FILE NAME: .ŜŎKűŜf ó.9/ I ú

DATE: нллн !ȡzƎ но

DOC#: .9/ I ллм

DOCUMENT DESCRIPTION: [ŜűűŜℕ ű2 !úű2ℕyŜè tŜűűè ₹ℕ2Y !úű2ℕyŜè Dℕ2ăă ø۸űK !úűI·ŎKYŜyűă

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. Schreiberg
Terry N. Gross
Gordon D. Greenwood
James L. Oberman*
Andrea Huston
Diana Esquivel
Anthony D. Prince
Petra DeJesus
Karen L. Creech
Wes Wagnon
Anya 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.

TGROSS/186017.1

*Certified Appellate Specialist, The State Bar of California Board of Legal Specialization

" NSC Member Organizations BY Sort Name "Ž
□" NSC Member Organization
Ž

› Sort Name: BechtelCorp 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 11/15/00perBTarnowski/IS ›
› Orig By: Scoopuse 12/24/95 Chgd By: murriete 11/15/00

sc 12/01/50 JOIN Member converted NATLCNS

DEPOSITION EXHIBIT
NSC 152

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.

RECEIVED
JUN 10 1997
KAZAN, McCLAIN, EDISES SIMON & ABRAMS

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.

e. Richard Kopf in the following cases:

1. James Battistessa, SF No. 948352, Brayton, Harley, Curtis.

2. Robert Fisher, SF No. 963843, Brayton, Harley, Curtis.

3. William Tomsky, SF No. 969912, Brayton, Harley, Curtis.

4. Margaret McDonnell, SF No. 972446, Brayton, Harley, Curtis.

5. Robert Durenberger, SF No. 975212, Brayton, Harley, Curtis.

6. Henrietta Mitchell, SF No. 965292, Brayton, Harley, Curtis.

7. Camille Almada, SF No. 978160, Brayton, Harley, Curtis.

INTERROGATORY NO. 13:

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

A. American Conference of Governmental Industrial Hygienists;

B. American Industrial Hygiene Association;

C. American Petroleum Institute;

D. American Railroad Association;

E. Asbestos Cement Producers Association;

F. Asbestos Information Association (AIA) (please answer through date of your answers);

G. Asbestos Information Association/North America (AIA/NA) (please answer through date of your answers);

H. Asbestos Textile Institute (ATI);

I. Industrial Hygiene Foundation and/or Industrial Health Foundation (IHF);

J. Industrial Mineral Insulation Manufacturers Institute;

K. Magnesia Insulation Manufacturers' Association;

L. Magnesia Silica Insulation Manufacturers Association;

M. Mineral Wool Institute;

N. National Insulation Manufacturers Association (NIMA);

O. National Safety Council;

P. New York Academy of Sciences;

Q. Quebec Asbestos Mining Association (QAMA);

R Refractories Institute;

S. Safe Building Alliance (please answer through date of your answers);

T. Thermal Insulation Manufacturers Association (TIMA);

U. U.S. Maritime Commission;

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.

INTERROGATORY NO. 14:

For each organization, association or other entity identified in YOUR Response to Interrogatory No. 13, 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 any committee or subcommittee of which THIS DEFENDANT was a member, and the dates of such committee or subcommittee membership.

RESPONSE TO INTERROGATORY NO. 14:

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

National Safety Council:

a. No information regarding dates prior to 1986,

b. unknown

c. unknown

American Petroleum Institute:

a. 1955 through 1985

b. unknown

c. unknown

INTERROGATORY NO. 15:

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

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.

0002

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;

0003

APPEARANCES CONTINUED:
(Telephonically)

MR. VINCE PALMIOTTO

Attorney at Law
Church & Houff
2 North Charles
Suite 600
Baltimore, Maryland 21201
(410)539-3900
On behalf of the Defendants
Certainteed and T&N;

MS. BECKY BRELSFORD
Attorney at Law
Robinson, Woolson
217 East Redwood
Suite 1500
Baltimore, Maryland 21202
(410)625-0000
On behalf of te Defendant
John Crane;

0004

APPEARANCES CONTINUED:
(Telephonically)

MS. NANCY WELLER
Attorney at Law
Goldfein & Hosmer
18 West Street
Annapolis, Maryland 21401
(410)263-3660
On behalf of the Defendants
Anchor & Garlock;

MR. RICHARD L. FLAX
Attorney at Law
Zauner, Gawlik & Flax
100 North Charles Street
Suite 1700
Baltimore, Maryland 21201
(410)962-0500
On behalf of the Defendant
Walter E. Campbell Co., Inc.;

0005

APPEARANCES CONTINUED:
(Telephonically)

MR. DAVID W. ALLEN
Attorney at Law
Goodell, DeVries, Leech & Dann
One South Street
20th Floor
Baltimore, Maryland 21202
(410)783-4005
On behalf of the Defendant
Hampshire;

MR. MICHAEL DeHAVEN
Attorney at Law
Bodie Nagle
21 West Susquehanna Avenue

MR. RUCKDESCHEL: There is already an NSC 157.
MR. ALLEN: Where do the numbers stop, if you could be so kind.
MR. RUCKDESCHEL: 157.
MR. ALLEN: All right. So if you'll make this NSC 158.
BY MR. ALLEN:
Q. Can you tell me, sir, is this a similar record kept by the National Safety Council in the ordinary course of its business relating to the membership status of a particular member?
A. Yes, it is.
Q. And the member on that sheet is the Bechtel Corporation?
A. That's correct.
Q. And that sheet shows that

0067

the Bechtel Corporation has been a member of the National Safety Council since what date?
A. According to this record, Bechtel has been a member of NSC since December 1, 1950.
Q. And they would have been a continuous member from December 1, 1950, to today?
A. To my understanding, yes.
Q. Okay. Now, Bechtel may actually have been a member at some point before 1950, allowed their membership to lapse, and rejoined in 1950; is that correct?
A. As explained to me by our membership people, that is correct.
Q. And you would have no record to indicate whether or not they had been a member before 1950?
A. I would not maintain that in the library.
Q. And the membership people have told you they similarly would

0068

not have such a record?
MR. RUCKDESCHEL: Objection.
THE WITNESS: That's correct.
MR. ALLEN: Basis? Let's go off the video.
THE VIDEOGRAPHER: We are now going off the record, and the time is approximately 12:02 p.m.
MR. ALLEN: So I can correct the question, if necessary. What's the basis?
MR. RUCKDESCHEL: It's not an objection to the form, nor is it an objection that you can correct 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
6356 MEMORY TX		G3-F :THELEN (SF)	OK	11/11

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-2) BUSY
E-3) NO ANSWER
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.** **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

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

TTI KAZAN, MCCLAIN ETAL

FILE MODE	OPTION	ADDRESS (GROUP)	RESULT	PAGE
6356 MEMORY TX		G3-F :THELEN (SF)	OK	11/11

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-2) BUSY
E-3) NO ANSWER
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.** **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

A. Supply;

B. Importing;

C. Distribution;

D. Marketing;

E. Sale;

F. Labeling;

G. Manufacturing;

H. Brokering.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 30:

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

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

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

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

A. Industrial Indemnity Company;
B. IL-902-5478;
C. $2,000,000/$2,000,000/$2,000,000;
D. 4/1/93-4/1/96.

INTERROGATORY NO. 27:

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

A. The name and address of said corporation or business entity;

B. The dates YOU controlled, purchased or acquired any interest; and

C. The nature of the business as it pertains to asbestos.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 27:

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

INTERROGATORY NO. 30:

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