  
17 Suite 1700  
18 Baltimore, Maryland 21201  
19 (410)962-0500  
20 On behalf of the Defendant  
21 Walter E. Campbell Co., Inc.;  
22 .  
23 .  
24 .

0005

1 APPEARANCES CONTINUED:  
2 (Telephonically)  
3 .

4 MR. DAVID W. ALLEN  
5 Attorney at Law  
6 Goodell, DeVries, Leech & Dann  
7 One South Street  
8 20th Floor  
9 Baltimore, Maryland 21202  
10 (410)783-4005  
11 On behalf of the Defendant  
12 Hampshire;  
13 .

14 MR. MICHAEL DeHAVEN  
15 Attorney at Law  
16 Bodie Nagle  
17 21 West Susquehanna Avenue

5 maracek  
6 MR. RUCKDESCHEL: There  
7 is already an NSC 157.

8 MR. ALLEN: Where do  
9 the numbers stop, if you could be so  
10 kind.

11 MR. RUCKDESCHEL: 157.

12 MR. ALLEN: All right.  
13 So if you'll make this NSC 158.

14 BY MR. ALLEN:

15 Q. Can you tell me, sir, is  
16 this a similar record kept by the  
17 National Safety Council in the  
18 ordinary course of its business  
19 relating to the membership status of  
20 a particular member?

21 A. Yes, it is.

22 Q. And the member on that sheet  
23 is the Bechtel Corporation?

24 A. That's correct.

0067 Q. And that sheet shows that

1 the Bechtel Corporation has been a  
2 member of the National Safety Council  
3 since what date?

4 A. According to this record,  
5 Bechtel has been a member of NSC -  
6 since December 1, 1950.

7 Q. And they would have been a  
8 continuous member from December 1,  
9 1950, to today?

10 A. To my understanding, yes.

11 Q. Okay. Now, Bechtel may  
12 actually have been a member at some  
13 point before 1950, allowed their  
14 membership to lapse, and rejoined in  
15 1950; is that correct?

16 A. As explained to me by our  
17 membership people, that is correct.

18 Q. And you would have no record  
19 to indicate whether or not they had  
20 been a member before 1950?

21 A. I would not maintain that in  
22 the library.

23 Q. And the membership people  
24 have told you they similarly would

0068 1 not have such a record?

2 MR. RUCKDESCHEL:

3 Objection.

4 THE WITNESS: That's

5 correct.

6 MR. ALLEN: Basis?

7 Let's go off the video.

8 THE VIDEOGRAPHER: We  
9 are now going off the record, and the  
10 time is approximately 12:02 p.m.

11 MR. ALLEN: So I can  
12 correct the question, if necessary.  
13 What's the basis?

14 MR. RUCKDESCHEL: It's  
15 not an objection to the form, nor is  
16 it an objection that you can correct  
17 today.

**KAZAN, McCLAIN, EDISES, ABRAMS,  
FERNANDEZ, LYONS & FARRISE**

*A Professional Law Corporation*

171 Twelfth Street, Third Floor  
Oakland, California 94607  
(510) 465-7728 • (510) 893-7211  
FAX: (510) 835-4913  
e-mail: postmaster@kazanlaw.com  
www.kazanlaw.com

**FACSIMILE COVER SHEET**

August 23, 2002

**TO:** Ross M. Petty, Esq. **Fax No:** (415) 371-1211  
THELEN REID & PRIEST LLP

**FROM:** Terry N. Gross  
KAZAN, McCLAIN, EDISES, ABRAMS, FERNANDEZ, LYONS & FARRISE

**RE:** John Jensen, et al. v. ABB Lummus Global Inc., et al.  
Alameda County Superior Court No. 2002-044879  
Your Client: Sequoia Ventures

**MESSAGE:**

**TRANSMITTING A TOTAL OF 11 PAGES INCLUDING THIS COVER PAGE. IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL AS SOON AS POSSIBLE AT (510) 465-7728.**

**IMPORTANT/CONFIDENTIAL:** *This message contains information from the law firm Kazan, McClain, Edises, Abrams, Fernandez, Lyons & Farrise which may be privileged, confidential and exempt from disclosure under applicable law. If you have received this communication in error, please notify us immediately at our phone number set forth above, and we will be happy to arrange for the return of this message via United States Postal Services to us at no cost to you. Please do not disseminate, distribute or copy this communication. THANK YOU*

\* \* \* COMMUNICATION RESULT REPORT ( AUG. 23. 2002 7:25PM ) \* \* \*

TTI KAZAN, MCCLAIN ETAL

| FILE MODE     | OPTION | ADDRESS (GROUP)   | RESULT | PAGE  |
|---------------|--------|-------------------|--------|-------|
| 356 MEMORY TX |        | G3-F :THELEN (SF) | OK     | 11/11 |

REASON FOR ERROR  
E-1) HANG UP OR LINE FAIL  
E-3) NO ANSWER

E-2) BUSY  
E-4) NO FACSIMILE CONNECTION

**KAZAN, McCLAIN, EDISES, ABRAMS,  
FERNANDEZ, LYONS & FARRISE**

*A Professional Law Corporation*

171 Twelfth Street, Third Floor  
Oakland, California 94607  
(510) 465-7728 • (510) 893-7211  
FAX: (510) 835-4913  
e-mail: postmaster@kazanlaw.com  
www.kazanlaw.com

