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8 CERTAINTED CORPORATION

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF SAN FRANCISCO**

12 IN RE:

Case No. 828684

13 COMPLEX ASBESTOS LITIGATION

14 } CERTAINTED CORPORATION'S
15 } SECOND SUPPLEMENTAL RESPONSES
16 } TO GENERAL ORDER #129
17 } INTERROGATORIES

18 PROPOUNDING PARTY: PLAINTIFFS

19 RESPONDING PARTY: CERTAINTED CORPORATION

20 SET NUMBER: ONE

21 **RESPONSES TO INTERROGATORIES**

22 **INTERROGATORY NO. 13:**

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

- 28
- A. American Conference of Governmental Industrial Hygienists;
 - B. American Industrial Hygiene Association;
 - C. American Petroleum Institute;

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

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

26 A. - V. CertainTeed has belonged to NIMA from 1967 through 1973, TIMA from 1973
27 through the present, AIA/NA since its founding in 1971, and the Association of Asbestos-
28

1 Cement Pipe Producers from its formation in 1973 to approximately 1990. CertainTeed joined
2 the Industrial Health Foundations in 1968 (CertainTeed has no record of when that affiliation
3 ended).

4 W. CertainTeed has no log, registry or other source of information which would enable it to
5 obtain the information requested. CertainTeed has no method to determine which of its
6 employees were "representatives" of CertainTeed during any specific time period. CertainTeed
7 further responds that this information is equally available to the requesting party as plaintiffs
8 could contact each of the organizations listed in Interrogatory No. 13 to obtain the requested
9 information, if any exists.

10 **INTERROGATORY NO. 14:**

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

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

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

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

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

19 A. See answer to Interrogatory No. 13.

20 B. CertainTeed has no log, registry or other source of information which would
21 enable it to obtain the information requested.

22 C. CertainTeed has no log, registry or other source of information which would
23 enable it to obtain the information requested. CertainTeed further responds that this information
24 is equally available to the requesting party as plaintiffs could contact each of the organizations
25 identified in CertainTeed's Response to Interrogatory No. 13 to obtain the requested information,
26 if any exists.

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1 **INTERROGATORY NO. 24:**

2 Has THIS DEFENDANT made available to its employees a medical examination
3 program to determine the absence or presence of asbestos-related disease? If so, state:

4 A. Whether chest x-rays or pulmonary function tests were part of such
5 program(s);

6 B. Whether participation in any such program was a mandatory condition of
7 employment or was voluntary;

8 C. Whether THIS DEFENDANT has DOCUMENTS of such program(s);

9 D. The IDENTITY of the custodian of such DOCUMENTS.

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

11 Pre-employment physicals were performed on employees at CertainTeed's asbestos-
12 cement pipe plants. CertainTeed has no records identifying when such practice began. None of
13 the pertinent medical records are in CertainTeed's custody.

14 Periodic examinations during employment (on an annual basis) were performed on
15 employees at CertainTeed's asbestos-cement pipe plants. CertainTeed has no records identifying
16 when such practice began, although it is believed that chest x-rays were taken commencing in the
17 mid-1960's and that pulmonary function tests began in approximately 1973. None of the
18 pertinent medical records are in CertainTeed's custody. CertainTeed employees were
19 encouraged to participate in the yearly physicals, although it was not mandatory that they take
20 such an exam.

21 As CertainTeed has no records in its possession, custody or control responsive to this
22 interrogatory, there is no such custodian of records to identify.

23 **INTERROGATORY NO. 25:**

24 Prior to 1973, did any person file a Workers' Compensation claim for asbestos-related
25 injury against THIS DEFENDANT or against any Workers' Compensation insurance carrier
26 which provided coverage for THIS DEFENDANT? If so, state the total number of such claims
27 and, for the first 20 such claims state:

28

- 1 A. The date of such claim;
2 B. The name of the claimant;
3 C. The case number;
4 D. The court in which the claim was filed;
5 E. The IDENTITY of THIS DEFENDANT's custodian of DOCUMENTS
6 evidencing such claims.

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

8 The first workers' compensation claim was served against CertainTeed in December,
9 1972. Accordingly, CertainTeed is treating this Interrogatory as being inapplicable. CertainTeed
10 further responds that it has no file regarding the December 1972 claim in its possession, custody
11 or control.

12 **INTERROGATORY NO. 26:**

13 Does THIS DEFENDANT have insurance available to cover judgment(s) entered against
14 it in asbestos-related personal injury lawsuits? If so, state:

- 15 A. The name and principal place of business of any insurance carrier who has
16 issued such policy of insurance;
17 B. The number and effective date of each policy;
18 C. The amount(s) of coverage of each policy;
19 D. The applicable dates of coverage.

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

21 CertainTeed is a member of the Center for Claims Resolution with sufficient coverage for
22 the claims being asserted herein.

23 **INTERROGATORY NO. 28:**

24 State whether THIS DEFENDANT, between 1930 and 1985, has ever engaged in the
25 following activities with regard to RAW ASBESTOS, and if so, state the inclusive dates of such
26 activity:

- 27 A. Mining;
28

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

9 **RESPONSE TO INTERROGATORY NO. 28:**

- 10 A. No.
- 11 B. No.
- 12 C. No
- 13 D. Yes.
- 14 E. No.
- 15 F. No.
- 16 G. No.
- 17 H. No.
- 18 I. No.

19 **INTERROGATORY NO. 29:**

20 If YOUR answer to any of subparts of Interrogatory 28 regarding RAW ASBESTOS is in
21 the affirmative, state:

22 A. The trade, brand name, and/or generic name of such RAW ASBESTOS
23 milled or MARKETED in any form or quantity between 1930 and 1985;

24 B. The date(s) such RAW ASBESTOS was first placed on the market,
25 including the date(s) such RAW ASBESTOS was first marketed;

- 26 1. On an experimental basis;
- 27 2. On a test basis;

28

- 1 3. For sale.
- 2 C. The date(s) such RAW ASBESTOS:
- 3 1. Ceased to be produced; or
- 4 2. Was recalled from the market, if ever.
- 5 D. A description of the chemical composition of such RAW ASBESTOS,
- 6 including the type and/or grade of asbestos;
- 7 E. A description of the physical appearance and nature of such RAW
- 8 ASBESTOS, including any color coding, distinctive marking and/or logo on the packaging or
- 9 container;
- 10 F. A detailed description of the intended use of such RAW ASBESTOS,
- 11 including any temperature limits for each such use;
- 12 G. Whether such RAW ASBESTOS was on the U.S. Government's
- 13 "Qualified Products List," and if so, the inclusive dates it was on such list;
- 14 H. IDENTIFY to whom such RAW ASBESTOS has, at any time, been sold.
- 15 As to each such, state:
- 16 I. Whether any of THIS DEFENDANT's RAW ASBESTOS has, at any
- 17 time, been sold, shipped, or otherwise distributed, used or installed to or at any COMPANY
- 18 (including power company or utility), governmental agency or entity, shipyard, distributor,
- 19 refinery, contractor, supplier, PREMISE owner or occupant, ship owner, or other PREMISE or
- 20 site in the GEOGRAPHIC AREA and whether any of THIS DEFENDANT's RAW ASBESTOS
- 21 has at any time, been sold to any manufacturer, or manufacturing facility, of ASBESTOS-
- 22 CONTAINING PRODUCTS. If so, state:
- 23 1. The names of each such COMPANY, governmental agency or
- 24 entity, shipyard, distributor, supplier, manufacturer or refinery;
- 25 2. The inclusive dates of each such sale, and the amount (quantity)
- 26 and the trade brand name of such RAW ASBESTOS sold;
- 27 3. The manner of shipment (e.g. boat, rail, etc.)
- 28

1 4. Whether you have any records indicating any such sale or shipment
2 and, if so, the name, address and job classification of each person who currently has possession
3 of such records.

4 5. Either (1) attach all DOCUMENTS evidencing the information
5 sought in this Interrogatory and its subparts to your answers to these Interrogatories, or (2) attach
6 disks containing such data, or (3) describe such DOCUMENTS with sufficient particularity that
7 they may be made the subject of a request for production of documents.

8 **RESPONSE TO INTERROGATORY NO. 29:**

9 Not Applicable. CertainTeed never milled nor marketed raw asbestos.

10 **INTERROGATORY NO. 32: (PREMISES DEFENDANTS only):**

11 Did YOU install, remove, or handle or contract to have others install, remove, or handle
12 RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS at any PREMISES in the
13 GEOGRAPHIC AREA which PREMISES is at issue as to YOU in San Francisco Superior Court
14 asbestos litigation as of the date of your answers to these interrogatories? If so:

15 A. IDENTIFY the PREMISES.

16 B. For each of the PREMISES:

- 17 1. State the nature of your ownership or possessory interest;
18 2. State the inclusive date of that interest;
19 3. IDENTIFY the party from whom that interest was acquired;
20 4. IDENTIFY the party, if any, to whom that interest was transferred.

21 C. IDENTIFY every contract to which YOU were a party or of which you
22 have knowledge wherein the performance of such contract involved the installation, removal,
23 disturbing or handling of any RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS at
24 YOUR PREMISES. For each such contract:

- 25 1. IDENTIFY the parties to the contract;
26 2. Provide a general description and specific location of the work to
27 be performed by each party to the contract;

28

1 3. IDENTIFY and describe the NATURE of the RAW ASBESTOS
2 or ASBESTOS-CONTAINING PRODUCTS installed, removed, disturbed or handled in the
3 performance of the contract;

4 4. State the dates of the contract and the dates of performance;

5 D. Except as provided in response to subpart (c), has any work other than
6 routine maintenance been done on or to the PREMISES that involved the installation, removal,
7 disturbing or handling of RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS? If
8 so, for each instance:

9 1. State the inclusive dates of the work;

10 2. Provide a general description and specific location of the work;

11 3. State whether the work was done by YOU and/or YOUR
12 employees;

13 4. IDENTIFY and describe the NATURE of the RAW ASBESTOS
14 or ASBESTOS-CONTAINING PRODUCTS installed, removed, handled or disturbed;

15 5. IDENTIFY from whom the RAW ASBESTOS OR ASBESTOS-
16 CONTAINING PRODUCTS were acquired.

17 E. Has any asbestos abatement effort been made at the PREMISES? If so,
18 for each such effort:

19 1. IDENTIFY who did the work;

20 2. State the inclusive dates thereof;

21 3. State whether samples were taken, and, if the samples still exist,
22 IDENTIFY the custodian of the samples;

23 4. State whether any material was tested, and, if so, what were the
24 result of each test;

25 5. IDENTIFY each test result with sufficient particularity for
26 purposes of request for production of documents, or, in the alternative, attach a copy to YOUR
27 answers to these interrogatories.

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1 F. Except for insurance coverage litigation, have you filed suit against, or
2 otherwise sought to recover from, any person or entity for some or all of the cost of asbestos
3 abatement or for the property damage allegedly caused by the presence of RAW ASBESTOS or
4 ASBESTOS-CONTAINING PRODUCTS on the PREMISES identified in response to subpart
5 (A) above? If so:

6 1. IDENTIFY the person or entity against whom YOU have filed suit
7 or otherwise sought to recover;

8 2. If YOU have filed suit, state the court in which the action was
9 filed, the date on which it was filed, IDENTIFY all Plaintiffs and Defendants and their counsel of
10 record;

11 3. State whether or not the case has been resolved, and, if so, what
12 was the status of disposition.

13 G. Either (1) attach all DOCUMENTS evidencing the information sought in
14 this Interrogatory and its subparts to your answers to these Interrogatories, or (2) attach disks
15 containing such data, or (3) describe such DOCUMENTS with sufficient particularity that they
16 may be made the subject of a request for production of documents.

17 H. IDENTIFY the person(s) presently most knowledgeable about the
18 information sought in this interrogatory or its subparts.

19 **RESPONSE TO INTERROGATORY NO. 32:**

20 Not applicable. CertainTeed is not a premises defendant.

21 **INTERROGATORY NO. 44:**

22 When do YOU contend that THIS DEFENDANT first became aware that there is an
23 association between asbestos exposure and disease in human beings?

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

25 Unknown. CertainTeed does not know when it first became aware of an association
26 between asbestos exposure and disease in human beings.

1 **INTERROGATORY NO. 45:**

2 How do YOU contend that THIS DEFENDANT first became aware that there is an
3 association between asbestos exposure and disease in human beings.

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

5 Unknown. CertainTeed does not know how it first became aware of an association
6 between asbestos exposure and disease in human beings.

7 **INTERROGATORY NO. 47:**

8 When did THIS DEFENDANT first warn its employees that exposure to asbestos could
9 be hazardous to human health? State:

- 10 A. Whether the first such warning was written or oral;
11 B. Whether copies of DOCUMENTS containing such warning exist;
12 C. The IDENTITY of the custodian of such DOCUMENTS;
13 D. The content of the warning.

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

15 CertainTeed has on occasion provided its employees with brochures and booklets
16 regarding the health effects of asbestos. It is believed that such documents were those which
17 have been published on the subject by the Asbestos Information Association. Copies of such
18 documents are presumed to be retained by the Asbestos Information Association. As
19 CertainTeed does not have the relevant brochures and booklets in its possession, custody or
20 control, it is unable to provide any information regarding the content of any warnings contained
21 in the brochures and booklets.

22 **INTERROGATORY NO. 53:**

23 At any time between 1930 and 1985, did you import, export, ship, transship or otherwise
24 transport RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS into, out of or through
25 any port in the GEOGRAPHIC AREA? If so, for each occasion:

- 26 A. IDENTIFY and describe the NATURE and amount of RAW ASBESTOS
27 and/or ASBESTOS-CONTAINING PRODUCTS;

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1 B. IDENTIFY the ship or ships (including the owners and operators thereof)
2 onto or from which the RAW ASBESTOS and ASBESTOS-CONTAINING PRODUCTS were
3 loaded, unloaded or shipped;

4 C. State the dates, port and pier involved for each occasion;

5 D. Either (1) attach all DOCUMENTS evidencing the information sought in
6 this Interrogatory and its subparts to your answers to these Interrogatories, or (2) attach disks
7 containing such data, or (3) describe such DOCUMENTS with sufficient particularity that they
8 may be made the subject of a request for production of documents.

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

10 CertainTeed imported asbestos fiber into the U.S. through the Port of San Francisco from
11 1962 until 1975. Not applicable with respect to asbestos-containing products.

12 A. Fiber imported was chrysotile and crocidolite. CertainTeed has no records in its
13 custody pertaining to the amount of fiber imported. CertainTeed is unaware of any other persons
14 or organizations outside of CertainTeed that could provide further information relevant to this
15 interrogatory.

16 B. It is believed that the ships which carried the fiber were operated by Ned Lloyd
17 Lines. CertainTeed has no records pertaining to the identity of any such ships. CertainTeed is
18 unaware of any other persons or organizations outside of CertainTeed that could provide further
19 information relevant to this interrogatory.

20 C. It is believed that all asbestos fiber imported by CertainTeed through the port of
21 San Francisco between 1962 and 1975 would have passed over Piers 19 or 23 (only). Dates are
22 unknown. CertainTeed is unaware of any other persons or organizations outside of CertainTeed
23 that could provide further information relevant to this interrogatory.

24 //

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1 D. No pertinent documents exist.

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3 DATED: December 23, 1998

HAIGHT, BROWN & BONESTEEL

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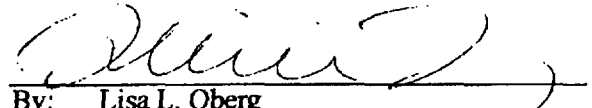
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By: Lisa L. Oberg
Felicia Y. Feng
Attorneys for THE CENTER FOR
CLAIMS RESOLUTION
DEFENDANTS, including
CERTAINTED CORPORATION

1 PROOF OF SERVICE BY MAIL

2 STATE OF CALIFORNIA)

3 COUNTY OF SAN FRANCISCO)

Case No: 828684

4
5 I am employed in the County of San Francisco, State of California. I am over the age of
6 18 and not a party to the within action. My business address is 100 Bush Street, 27th Floor, San
Francisco, CA 94104-3902.

7 On December 23, 1998, I served on interested parties in said action the within:

8 **CERTAINTED CORPORATION'S SECOND SUPPLEMENTAL RESPONSES TO**
9 **GENERAL ORDER NO. 129 INTERROGATORIES**

10 by placing a true copy thereof enclosed in sealed envelope(s) addressed as follows:

11 (SEE ATTACHED LIST)

12 and depositing such envelope(s) for collection and mailing by placing them in a postal
box in my work area.

13 I am "readily familiar" with this firm's practice of collection and processing
14 correspondence for mailing. Under that practice it would be deposited with U.S. postal service
15 on that same day in the ordinary course of business. I am aware that on motion of party served,
service is presumed invalid if postal cancellation date or postage meter date is more than 1 day
after date of deposit for mailing in affidavit.

16 Executed on December 23, 1998, at San Francisco, California.

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

19
20 

21 William McClure
22
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1 IN RE COMPLEX ASBESTOS LITIGATION SERVICE LIST

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