**FACSIMILE COVER SHEET**

August 23, 2002

**TO:** Ross M. Petty, Esq.  
THELEN REID & PRIEST LLP

**Fax No:** (415) 371-1211

**FROM:** Terry N. Gross  
KAZAN, McCLAIN, EDISES, ABRAMS, FERNANDEZ, LYONS & FARRISE

**RE:** John Jensen, et al. v. ABB Lummus Global Inc., et al.  
Alameda County Superior Court No. 2002-044879  
Your Client: Sequoia Ventures

\* \* \* COMMUNICATION RESULT REPORT ( AUG. 23. 2002 7:25PM ) \* \* \*

| FILE MODE      | OPTION | ADDRESS (GROUP)   | TTI KAZAN, MCCLAIN ETAL<br>RESULT | PAGE  |
|----------------|--------|-------------------|-----------------------------------|-------|
| 6356 MEMORY TX |        | G3-F :THELEN (SF) | OK                                | 11/11 |

REASON FOR ERROR  
 E-1) HANG UP OR LINE FAIL  
 E-3) NO ANSWER

E-2) BUSY  
 E-4) NO FACSIMILE CONNECTION

**KAZAN, McCLAIN, EDISES, ABRAMS,  
 FERNANDEZ, LYONS & FARRISE**

*A Professional Law Corporation*

171 Twelfth Street, Third Floor  
 Oakland, California 94607  
 (510) 465-7728 • (510) 893-7211  
 FAX: (510) 835-4913  
 e-mail: postmaster@kazanlaw.com  
 www.kazanlaw.com

**FACSIMILE COVER SHEET**

August 23, 2002

**TO:** Ross M. Petty, Esq.  
 THELEN REID & PRIEST LLP

**Fax No:** (415) 371-1211

**FROM:** Terry N. Gross  
 KAZAN, McCLAIN, EDISES, ABRAMS, FERNANDEZ, LYONS & FARRISE

**RE:** John Jensen, et al. v. ABB Lummus Global Inc., et al.  
 Alameda County Superior Court No. 2002-044879  
 Your Client: Sequoia Ventures

- 1           A.    Supply;  
2           B.    Importing;  
3           C.    Distribution;  
4           D.    Marketing;  
5           E.    Sale;  
6           F.    Labeling;  
7           G.    Manufacturing;  
8           H.    Brokering.

9           **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 30:**

10          A.-H. Defendant used asbestos-containing products in its activities in performing  
11 construction as a contractor on hundreds of projects. Defendant's use of asbestos-containing  
12 products on construction projects did not constitute "supply," "distribution," "marketing," "sale,"  
13 or "manufacturing." For its projects which called for insulation materials, the usual forms of  
14 insulation material for insulating piping, equipment, structural steel, and the like, contained  
15 asbestos during the period 1945 until about 1972.

16          Defendant usually contracted with a specialty insulation subcontractor to install insulation  
17 materials when called for on its construction projects. Occasionally Defendant used its own  
18 employees to install insulation materials on its construction projects. The insulation materials  
19 applied by Defendant's employees were typically applied in the field at the construction site.  
20 Occasionally the pipe coating material was applied to large bore pipe at prefabrication facilities  
21 operated by Defendant and then transported to the construction site for installation of the  
22 prefabricated pipe and equipment. One such facility for large bore pipe prefabrication operated in  
23 Watson, California between April 1, 1946 and September 27, 1953, and was known as the  
24 Somastic Division.

25          Whenever insulation material that was installed on a construction project contained  
26 asbestos, the asbestos containing product originated not from Defendant but from a company

- 1 A. Industrial Indemnity Company:  
2 B. IL-909-3216;  
3 C. \$2,000,000/\$2,000,000/\$2,000,000;  
4 D. 4/1/90-4/1/93.

- 5 A. Industrial Indemnity Company:  
6 B. IL-902-5478;  
7 C. \$2,000,000/\$2,000,000/\$2,000,000;  
8 D. 4/1/93-4/1/96.

9 **INTERROGATORY NO. 27:**

10 State whether YOU have controlled, purchased, or in any way acquired any controlling  
11 interest in any corporation or business entity which has mined, manufactured, produced,  
12 processed, compounded, sold, supplied, distributed and/or otherwise placed RAW ASBESTOS or  
13 ASBESTOS-CONTAINING PRODUCTS in the stream of commerce. If so, state:

- 14 A. The name and address of said corporation or business entity;  
15 B. The dates YOU controlled, purchased or acquired any interest; and  
16 C. The nature of the business as it pertains to asbestos.

17 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 27:**

18 Defendant did not control, purchase, or in any way acquire any controlling interest in any  
19 corporation or business entity which has mined, manufactured, produced, processed, compounded, sold,  
20 supplied, distributed and/or otherwise placed RAW ASBESTOS or ASBESTOS-CONTAINING  
21 PRODUCTS in the stream of commerce. On April 1, 1946, defendant acquired a business located in  
22 Watson California called Somastic Division. This business engaged in the business of applying  
23 corrosion protection coatings on large bore pipe. The coating material applied to the pipe may  
24 have, at one time or another, contained asbestos. Defendant sold the business on September 27,  
25 1953.

26 **INTERROGATORY NO. 30:**

27 Between 1930 and 1985, did YOU ever engage in any of the activities listed below with  
28 regard to ASBESTOS-CONTAINING PRODUCTS? If so, state the inclusive dates of such  
29 activity: