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SERVICE LIST***RHODA EVANS, et al. v. KUBOTA CORPORATION, et al.*****Case No.: BC418867****Our File No.: 00495.06997**

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 7

8 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
 9 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
 10

11 RHODA EVANS and BOBBY EVANS) *(Unlimited Civil Case)*
)
 12 Plaintiffs,) Case No.: BC 418867
) Action Filed: July 29, 2009
 13 v.) Judge: Conrad R. Aragon, Dept. 49
)
 14 A.W. CHESTERTON COMPANY, et al.) **DEFENDANT KUBOTA**
) **CORPORATION'S RESPONSES TO**
 15 Defendants.) **PLAINTIFFS' SPECIAL**
) **INTERROGATORIES**
 16)
 17 Trial Date: 3/22/10
 Action Filed: 7/29/09

18
 19 **PROPOUNDING PARTY :** Plaintiffs, RHODA EVANS and BOBBY EVANS
 20 **RESPONDING PARTY :** Defendant, KUBOTA CORPORATION
 21 **SET NUMBER :** ONE (1)
 22

23 Defendant KUBOTA CORPORATION hereby provides Responses to Plaintiff's Special
 24 Interrogatories Propounded to Defendant Kubota Corporation, Individually, and as Successor-in-
 25 interest to Kubota Iron and Machinery Works and Kubota America, as follows:

26 **GENERAL OBJECTIONS**

27 Responding Party, Defendant KUBOTA CORPORATION, contends that many of these
 28 interrogatories are objectionable as overly broad, unduly burdensome, not reasonably calculated

1 to lead to the discovery of admissible evidence, vague and ambiguous as applied to KUBOTA
2 CORPORATION and inconsistent with the requirements of the California Code of Civil
3 Procedure. Accordingly, KUBOTA CORPORATION has responded to the discovery as
4 understood. Further, in attempting to respond, KUBOTA CORPORATION is hampered by the
5 passage of time. Thus, documents, witnesses and evidence that may have helped KUBOTA
6 CORPORATION to more completely respond to this discovery and defend itself in this
7 litigation may no longer be in existence or available. These responses are made solely for the
8 purpose of litigation in Los Angeles County, State of California.

9 To the extent applicable and expressly incorporated below, the following objections are
10 incorporated in the response to each individual interrogatory:

11 (a) KUBOTA CORPORATION objects generally to these interrogatories to the
12 extent they request information that is not within KUBOTA CORPORATION's possession,
13 custody or control. However, KUBOTA CORPORATION has conducted a good faith
14 investigation and reasonable search for information with which to respond to these
15 interrogatories. These responses are made on behalf of KUBOTA CORPORATION only with
16 regard to information existing during the time asbestos cement pipe was exported to the United
17 States, from 1962 to 1975.

18 (b) KUBOTA CORPORATION objects generally to these interrogatories to the
19 extent they request information directed towards products, topics and issues beyond the
20 KUBOTA CORPORATION products about which plaintiffs make allegations, on the grounds
21 that such interrogatories are overly broad, unduly burdensome, oppressive, and request
22 information that is not relevant to the subject matter of this litigation and not reasonably
23 calculated to lead to the discovery of admissible evidence.

24 (c) KUBOTA CORPORATION objects generally to these interrogatories to the
25 extent they request information protected by the attorney-client privilege and/or the attorney
26 work-product doctrine.

27 In responding to this discovery, KUBOTA CORPORATION has furnished information
28 that is now available, which may include hearsay and other forms of information that are neither

1 reliable nor admissible as evidence. In conducting its business, KUBOTA CORPORATION has
2 created documents that may have been kept in numerous different locations and/or may have
3 been moved from site to site. As required by law, these responses reflect all responsive
4 information identified by KUBOTA CORPORATION pursuant to a diligent search and
5 reasonable inquiry. To the extent that any discovery requires more, KUBOTA CORPORATION
6 objects because the discovery requests KUBOTA CORPORATION to conduct a search beyond
7 the scope of permissible discovery contemplated by law, and compliance with such requests
8 would impose an undue burden on KUBOTA CORPORATION.

9 KUBOTA CORPORATION interprets these interrogatories as requesting information
10 that is not protected by the attorney-client privilege and/or the attorney work-product doctrine.
11 KUBOTA CORPORATION provides the information in these responses solely for the purpose
12 of the present litigation. KUBOTA CORPORATION expressly reserves all objections to the
13 attempted use of this information beyond the present forum (complex asbestos litigation in Los
14 Angeles County).

15 KUBOTA CORPORATION's investigation and discovery are ongoing. KUBOTA
16 CORPORATION reserves the right to object to future discovery on the same or related matters
17 and does not waive any objection by providing the information reflected in these responses.
18 KUBOTA CORPORATION further reserves the right to object to the admissibility of any of
19 these responses, in whole or in part, at trial in any action, on any grounds, including, but not
20 limited to materiality, relevance and privilege.

21 Subject to the foregoing General Objections that are included, without being individually
22 repeated, in each of the following responses, KUBOTA CORPORATION responds:

23 **KUBOTA'S RESPONSE TO PLAINTIFFS' SPECIAL INTERROGATORIES**

24
25 **SPECIAL INTERROGATORY NO.1:**

26 IDENTIFY the June 29, 2005 announcement regarding the occurrence of many
27 occupational victims of asbestos, as well as the victims' asbestos dust from environmental
28 exposure around the Kanzaki plant.

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

2 KUBOTA objects to this request as it invades the right to privacy of various individuals
3 and their families, is overly broad in scope, unduly burdensome, oppressive, harassing, irrelevant
4 and not reasonably calculated to lead to the discovery of admissible evidence as to information
5 related to other asbestos-containing products besides asbestos-cement pressure pipe. The
6 requested information is also protected by a confidentiality provision. Compromise agreements
7 and statements of sympathy are also protected by Evidence Code sections 1152 and 1160.
8 Should KUBOTA be ordered to reveal such information, said order will force KUBOTA to
9 breach its confidential contract with third parties. This demand also requests information that
10 may be protected by the attorney-client and attorney work product privileges.

11 **SPECIAL INTERROGATORY NO. 2:**

12 IDENTIFY the approximately 75 former workers of the Kanzaki Plant developed
13 mesothelioma as a result of their exposure to the plant's asbestos-containing products, and have
14 died as a result of this fatal disease.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

16 KUBOTA objects to this request as it invades the right to privacy of various individuals
17 and their families, is overly broad in scope, unduly burdensome, oppressive, harassing, irrelevant
18 and not reasonably calculated to lead to the discovery of admissible evidence as to information
19 related to other asbestos-containing products besides asbestos-cement pressure pipe. The
20 requested information is also protected by a confidentiality provision. Compromise agreements
21 and statements of sympathy are also protected by Evidence Code sections 1152 and 1160.
22 Should KUBOTA be ordered to reveal such information, said order will force KUBOTA to
23 breach its confidential contract with third parties. This demand also requests information that
24 may be protected by the attorney-client and attorney work product privileges.

25 **SPECIAL INTERROGATORY NO. 3:**

26 IDENTIFY the families you have compensated of deceased workers of the Kanzaki Plant
27 who developed mesothelioma as a result of their exposure to the plant's asbestos-containing
28 products.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

2 KUBOTA objects to this request as it invades the right to privacy of various individuals
3 and their families, is overly broad in scope, unduly burdensome, oppressive, harassing, irrelevant
4 and not reasonably calculated to lead to the discovery of admissible evidence as to information
5 related to other asbestos-containing products besides asbestos-cement pressure pipe. The
6 requested information is also protected by a confidentiality provision. Compromise agreements
7 and statements of sympathy are also protected by Evidence Code sections 1152 and 1160.
8 Should KUBOTA be ordered to reveal such information, said order will force KUBOTA to
9 breach its confidential contract with third parties. This demand also requests information that
10 may be protected by the attorney-client and attorney work product privileges.

11 **SPECIAL INTERROGATORY NO. 4:**

12 Do YOU contend that residents of Amagasaki City, Japan did not develop mesothelioma
13 during and after the years the Kanzaki Plant produced asbestos-containing products as a result of
14 exposure to the Kanzaki Plant's asbestos-containing products.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

16 KUBOTA objects to this request as it invades the right to privacy of various individuals
17 and their families, is overly broad in scope, unduly burdensome, oppressive, harassing, irrelevant
18 and not reasonably calculated to lead to the discovery of admissible evidence as to information
19 related to other asbestos-containing products besides asbestos-cement pressure pipe. The
20 requested information is also protected by a confidentiality provision. Compromise agreements
21 and statements of sympathy are also protected by Evidence Code sections 1152 and 1160.
22 Should KUBOTA be ordered to reveal such information, said order will force KUBOTA to
23 breach its confidential contract with third parties. This demand also requests information that
24 may be protected by the attorney-client and attorney work product privileges.

25 **SPECIAL INTERROGATORY NO. 5:**

26 If your response to Interrogatory No. 4 is anything other than an unqualified "no," state
27 all facts supporting YOUR contention.
28

RESPONSE TO SPECIAL INTERROGATORY NO. 5:

KUBOTA objects to this request as it invades the right to privacy of various individuals and their families, is overly broad in scope, unduly burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence as to information related to other asbestos-containing products besides asbestos-cement pressure pipe. The requested information is also protected by a confidentiality provision. Compromise agreements and statements of sympathy are also protected by Evidence Code sections 1152 and 1160. Should KUBOTA be ordered to reveal such information, said order will force KUBOTA to breach its confidential contract with third parties. This demand also requests information that may be protected by the attorney-client and attorney work product privileges.

SPECIAL INTERROGATORY NO. 6:

If your response to Interrogatory No. 4 is anything other than an unqualified "no," IDENTIFY all DOCUMENTS that support YOUR contention.

RESPONSE TO SPECIAL INTERROGATORY NO. 6:

KUBOTA objects to this request as it invades the right to privacy of various individuals and their families, is overly broad in scope, unduly burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence as to information related to other asbestos-containing products besides asbestos-cement pressure pipe. The requested information is also protected by a confidentiality provision. Compromise agreements and statements of sympathy are also protected by Evidence Code sections 1152 and 1160. Should KUBOTA be ordered to reveal such information, said order will force KUBOTA to breach its confidential contract with third parties. This demand also requests information that may be protected by the attorney-client and attorney work product privileges.

SPECIAL INTERROGATORY NO. 7:

If your response to Interrogatory No. 4 is anything, other than an unqualified "no," IDENTIFY by address and phone number all individuals who support YOUR contention.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

2 KUBOTA objects to this request as it invades the right to privacy of various individuals
3 and their families, is overly broad in scope, unduly burdensome, oppressive, harassing, irrelevant
4 and not reasonably calculated to lead to the discovery of admissible evidence as to information
5 related to other asbestos-containing products besides asbestos-cement pressure pipe. The
6 requested information is also protected by a confidentiality provision. Compromise agreements
7 and statements of sympathy are also protected by Evidence Code sections 1152 and 1160.
8 Should KUBOTA be ordered to reveal such information, said order will force KUBOTA to
9 breach its confidential contract with third parties. This demand also requests information that
10 may be protected by the attorney-client and attorney work product privileges.

11 **SPECIAL INTERROGATORY NO. 8:**

12 IDENTIFY by the quantity, the asbestos used at the Kanzaki Plant in the production of
13 asbestos water pipes and building material from 1962 through 1975.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

15 Objection: The term "building material" is vague and ambiguous. Otherwise, unknown.

16 **SPECIAL INTERROGATORY NO. 9:**

17 IDENTIFY the documentation that you had regarding the HAZARDS ASSOCIATED
18 WITH ASBESTOS EXPOSURE and/or ASBESTOS CONTAINING MATERIAL from 1962
19 through 1975.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

21 KUBOTO objects to this interrogatory as being vague, ambiguous and unintelligible as to
22 time and scope, and not reasonably calculated to lead to the discovery of admissible evidence.
23 Without waiving said objections, KUBOTA responds as follows:

24 Through the passage of time, the retirement and demise of its employees, and through
25 standard company destruction policies, potentially responsive documents and evidence have
26 been destroyed; therefore, KUBOTA is unable to more completely respond to this interrogatory.
27 Shortly before its enactment, KUBOTA became aware of a 1960 Japanese Pneumoconiosis Act
28 that addressed pneumoconiosis and asbestosis resulting from long term exposures to asbestos at

1 manufacturing facilities, but not lung cancer or mesothelioma. KUBOTA believes it first learned
2 of asbestos related cancer and mesothelioma hazards shortly before promulgation of the 1975
3 Japanese Ordinance on Prevention of Hazards Caused by Specified Chemical Substances.

4 **SPECIAL INTERROGATORY NO. 10:**

5 IDENTIFY the precautionary equipment was available to YOU, to protect YOUR
6 employees from HAZARDS ASSOCIATED WITH EXPOSURE TO ASBESTOS from 1962
7 through 1975.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

9 KUBOTA objects to this interrogatory as it is not reasonably calculated to lead to the
10 discovery of admissible evidence and is vague, ambiguous and unintelligible as to the phrase
11 "precautionary equipment." Subject to the foregoing, and without waiving its objections,
12 KUBOTA responds as follows:

13 Through the passage of time, the retirement and demise of its employees, and through
14 standard company destruction policies, potentially responsive documents and evidence have
15 been destroyed; therefore, KUBOTA is unable to further respond to this interrogatory, but
16 believes it first notified its employees working in its manufacturing plants and factories as to the
17 availability of respiratory protection in 1962.

18 **SPECIAL INTERROGATORY NO. 11:**

19 Do YOU contend that YOU offered protective respiratory equipment to employees at all
20 of your asbestos cement pipe manufacturing facilities from 1962 through 1975.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

22 KUBOTA objects to this interrogatory as it is not reasonably calculated to lead to the
23 discovery of admissible evidence, and is vague, ambiguous and unintelligible as to the phrase
24 "protective respiratory equipment." Subject to the foregoing, and without waiving its objections,
25 KUBOTA responds as follows:

26 Through the passage of time, the retirement and demise of its employees, and through
27 standard company destruction policies, potentially responsive documents and evidence have
28 been destroyed; therefore, KUBOTA is unable to respond to this interrogatory, but believes it

1 first notified its employees working in its manufacturing plants and factories as to availability of
2 respiratory protection in 1962.

3 **SPECIAL INTERROGATORY NO. 12:**

4 If your response to Interrogatory No. 11 is anything other than an unqualified "no," state
5 all facts supporting YOUR contention.

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 12:**

7 KUBOTA objects to this interrogatory as it is not reasonably calculated to lead to the
8 discovery of admissible evidence, and is vague, ambiguous and unintelligible as to the phrase
9 "protective respiratory equipment." Subject to the foregoing, and without waiving its objections,
10 KUBOTA responds as follows:

11 Through the passage of time, the retirement and demise of its employees, and through
12 standard company destruction policies, potentially responsive documents and evidence have
13 been destroyed; therefore, KUBOTA is unable to respond to this interrogatory, but believes it
14 first notified its employees working in its manufacturing plants and factories as to the availability
15 of respiratory protection in 1962.

16 **SPECIAL INTERROGATORY NO. 13:**

17 If your response to Interrogatory No. 11 is anything other than an unqualified "no,"
18 IDENTIFY all DOCUMENTS that support YOUR contention.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 13:**

20 KUBOTA objects to this interrogatory as it is not reasonably calculated to lead to the
21 discovery of admissible evidence, and is vague, ambiguous and unintelligible as to the phrase
22 "protective respiratory equipment." Subject to the foregoing, and without waiving its objections,
23 KUBOTA responds as follows:

24 Through the passage of time, the retirement and demise of its employees, and through
25 standard company destruction policies, potentially responsive documents and evidence have
26 been destroyed; therefore, KUBOTA is unable to respond to this interrogatory, but believes it
27 first notified its employees working in its manufacturing plants and factories as to the availability
28 of respiratory protection in 1962.

1 **SPECIAL INTERROGATORY NO. 14:**

2 If your response to Interrogatory No.11 is anything other than an unqualified "no,"
3 IDENTIFY by address and phone number all individuals who support YOUR contention.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 14:**

5 KUBOTA objects to this interrogatory as it is not reasonably calculated to lead to the
6 discovery of admissible evidence, and is vague, ambiguous and unintelligible as to the phrase
7 "protective respiratory equipment." Subject to the foregoing, and without waiving its objections,
8 KUBOTA responds as follows:

9 Through the passage of time, the retirement and demise of its employees, and through
10 standard company destruction policies, potentially responsive documents and evidence have
11 been destroyed; therefore, KUBOTA is unable to respond to this interrogatory, but believes it
12 first notified its employees working in its manufacturing plants and factories as to availability of
13 respiratory protection in 1962.

14 **SPECIAL INTERROGATORY NO. 15:**

15 Do YOU contend that YOU provided consumers of your produced asbestos-containing
16 products WARNINGS about the HAZARDS RELATED TO ASBESTOS EXPOSURE with the
17 ASBESTOS CONTAINING MATERIAL YOU SOLD at any time from 1962 through 1975.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 15:**

19 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
20 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
21 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
22 responds as follows: As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during
23 the ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos
24 cement pipe division of Kubota Corporation or have become deceased and, through standard
25 company record destruction policies, potentially responsive documents have been destroyed,
26 KUBOTA lacks sufficient information and belief to respond to this interrogatory and on this
27 basis, cannot respond further. In addition, at a deposition of a former VOSS employee, Randall
28 Waters, plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos

1 depicts a VOSS employee protected by goggles, gloves and a face mask while working at a
2 cutting tool. VOSS required its employees to wear protective equipment while using a cutting
3 tool. The cutting tool used water at the point of operation. The evidence does not preclude an
4 oral conversation between Voss and KUBOTA. So on this basis, Yes.

5 **SPECIAL INTERROGATORY NO. 16:**

6 If your response to Interrogatory No. 15 is anything other than an unqualified "no," state
7 full facts supporting YOUR contention.

8 **RESPONSE TO SPECIAL INTERROGATORY NO. 16:**

9 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
10 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
11 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
12 responds as follows: As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during
13 the ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos
14 cement pipe division of Kubota Corporation or have become deceased and, through standard
15 company record destruction policies, potentially responsive documents have been destroyed,
16 KUBOTA lacks sufficient information and belief to respond to this interrogatory and on this
17 basis, cannot respond further. In addition, at a deposition of a former VOSS employee, Randall
18 Waters, plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos
19 depicts a VOSS employee protected by goggles, gloves and a face mask while working at a
20 cutting tool. VOSS required its employees to wear protective equipment while using a cutting
21 tool. The cutting tool used water at the point of operation. The evidence does not preclude an
22 oral conversation between Voss and KUBOTA.

23 **SPECIAL INTERROGATORY NO. 17:**

24 If your response to Interrogatory No. 15 is anything other than an unqualified "no,"
25 IDENTIFY all DOCUMENTS that support YOUR contention.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 17:**

27 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
28 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to

1 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
2 responds as follows: As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during
3 the ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos
4 cement pipe division of Kubota Corporation or have become deceased and, through standard
5 company record destruction policies, potentially responsive documents have been destroyed,
6 KUBOTA lacks sufficient information and belief to respond to this interrogatory and on this
7 basis, cannot respond further. In addition, at a deposition of a former VOSS employee, Randall
8 Waters, plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos
9 depicts a VOSS employee protected by goggles, gloves and a face mask while working at a
10 cutting tool. VOSS required its employees to wear protective equipment while using a cutting
11 tool. The cutting tool used water at the point of operation. The evidence does not preclude an
12 oral conversation between Voss and KUBOTA.

13 **SPECIAL INTERROGATORY NO. 18:**

14 If your response to Interrogatory No.15 is anything other than an unqualified "no,"
15 IDENTIFY by address and phone number all individuals who support YOUR contention.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 18:**

17 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
18 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
19 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
20 responds as follows: As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during
21 the ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos
22 cement pipe division of Kubota Corporation or have become deceased and, through standard
23 company record destruction policies, potentially responsive documents have been destroyed,
24 KUBOTA lacks sufficient information and belief to respond to this interrogatory and on this
25 basis, cannot respond further. In addition, at a deposition of a former VOSS employee, Randall
26 Waters, plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos
27 depicts a VOSS employee protected by goggles, gloves and a face mask while working at a
28 cutting tool. VOSS required its employees to wear protective equipment while using a cutting

1 tool. The cutting tool used water at the point of operation. The evidence does not preclude an
2 oral conversation between Voss and KUBOTA.

3 **SPECIAL INTERROGATORY NO. 19:**

4 IDENTIFY any WARNINGS on any packaging or product itself associated with
5 ASBESTOS CONTAINING MATERIAL YOU provided to consumers of your produced
6 asbestos-containing products, from 1962 through 1975.

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

8 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
9 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
10 amounts of dust. Subject to the foregoing, and without waiving its objections KUBOTA
11 responds as follows:

12 As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during the ensuing 35
13 years, potentially knowledgeable witnesses have left the employ of the asbestos cement pipe
14 division of Kubota Corporation or have become deceased and, through standard company record
15 destruction policies, potentially responsive documents and evidence have been destroyed,
16 KUBOTA lacks sufficient information to fully respond to this interrogatory. Although
17 KUBOTA does not have information that such warnings were issued with its asbestos cement
18 pressure pipe supplied to the U.S. from 1962 to 1975, Plaintiff Bobby Brown would have
19 received relevant warnings from other parties including but not limited to, Certainteed, Johns-
20 Manville and the Los Angeles Department of Water and Power.

21 **SPECIAL INTERROGATORY NO. 20:**

22 Do YOU contend that YOU provided WARNINGS about the HAZARDS RELATED TO
23 ASBESTOS EXPOSURE with the ASBESTOS CONTAINING MATERIAL YOU SOLD to
24 VOSS at any time from 1962 through 1975?

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 20:**

26 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
27 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
28

1 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
2 responds as follows:

3 As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during the ensuing 35
4 years, potentially knowledgeable witnesses have left the employ of the asbestos cement pipe
5 division of Kubota Corporation or have become deceased and, through standard company record
6 destruction policies, potentially responsive documents have been destroyed, KUBOTA lacks
7 sufficient information and belief to respond to this interrogatory and on this basis, cannot
8 respond further. In addition, at a deposition of a former VOSS employee, Randall Waters,
9 plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos depicts a
10 VOSS employee protected by goggles, gloves and a face mask while working at a cutting tool.
11 VOSS required its employees to wear protective equipment while using a cutting tool. The
12 cutting tool used water at the point of operation. The evidence does not preclude an oral
13 conversation between Voss and KUBOTA. Also, Plaintiff Bobby Brown would have received
14 relevant warnings from other parties, including but not limited to, Certainteed, Johns-Manville
15 and the Los Angeles Department of Water and Power.

16 **SPECIAL INTERROGATORY NO. 21:**

17 If your response to Interrogatory No. 20 is anything other than an unqualified "no," state
18 all facts supporting YOUR contention.

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 21:**

20 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
21 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
22 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
23 responds as follows:

24 As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during the ensuing 35
25 years, potentially knowledgeable witnesses have left the employ of the asbestos cement pipe
26 division of Kubota Corporation or have become deceased and, through standard company record
27 destruction policies, potentially responsive documents have been destroyed, KUBOTA lacks
28 sufficient information and belief to respond to this interrogatory and on this basis, cannot

1 respond further. In addition, at a deposition of a former VOSS employee, Randall Waters,
2 plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos depicts a
3 VOSS employee protected by goggles, gloves and a face mask while working at a cutting tool.
4 VOSS required its employees to wear protective equipment while using a cutting tool. The
5 cutting tool used water at the point of operation. The evidence does not preclude an oral
6 conversation between Voss and KUBOTA. Also, Plaintiff Bobby Brown would have received
7 relevant warnings from other parties including but not limited to, Certainteed, Johns-Manville
8 and the Los Angeles Department of Water and Power.

9 **SPECIAL INTERROGATORY NO. 22:**

10 If your response to Interrogatory No. 20 is anything other than an unqualified "no,"
11 IDENTIFY all DOCUMENTS that support YOUR contention.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 22:**

13 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
14 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
15 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
16 responds as follows: As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during
17 the ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos
18 cement pipe division of Kubota Corporation or have become deceased and, through standard
19 company record destruction policies, potentially responsive documents have been destroyed,
20 KUBOTA lacks sufficient information and belief to respond to this interrogatory and on this
21 basis, cannot respond further. In addition, at a deposition of a former VOSS employee, Randall
22 Waters, plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos
23 depicts a VOSS employee protected by goggles, gloves and a face mask while working at a
24 cutting tool. VOSS required its employees to wear protective equipment while using a cutting
25 tool. The cutting tool used water at the point of operation. The evidence does not preclude an
26 oral conversation between Voss and KUBOTA. Also, Plaintiff Bobby Brown would have
27 received relevant warnings from other parties, including but not limited to, Certainteed, Johns-
28 Manville and the Los Angeles Department of Water and Power.

1 **SPECIAL INTERROGATORY NO. 23:**

2 If your response to Interrogatory No. 20 is anything other than an unqualified "no,"
3 IDENTIFY by address and phone number all individuals who support YOUR contention.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 23:**

5 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
6 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
7 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
8 responds as follows: As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during
9 the ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos
10 cement pipe division of Kubota Corporation or have become deceased and, through standard
11 company record destruction policies, potentially responsive documents have been destroyed.
12 KUBOTA lacks sufficient information and belief to respond to this interrogatory and on this
13 basis, cannot respond further. In addition, at a deposition of a former VOSS employee, Randall
14 Waters, plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos
15 depicts a VOSS employee protected by goggles, gloves and a face mask while working at a
16 cutting tool. VOSS required its employees to wear protective equipment while using a cutting
17 tool. The cutting tool used water at the point of operation. The evidence does not preclude an
18 oral conversation between Voss and KUBOTA.

19 **SPECIAL INTERROGATORY NO. 24:**

20 Do YOU contend that YOU provided WARNINGS about the HAZARDS RELATED TO
21 ASBESTOS EXPOSURE with the ASBESTOS CONTAINING MATERIAL YOU SOLD to the
22 Los Angeles Department of Water and Power at any time from 1962 to 1975?

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 24:**

24 Objection: KUBOTA objects to this request as it is overly broad in scope, unduly
25 burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
26 discovery of admissible evidence as to information related to other asbestos-containing products
27 besides asbestos-cement pressure pipe. This request assumes facts not in evidence that KUBOTA
28 or VOSS sold or supplied any asbestos-containing material to Los Angeles Department of Water

1 and Power of Los Angeles, CA at any time from 1962 to 1975. Without waiving these
2 objections, KUBOTA responds as follows:

3 Not applicable as there is no evidence that KUBOTA supplied or delivered any asbestos
4 cement pressure pipe to Los Angeles Department of Water and Power at any time from 1962 to
5 1975.

6 **SPECIAL INTERROGATORY NO. 25:**

7 If your response to Interrogatory No. 24 is anything other than an unqualified "no," state
8 all facts supporting YOUR contention.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 25:**

10 Not applicable as there is no evidence that KUBOTA supplied or delivered any asbestos
11 cement pressure pipe to Los Angeles Department of Water and Power at any time from 1962 to
12 1975.

13 **SPECIAL INTERROGATORY NO. 26:**

14 If your response to Interrogatory No. 24 is anything other than an unqualified "no,"
15 IDENTIFY all DOCUMENTS that support YOUR contention.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 26:**

- 17 (1) LADWP's Production of Documents dated 2/1/10 attached as Exhibit 35 to the
18 Deposition Transcript of LADWP's Person Most Knowledgeable, Daniel Davis III
19 dated 2/4/10;
20 (2) Deposition Transcript of LADWP's Person Most Knowledgeable, Daniel Davis III
21 dated 2/4/10 and 2/5/10, Volumes 1 and 2, with Exhibits;
22 (3) Deposition Transcript of LADWP's Person Most Knowledgeable, Alvaro Sanchez
23 dated 2/5/10 and 2/8/10, Volume 1 and 2, with Exhibits;
24 (4) Deposition Transcript of LADWP's Person Most Knowledgeable, Rhoda
25 Lukjaniec dated 2/8/10 with Exhibits;
26 (5) Deposition Transcript of Albert Groth dated January 28 and 27, 2010 and Exhibits
27
28

1 and

2 (6) Deposition Transcript of Arthur H. Voss dated 1/31/07 taken in Superior Court
3 County of San Francisco, Case No. 972662 entitled *Paul Roach v. Abex*
4 *Corporation et. al.* which was previously produced as Tab 4.21(S) in KUBOTA's
5 production of documents related to the Deposition of KUBOTA's Person Most
6 Knowledgeable taken on December 12, 2007 in the *Webber v. A.H. Voss* litigation,
7 and is already in the possession of plaintiffs' counsel.
8

9 Investigation and discovery are continuing and KUBOTA reserves its rights to amend
10 this response.

11 **SPECIAL INTERROGATORY NO. 27:**

12 If your response to Interrogatory No. 24 is anything other than an unqualified "no,"
13 IDENTIFY by address and phone number all individuals who support YOUR contention.

14 **RESPONSE TO SPECIAL INTERROGATORY NO. 27:**

15 Bobby Evans, Albert Groth, Los Angeles Department of Water and Power's Persons
16 Most Knowledgeable, Daniel Davis, Alvaro Sanchez, Rhoda Lukjaniec, and Arthur H. Voss.
17 Plaintiffs are in possession of the contact information and address for each of the persons with
18 the exception of Mr. Voss who is deceased.

19 **SPECIAL INTERROGATORY NO. 28:**

20 Do YOU contend that YOU were unaware of the asbestos fiber release that occurred
21 when ASBESTOS CONTAINING MATERIALS YOU manufactured and supplied to VOSS,
22 were cut with a power saw at any time from 1962 through 1975?

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 28:**

24 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
25 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
26 amounts of dust. This interrogatory is also vague, ambiguous and unintelligible as to time.
27 Subject to the foregoing, and without waiving its objections, KUBOTA responds as follows:
28

1 As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during the ensuing 35
2 years, potentially knowledgeable witnesses have left the employ of the asbestos cement pipe
3 division of Kubota Corporation or have become deceased and, through standard company record
4 destruction policies, potentially responsive documents have been destroyed, KUBOTA lacks
5 sufficient information and belief to respond to this interrogatory and on this basis, cannot
6 respond further. In addition, at a deposition of a former VOSS employee, Randall Waters,
7 plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos depicts a
8 VOSS employee protected by goggles, gloves and a face mask while working at a cutting tool.
9 VOSS required its employees to wear protective equipment while using a cutting tool. The
10 cutting tool used water at the point of operation. The evidence does not preclude an oral
11 conversation between Voss and KUBOTA. So on this basis, No.

12 **SPECIAL INTERROGATORY NO. 29:**

13 If your response to Interrogatory No. 28 is anything other than an unqualified "no," state
14 all facts supporting YOUR contention.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 29:**

16 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
17 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
18 amounts of dust. This interrogatory is also vague, ambiguous and unintelligible as to time.
19 Subject to the foregoing, and without waiving its objections, KUBOTA responds as follows: As
20 KUBOTA ceased the sale of asbestos cement pipe in 1975 and during the ensuing 35 years,
21 potentially knowledgeable witnesses have left the employ of the asbestos cement pipe division of
22 Kubota Corporation or have become deceased and, through standard company record destruction
23 policies, potentially responsive documents have been destroyed, KUBOTA lacks sufficient
24 information and belief to respond to this interrogatory and on this basis, cannot respond further.
25 In addition, at a deposition of a former VOSS employee, Randall Waters, plaintiffs' counsel
26 received a copy of a Voss/Kubota brochure. In it, one of the photos depicts a VOSS employee
27 protected by goggles, gloves and a face mask while working at a cutting tool. VOSS required its
28 employees to wear protective equipment while using a cutting tool. The cutting tool used water

1 at the point of operation. The evidence does not preclude an oral conversation between Voss and
2 KUBOTA.

3 **SPECIAL INTERROGATORY NO. 30:**

4 If your response to Interrogatory No. 28 is anything other than an unqualified "no,"
5 IDENTIFY all DOCUMENTS that support YOUR contention.

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 30:**

7 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
8 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
9 amounts of dust. This interrogatory is also vague, ambiguous and unintelligible as to time.
10 Subject to the foregoing, and without waiving its objections, KUBOTA responds as follows: As
11 KUBOTA ceased the sale of asbestos cement pipe in 1975 and during the ensuing 35 years,
12 potentially knowledgeable witnesses have left the employ of the asbestos cement pipe division of
13 Kubota Corporation or have become deceased and, through standard company record destruction
14 policies, potentially responsive documents have been destroyed, KUBOTA lacks sufficient
15 information and belief to respond to this interrogatory and on this basis, cannot respond further.
16 In addition, at a deposition of a former VOSS employee, Randall Waters, plaintiffs' counsel
17 received a copy of a Voss/Kubota brochure. In it, one of the photos depicts a VOSS employee
18 protected by goggles, gloves and a face mask while working at a cutting tool. VOSS required its
19 employees to wear protective equipment while using a cutting tool. The cutting tool used water
20 at the point of operation. The evidence does not preclude an oral conversation between Voss and
21 KUBOTA.

22 **SPECIAL INTERROGATORY NO. 31:**

23 If your response to Interrogatory No. 28 is anything other than an unqualified "no,"
24 IDENTIFY by address and phone number all individuals who support YOUR contention.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 31:**

26 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
27 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
28 amounts of dust. This interrogatory is also vague, ambiguous and unintelligible as to time.

1 Subject to the foregoing, and without waiving its objections, KUBOTA responds as follows: As
2 KUBOTA ceased the sale of asbestos cement pipe in 1975 and during the ensuing 35 years,
3 potentially knowledgeable witnesses have left the employ of the asbestos cement pipe division of
4 Kubota Corporation or have become deceased and, through standard company record destruction
5 policies, potentially responsive documents have been destroyed, KUBOTA lacks sufficient
6 information and belief to respond to this interrogatory and on this basis, cannot respond further.
7 In addition, at a deposition of a former VOSS employee, Randall Waters, plaintiffs' counsel
8 received a copy of a Voss/Kubota brochure. In it, one of the photos depicts a VOSS employee
9 protected by goggles, gloves and a face mask while working at a cutting tool. VOSS required its
10 employees to wear protective equipment while using a cutting tool. The cutting tool used water
11 at the point of operation. The evidence does not preclude an oral conversation between Voss and
12 KUBOTA.

13 **SPECIAL INTERROGATORY NO. 32:**

14 IDENTIFY the quantity of ASBESTOS CEMENT PIPE YOU sold to VOSS from 1962
15 through 1975.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 32:**

17 Unknown. As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during the
18 ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos
19 cement pipe division of Kubota Corporation or have become deceased and, through standard
20 company record destruction policies, potentially responsive documents have been destroyed,
21 KUBOTA lacks sufficient information and belief to respond to this interrogatory and on this
22 basis, cannot respond further.

23 **SPECIAL INTERROGATORY NO. 33:**

24 Do YOU contend that you did not have an exclusive distribution agreement with VOSS
25 under which VOSS SOLD KUBOTA ASBESTOS CEMENT PIPE in California from 1962
26 through 1975?
27
28

RESPONSE TO SPECIAL INTERROGATORY NO. 33:

KUBOTA responds as follows: Through the passage of time, the retirement and demise of its employees, and through standard company destruction policies, potentially responsive documents and evidence have been destroyed; therefore, KUBOTA is unable to further respond to this interrogatory.

SPECIAL INTERROGATORY NO. 34:

If your response to Interrogatory No. 33 is anything other than an unqualified "no," state all facts supporting YOUR contention.

RESPONSE TO SPECIAL INTERROGATORY NO. 34:

KUBOTA responds as follows: Through the passage of time, the retirement and demise of its employees, and through standard company destruction policies, potentially responsive documents and evidence have been destroyed; therefore, KUBOTA is unable to further respond to this interrogatory.

SPECIAL INTERROGATORY NO. 35:

If your response to Interrogatory No. 33 is anything other than an unqualified "no," IDENTIFY all DOCUMENTS that support YOUR contention.

RESPONSE TO SPECIAL INTERROGATORY NO. 35:

KUBOTA responds as follows: Through the passage of time, the retirement and demise of its employees, and through standard company destruction policies, potentially responsive documents and evidence have been destroyed; therefore, KUBOTA is unable to further respond to this interrogatory.

SPECIAL INTERROGATORY NO. 36:

If your response to Interrogatory No. 33 is anything other than an unqualified "no," IDENTIFY by address and phone number all individuals who support YOUR contention.

RESPONSE TO SPECIAL INTERROGATORY NO. 36:

KUBOTA responds as follows: Through the passage of time, the retirement and demise of its employees, and through standard company destruction policies, potentially responsive

documents and evidence have been destroyed; therefore, KUBOTA is unable to further respond to this interrogatory.

SPECIAL INTERROGATORY NO. 37:

IDENTIFY the ASBESTOS CEMENT PIPE YOU supplied to VOSS from 1962 through 1975.

RESPONSE TO SPECIAL INTERROGATORY NO. 37:

KUBOTA responds that the subject asbestos cement pipe had the following composition:

Portland cement, silica and asbestos. The quantitative percentage of asbestos approximated 18%. The type of asbestos was Crocidolite and Chrysotile. Kubota's asbestos cement pipe met the current standards and specifications of the American Waterworks Association C400-64T and latest revisions thereof, Federal Specifications for Asbestos-Cement Pipe SS-P-35La, American Society for Testing Materials C296-65 Type II, and Underwriters Laboratories, Inc. Kubota's asbestos cement pipe was available in the following lengths as stated in the Voss-Kubota brochure that has been previously produced:

Pipe Diameter	Full Length	Half Length	Quarter Length, MOA
2 in.	8 ft.	4 ft.	2 ft.
3-4 in.	10 ft.	5 ft.	3 ¼ ft.
4-12 in.	13 ft.	6 ½ ft.	3 ¼ ft.

SPECIAL INTERROGATORY NO. 38:

Did YOU provide any warnings to VOSS related to YOUR asbestos-containing pipe from 1962 through 1975?

RESPONSE TO SPECIAL INTERROGATORY NO. 38:

KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence, specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA responds as follows:

As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during the ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos cement pipe

1 division of Kubota Corporation or have become deceased and, through standard company record
2 destruction policies, potentially responsive documents have been destroyed, KUBOTA lacks
3 sufficient information and belief to respond to this interrogatory and on this basis, cannot
4 respond further. In addition, at a deposition of a former VOSS employee, Randall Waters,
5 plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos depicts a
6 VOSS employee protected by goggles, gloves and a face mask while working at a cutting tool.
7 VOSS required its employees to wear protective equipment while using a cutting tool. The
8 cutting tool used water at the point of operation. The evidence does not preclude an oral
9 conversation between Voss and KUBOTA. So on this basis, Yes.

10 **SPECIAL INTERROGATORY NO. 39:**

11 IDENTIFY the fiber type(s) and quantity of asbestos in the ASBESTOS CEMENT PIPE
12 that YOU SOLD TO VOSS from 1962 through 1975.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 39:**

14 KUBOTA responds that the subject cement pipe had the following composition: Portland
15 cement, silica and asbestos. The quantitative percentage of asbestos approximated 18%. The type
16 of asbestos was Crocidolite and Chrysotile.

17 **SPECIAL INTERROGATORY NO. 40:**

18 IDENTIFY any KUBOTA ASBESTOS CEMENT PIPE with logos including but not
19 limited to "Voss" on a triangle, and/or "Kubota" underneath the triangle, from 1962 through
20 1975.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 40:**

22 KUBOTA responds as follows: Through the passage of time, the retirement and demise
23 of its employees, and through standard company destruction policies, potentially responsive
24 documents and evidence have been destroyed; therefore, KUBOTA is unable to further respond
25 to this interrogatory.

1 **SPECIAL INTERROGATORY NO. 41:**

2 Do YOU contend that you informed VOSS to warn users of KUBOTA ASBESTOS
3 CEMENT PIPE to *use* RESPIRATORY PROTECTION when working with KUBOTA
4 ASBESTOS CEMENT PIPE from 1962 through 1975?

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 41:**

6 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
7 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
8 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
9 responds as follows: As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during
10 the ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos
11 cement pipe division of Kubota Corporation or have become deceased and, through standard
12 company record destruction policies, potentially responsive documents have been destroyed.
13 KUBOTA lacks sufficient information and belief to respond to this interrogatory and on this
14 basis, cannot respond further. In addition, at a deposition of a former VOSS employee, Randall
15 Waters, plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos
16 depicts a VOSS employee protected by goggles, gloves and a face mask while working at a
17 cutting tool. VOSS required its employees to wear protective equipment while using a cutting
18 tool. The cutting tool used water at the point of operation. The evidence does not preclude an
19 oral conversation between Voss and KUBOTA. So on this basis, Yes.

20 **SPECIAL INTERROGATORY NO. 42:**

21 If your response to Interrogatory No. 41 is anything other than an unqualified "no," state
22 all facts supporting YOUR contention.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 42:**

24 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
25 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
26 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
27 responds as follows: As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during
28 the ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos

1 cement pipe division of Kubota Corporation or have become deceased and, through standard
2 company record destruction policies, potentially responsive documents have been destroyed,
3 KUBOTA lacks sufficient information and belief to respond to this interrogatory and on this
4 basis, cannot respond further. In addition, at a deposition of a former VOSS employee, Randall
5 Waters, plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos
6 depicts a VOSS employee protected by goggles, gloves and a face mask while working at a
7 cutting tool. VOSS required its employees to wear protective equipment while using a cutting
8 tool. The cutting tool used water at the point of operation. The evidence does not preclude an
9 oral conversation between Voss and KUBOTA.

10 **SPECIAL INTERROGATORY NO. 43:**

11 If your response to Interrogatory No. 41 is anything other than an unqualified "no,"
12 IDENTIFY all DOCUMENTS that support YOUR contention.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 43:**

14 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
15 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
16 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
17 responds as follows:

18 As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during the ensuing 35
19 years, potentially knowledgeable witnesses have left the employ of the asbestos cement pipe
20 division of Kubota Corporation or have become deceased and, through standard company record
21 destruction policies, potentially responsive documents have been destroyed, KUBOTA lacks
22 sufficient information and belief to respond to this interrogatory and on this basis, cannot
23 respond further. In addition, at a deposition of a former VOSS employee, Randall Waters,
24 plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos depicts a
25 VOSS employee protected by goggles, gloves and a face mask while working at a cutting tool.
26 VOSS required its employees to wear protective equipment while using a cutting tool. The
27 cutting tool used water at the point of operation. The evidence does not preclude an oral
28 conversation between Voss and KUBOTA.

1 **SPECIAL INTERROGATORY NO. 44:**

2 If your response to Interrogatory No. 41 is anything other than an unqualified "no,"
3 IDENTIFY by address and phone number all individuals who support YOUR contention.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 44:**

5 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
6 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
7 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
8 responds as follows: As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during
9 the ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos
10 cement pipe division of Kubota Corporation or have become deceased and, through standard
11 company record destruction policies, potentially responsive documents have been destroyed,
12 KUBOTA lacks sufficient information and belief to respond to this interrogatory and on this
13 basis, cannot respond further other than to identify Arthur H. Voss, Randall Waters, Robert
14 Arbizo, and Bonifacio Lesso.

15 **SPECIAL INTERROGATORY NO. 45:**

16 Do YOU contend that you informed VOSS to warn users of KUBOTA ASBESTOS
17 CEMENT PIPE to use RESPIRATORY PROTECTION when cutting KUBOTA ASBESTOS
18 CEMENT PIPE from 1962 through 1975?

19 **RESPONSE TO SPECIAL INTERROGATORY NO. 45:**

20 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
21 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
22 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
23 responds as follows:

24 As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during the ensuing 35
25 years, potentially knowledgeable witnesses have left the employ of the asbestos cement pipe
26 division of Kubota Corporation or have become deceased and, through standard company record
27 destruction policies, potentially responsive documents have been destroyed, KUBOTA lacks
28 sufficient information and belief to respond to this interrogatory and on this basis, cannot

1 respond further. In addition, at a deposition of a former VOSS employee, Randall Waters,
2 plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos depicts a
3 VOSS employee protected by goggles, gloves and a face mask while working at a cutting tool.
4 VOSS required its employees to wear protective equipment while using a cutting tool. The
5 cutting tool used water at the point of operation. The evidence does not preclude an oral
6 conversation between Voss and KUBOTA. So on this basis, Yes.

7 **SPECIAL INTERROGATORY NO. 46:**

8 If your response to Interrogatory No. 45 is anything other than an unqualified "no," state
9 all facts supporting YOUR contention.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 46:**

11 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
12 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
13 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
14 responds as follows: As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during
15 the ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos
16 cement pipe division of Kubota Corporation or have become deceased and, through standard
17 company record destruction policies, potentially responsive documents have been destroyed,
18 KUBOTA lacks sufficient information and belief to respond to this interrogatory and on this
19 basis, cannot respond further. In addition, at a deposition of a former VOSS employee, Randall
20 Waters, plaintiffs' counsel received a copy of a Voss/Kubota brochure. In it, one of the photos
21 depicts a VOSS employee protected by goggles, gloves and a face mask while working at a
22 cutting tool. VOSS required its employees to wear protective equipment while using a cutting
23 tool. The cutting tool used water at the point of operation. The evidence does not preclude an
24 oral conversation between Voss and KUBOTA.

25 **SPECIAL INTERROGATORY NO. 47:**

26 If your response to Interrogatory No. 45 is anything other than an unqualified "no,"
27 IDENTIFY all DOCUMENTS that support YOUR contention.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 47:**

2 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
3 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
4 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
5 responds as follows: As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during
6 the ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos
7 cement pipe division of Kubota Corporation or have become deceased and, through standard
8 company record destruction policies, potentially responsive documents have been destroyed,
9 KUBOTA lacks sufficient information and belief to respond to this interrogatory and on this
10 basis, cannot respond further other than the following:

11 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
12 produced any responsive documents in its possession, custody or control that were created prior
13 to December 31, 1975 and are related to asbestos-cement pressure pipe. The responsive
14 documents were produced as Tabs 1.10(D) and 1.10(E) in KUBOTA's production of documents
15 related to the Deposition of KUBOTA's Person Most Knowledgeable taken on December 12,
16 2007 in the *Webber v. A.H. Voss* litigation, including a Voss/Kubota brochure, and a photo of a
17 cutting tool. One of the photos in the Voss/Kubota brochure depicts a VOSS employee protected
18 by goggles, gloves and a face mask while working at a cutting tool. VOSS required its
19 employees to wear protective equipment while using a cutting tool. The cutting tool used water
20 at the point of operation.

21 **SPECIAL INTERROGATORY NO. 48:**

22 If your response to Interrogatory No. 45 is anything other than an unqualified "no,"
23 IDENTIFY by address and phone number all individuals who support YOUR contention.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 48:**

25 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
26 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
27 amounts of dust. Subject to the foregoing, and without waiving its objections, KUBOTA
28 responds as follows: As KUBOTA ceased the sale of asbestos cement pipe in 1975 and during

1 the ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos
2 cement pipe division of Kubota Corporation or have become deceased and, through standard
3 company record destruction policies, potentially responsive documents have been destroyed,
4 KUBOTA lacks sufficient information and belief to respond to this interrogatory and on this
5 basis, cannot respond further other than to identify Arthur H. Voss, Randall Waters, Robert
6 Arbizo, and Bonifacio Lesso.

7 **SPECIAL INTERROGATORY NO. 49:**

8 IDENTIFY the printed warnings regarding asbestos dust which were on the bags of any
9 asbestos fiber you were supplied for the production of KUBOTA ASBESTOS CEMENT PIPE
10 from 1962 through 1975.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 49:**

12 KUBOTA is not aware of any such warnings.

13 **SPECIAL INTERROGATORY NO. 50:**

14 IDENTIFY the entities that supplied YOU with the asbestos in you ASBESTOS
15 CEMENT PIPE from 1962 through 1975.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 50:**

17 KUBOTA purchased refined raw asbestos from Johns-Manville via Tokyo Kogyi Bocki,
18 Shokai, Johns-Manville's sole agent in Japan, among unknown others.

19 **SPECIAL INTERROGATORY NO. 51**

20 IDENTIFY by fiber type and quantity the asbestos in your ASBESTOS CEMENT PIPE
21 from 1962 through 1975.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 51**

23 KUBOTA responds that the subject cement pipe had the following composition: Portland
24 cement, silica and asbestos. The quantitative percentage of asbestos approximated 18%. The type
25 of asbestos was Crocidolite and Chrysotile.

26 **SPECIAL INTERROGATORY NO. 52**

27 Do YOU contend that YOU did not cause Plaintiff to be exposed to asbestos?
28

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 52**

2 Objection: KUBOTA objects to this request as it is overly broad in scope, unduly
3 burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
4 discovery of admissible evidence as to information related to other asbestos-containing products
5 besides asbestos-cement pressure pipe. This request assumes facts not in evidence that KUBOTA
6 or VOSS sold or supplied any asbestos-containing material to Los Angeles Department of Water
7 and Power of Los Angeles, CA at any time from 1962 to 1975. Without waiving these
8 objections, KUBOTA responds as follows:

9 Not applicable as there is no evidence that KUBOTA supplied or delivered any asbestos
10 cement pressure pipe to Los Angeles Department of Water and Power at any time from 1962 to
11 1975.

12 **SPECIAL INTERROGATORY NO. 53:**

13 If your response to Interrogatory No. 52 is anything other than an unqualified "no," state
14 all facts supporting YOUR contention.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 53:**

16 Objection: KUBOTA objects to this request as it is overly broad in scope, unduly
17 burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
18 discovery of admissible evidence as to information related to other asbestos-containing products
19 besides asbestos-cement pressure pipe. This request assumes facts not in evidence that KUBOTA
20 or VOSS sold or supplied any asbestos-containing material to Los Angeles Department of Water
21 and Power of Los Angeles, CA at any time from 1962 to 1975. Without waiving these
22 objections, KUBOTA responds as follows:

23 Not applicable as there is no evidence that KUBOTA supplied or delivered any asbestos
24 cement pressure pipe to Los Angeles Department of Water and Power at any time from 1962 to
25 1975.

26 **SPECIAL INTERROGATORY NO. 54:**

27 If your response to Interrogatory No. 52 is anything other than an unqualified "no,"
28 IDENTIFY by address and phone number all individuals who support YOUR contention.

RESPONSE TO SPECIAL INTERROGATORY NO. 54:

Objection: KUBOTA objects to this request as it is overly broad in scope, unduly burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence as to information related to other asbestos-containing products besides asbestos-cement pressure pipe. This request assumes facts not in evidence that KUBOTA or VOSS sold or supplied any asbestos-containing material to Los Angeles Department of Water and Power of Los Angeles, CA at any time from 1962 to 1975. Without waiving these objections, KUBOTA responds as follows:

Not applicable as there is no evidence that KUBOTA supplied or delivered any asbestos cement pressure pipe to Los Angeles Department of Water and Power at any time from 1962 to 1975.

SPECIAL INTERROGATORY NO. 55:

If your response to Interrogatory No. 52 anything other than an unqualified "no," IDENTIFY all DOCUMENTS that support YOUR contention.

RESPONSE TO SPECIAL INTERROGATORY NO. 55:

(1) LADWP's Production of Documents dated 2/1/10 attached as Exhibit 35 to the Deposition Transcript of LADWP's Person Most Knowledgeable, Daniel Davis III dated 2/4/10;

(2) Deposition Transcript of LADWP's Person Most Knowledgeable, Daniel Davis III dated 2/4/10 and 2/5/10, Volumes 1 and 2, with Exhibits;

(3) Deposition Transcript of LADWP's Person Most Knowledgeable, Alvaro Sanchez dated 2/5/10 and 2/8/10, Volume 1 and 2, with Exhibits;

(4) Deposition Transcript of LADWP's Person Most Knowledgeable, Rhoda Lukjaniec dated 2/8/10 with Exhibits;

(5) Deposition Transcript of Albert Groth dated January 28 and 27, 2010 and Exhibits; and

1 (6) Deposition Transcript of Arthur H. Voss dated 1/31/07 taken in Superior Court
2 County of San Francisco, Case No. 972662 entitled *Paul Roach v. Abex Corporation et.*
3 *al.* which was previously produced as Tab 4.21(S) in KUBOTA's production of
4 documents related to the Deposition of KUBOTA's Person Most Knowledgeable taken
5 on December 12, 2007 in the *Webber v. A.H. Voss* litigation, and is already in the
6 possession of plaintiffs' counsel.
7

8 Investigation and discovery are continuing and KUBOTA reserves its rights to amend
9 this response.

10 **SPECIAL INTERROGATORY NO. 56:**

11 Do you contend that Plaintiff Rhoda Evans does not have asbestos-caused mesothelioma?

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 56:**

13 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
14 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
15 amounts of dust.

16 Without waiving said objection, KUBOTA responds that it lacks sufficient information to
17 respond to this interrogatory. Investigation and discovery are continuing and KUBOTA reserves
18 its right to amend this response.

19 **SPECIAL INTERROGATORY NO. 57:**

20 If your response to Interrogatory No. 56 is anything other than an unqualified "no," state
21 all facts supporting YOUR contention.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 57:**

23 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
24 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
25 amounts of dust. Without waiving said objection, KUBOTA responds that it lacks sufficient
26 information to respond to this interrogatory.
27
28

1 **SPECIAL INTERROGATORY NO. 58:**

2 If your response to Interrogatory No. 56 is anything other than an unqualified "no,"
3 IDENTIFY by address and phone number all individuals who support YOUR contention.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 58:**

5 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
6 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
7 amounts of dust. Without waiving said objection, KUBOTA responds that it lacks sufficient
8 information to respond to this interrogatory.

9 **SPECIAL INTERROGATORY NO. 59:**

10 If your response to Interrogatory No. 56 is anything other than an unqualified "no,"
11 IDENTIFY all DOCUMENTS that support YOUR contention.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 59:**

13 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
14 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
15 amounts of dust. Without waiving said objection, KUBOTA responds that it lacks sufficient
16 information to respond to this interrogatory.

17 **SPECIAL INTERROGATORY NO. 60:**

18 Do YOU contend that any entity, including any bankrupt entity or trust, other than those
19 named in the Complaint, are liable for Plaintiffs' alleged damages?

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 60:**

21 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
22 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
23 amounts of dust. Without waiving said objection, KUBOTA responds that it lacks sufficient
24 information to respond to this interrogatory other than Johns-Manville. Investigation and
25 discovery is continuing and KUBOTA reserves its right to amend this response.

26 **SPECIAL INTERROGATORY NO. 61:**

27 If YOUR answer to interrogatory No. 60 was anything than an unqualified "no," state all
28 facts that support YOUR contention.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 61:**

2 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
3 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
4 amounts of dust. Without waiving said objection, KUBOTA responds that it lacks sufficient in
5 formation to respond to this interrogatory with regard to other entities other than Johns-Manville.

6 With regard to Johns-Manville, Bobby Evans and Albert Groth testified that during the
7 relevant period the majority of asbestos cement pipe at the subject Los Angeles Department of
8 Water and Power yard was manufactured by either Johns-Manville or Certainteed. This
9 testimony is supported by the deposition testimony of Los Angeles Department of Water and
10 Power's Persons Most Knowledgeable, Daniel Davis, Alvaro Sanchez, and Rhoda Lukjaniec and
11 Exhibits thereto.

12 **SPECIAL INTERROGATORY NO. 62:**

13 If YOUR answer to interrogatory No. 60 was anything than an unqualified "no,"
14 IDENTIFY all individuals that support YOUR contention.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 62:**

16 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
17 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to
18 amounts of dust. Without waiving said objection, KUBOTA responds that it lacks sufficient
19 information to respond to this interrogatory other than the following:

20 Bobby Evans, Albert Groth, Charles Reuben, Daniel Davis, Alvaro Sanchez and Rhoda
21 Lukjaniec, whose contact information and addresses are known to plaintiffs, and Arthur H. Voss
22 (deceased.).

23 **SPECIAL INTERROGATORY NO. 63:**

24 If YOUR answer to interrogatory No. 60 was anything than an unqualified "no,"
25 IDENTIFY all DOCUMENTS that support YOUR contention.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 63:**

27 KUBOTA objects to this interrogatory to the extent that it assumes facts not in evidence,
28 specifically, that utilizing KUBOTA Asbestos-Cement Pressure Pipe would expose workers to

1 amounts of dust. Without waiving said objection, KUBOTA responds that it lacks sufficient
2 information to respond to this interrogatory other than the following:

3 (1) LADWP's Production of Documents dated 2/1/10 attached as Exhibit 35 to the
4 Deposition Transcript of LADWP's Person Most Knowledgeable, Daniel Davis III dated
5 2/4/10;

6 (2) Deposition Transcript of LADWP's Person Most Knowledgeable, Daniel Davis III
7 dated 2/4/10 and 2/5/10, Volumes 1 and 2, with Exhibits;

8 (3) Deposition Transcript of LADWP's Person Most Knowledgeable, Alvaro Sanchez
9 dated 2/5/10 and 2/8/10, Volume 1 and 2, with Exhibits;

10 (4) Deposition Transcript of LADWP's Person Most Knowledgeable, Rhoda Lukjaniec
11 dated 2/8/10 with Exhibits;

12 (5) Deposition Transcript of Albert Groth dated January 28 and 27, 2010 and Exhibits;
13 and

14 (6) Deposition Transcript of Arthur H. Voss dated 1/31/07 taken in Superior Court
15 County of San Francisco, Case No. 972662 entitled *Paul Roach v. Abex Corporation et.*
16 *al.* which was previously produced as Tab 4.21(S) in KUBOTA's production of
17 documents related to the Deposition of KUBOTA's Person Most Knowledgeable taken
18 on December 12, 2007 in the *Webber v. A.H. Voss* litigation, and is already in the
19 possession of plaintiffs' counsel.

20 (7) Deposition Transcript of Takashi Arimori dated 9/30/96 taken in Superior Court
21 County of San Francisco, Case Nos. 973070, 969634, 969946, 971564, 972983, 969749,
22 953659 and 972662, with Exhibits.

23 **SPECIAL INTERROGATORY NO. 64:**

24 Do YOU contend that materials Mr. Evans worked with or around did not contain
25 ASBESTOS?

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 64:**

2 KUBOTA objects to this interrogatory as being vague, ambiguous, unintelligible, and
3 undefined as to the meaning of the term "materials" and is not reasonably calculated to lead to
4 the discovery of admissible evidence. It is obvious that some of the "materials" which Mr. Evans
5 "worked with or around" would not have contained asbestos.

6 **SPECIAL INTERROGATORY NO. 65:**

7 If your response to Interrogatory No. 64 is anything other than an unqualified "no," state
8 all facts supporting YOUR contention.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 65:**

10 KUBOTA objects to this interrogatory as being vague, ambiguous, unintelligible, and
11 undefined as to the meaning of the term "materials" and is not reasonably calculated to lead to
12 the discovery of admissible evidence. It is obvious that some of the "materials" which Mr. Evans
13 "worked with or around" would not have contained asbestos.

14 **SPECIAL INTERROGATORY NO. 66:**

15 If your response to Interrogatory No. 64 is anything other than an unqualified "no,"
16 IDENTIFY by address and phone number all individuals who support YOUR contention.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 66:**

18 KUBOTA objects to this interrogatory as being vague, ambiguous, unintelligible, and
19 undefined as to the meaning of the term "materials" and is not reasonably calculated to lead to
20 the discovery of admissible evidence. It is obvious that some of the "materials" which Mr. Evans
21 "worked with or around" would not have contained asbestos.

22 **SPECIAL INTERROGATORY NO. 67:**

23 If your response to Interrogatory No. 64 anything other than an unqualified "no,"
24 IDENTIFY all DOCUMENTS that support YOUR contention.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 67:**

26 KUBOTA objects to this interrogatory as being vague, ambiguous, unintelligible, and
27 undefined as to the meaning of the term "materials" and is not reasonably calculated to lead to
28

1 the discovery of admissible evidence. It is obvious that some of the "materials" which Mr. Evans
2 "worked with or around" would not have contained asbestos.

3 **SPECIAL INTERROGATORY NO. 68:**

4 IDENTIFY all depositions taken of any of YOUR current or former EMPLOYEES in
5 any asbestos-related personal injury or wrongful death action.

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 68:**

7 Objection: This interrogatory requests information that is protected from disclosure by a
8 confidentiality agreement and the privacy rights of third parties, and their families.

9 Without waiving these objections, KUBOTA responds as follows:

10 (1) Deposition of Person Most Knowledgeable, Keisuke Sezaki dated December 12, 2007
11 in the *Webber v. A. H. Voss* litigation. However, Mr. Sezaki's deposition is unsigned and cannot
12 be used in any other litigation based on the California Code of Civil Procedure, General Orders
13 related to former testimony, and a confidentiality agreement.

14 (2) Deposition of Takashi Arimori dated 9/30/96 taken in Superior Court County of San
15 Francisco, Case Nos. 973070, 969634, 969946, 971564, 972983, 969749, 953659 and 972662,
16 with Exhibits.

17 **SPECIAL INTERROGATORY NO. 69:**

18 IDENTIFY any and all ASBESTOS CONTAINING MATERIAL YOU SOLD between
19 the years 1965 and 1992, inclusive.

20 **RESPONSE TO SPECIAL INTERROGATORY NO. 69:**

21 KUBOTA objects on the grounds that this interrogatory is overly broad in scope and
22 time, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence as
23 it potentially includes products not sold in the United States, products sold after 1975, and
24 products other than asbestos cement pressure pipe.

25 Without waiving said objections, KUBOTA responds that it manufactured and sold in the
26 U.S. asbestos-cement pressure pipe from 1962 to 1975 only.

1 **SPECIAL INTERROGATORY NO. 70:**

2 IDENTIFY any and all MANUFACTURERS of the ASBESTOS CONTAINING
3 MATERIAL YOU SOLD between the years 1965 and 1992, inclusive.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 70:**

5 KUBOTA objects on the grounds that this interrogatory is overly broad in scope and
6 time, and not reasonably calculated to lead to the discovery of admissible evidence as it
7 potentially includes products not sold in the United States and products sold after 1975, and
8 products other than asbestos cement pressure pipe.

9 Without waiving said objections, KUBOTA responds that it manufactured and sold its
10 asbestos-cement pressure pipe from 1962 to 1975 in the United States. There is no evidence
11 discovered to date that KUBOTA delivered or supplied any asbestos cement pressure pipe to the
12 Los Angeles Department of Water and Power at any time between 1965 and 1992.

13
14 **SPECIAL INTERROGATORY NO. 71:**

15 IDENTIFY any and all of YOUR SALES of ASBESTOS CONTAINING MATERIAL
16 to VOSS between the years 1965 and 1992, inclusive.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 71:**

18 KUBOTA objects on the grounds that this interrogatory is overly broad in scope and
19 time, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to
20 the foregoing, and without waiving its objections, KUBOTA responds as follows:

21 Through the passage of time, the retirement and demise of its employees, and through
22 standard company destruction policies, potentially responsive documents and evidence have
23 been destroyed; therefore, KUBOTA is unable to respond to this interrogatory. However,
24 KUBOTA believes it sold asbestos-cement pressure pipe to Voss from 1962 to 1975.

25 **SPECIAL INTERROGATORY NO. 72:**

26 IDENTIFY any and all information concerning the MANUFACTURERS of the
27 ASBESTOS CONTAINING MATERIAL YOU SOLD to VOSS between the years 1965 and
28 1992, inclusive.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 72:**

2 KUBOTA objects on the grounds that this interrogatory is overly broad in scope and
3 time, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
4 Without waiving said objections, KUBOTA responds that it manufactured its own asbestos-
5 cement pressure pipe and sold it to Voss from 1962 to 1975..

6 **SPECIAL INTERROGATORY NO. 73:**

7 IDENTIFY any and all distribution agreements YOU entered into with VOSS regarding
8 the SALE of ASBESTOS CONTAINING MATERIAL between the years 1965 and 1992,
9 inclusive.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 73:**

11 KUBOTA objects on the grounds that this interrogatory is overly broad in scope and
12 time, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
13 Subject to the foregoing, and without waiving its objections, KUBOTA responds as follows:
14 Through the passage of time, the retirement and demise of its employees, and through standard
15 company destruction policies, potentially responsive documents and evidence have been
16 destroyed; therefore, KUBOTA is unable to respond to this interrogatory. However, KUBOTA
17 believes it sold asbestos-cement pressure pipe to Voss from 1962 to 1975.

18 **SPECIAL INTERROGATORY NO. 74:**

19 Do you contend you did not sell ASBESTOS CONTAINING MATERIAL to VOSS
20 between the years 1965 and 1992, inclusive?

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 74:**

22 Yes. KUBOTA sold asbestos-cement pressure pipe to Voss from 1962 to 1975..

23 **SPECIAL INTERROGATORY NO. 75:**

24 If your response to Interrogatory No. 81 is anything other than an unqualified "no," state
25 all facts supporting YOUR contention.

26 **RESPONSE TO SPECIAL INTERROGATORY NO. 75:**

27 KUBOTA objects to this interrogatory as being vague, ambiguous and unintelligible as
28 Interrogatory No. 81 does not call for a "yes" or "no" response.

1 **SPECIAL INTERROGATORY NO. 76:**

2 If your response to Interrogatory No. 81 is anything other than an unqualified "no"
3 IDENTIFY by address and phone number all individuals who support YOUR contention.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 76:**

5 KUBOTA objects to this interrogatory as being vague, ambiguous and unintelligible as
6 Interrogatory No. 81 does not call for a "yes" or "no" response.

7 **SPECIAL INTERROGATORY NO. 77:**

8 If your response to Interrogatory No. 81 anything other than an unqualified "no,"
9 IDENTIFY all DOCUMENTS that support YOUR contention.

10 **RESPONSE TO SPECIAL INTERROGATORY NO. 77:**

11 KUBOTA objects to this interrogatory as being vague, ambiguous and unintelligible as
12 Interrogatory No. 81 does not call for a "yes" or "no" response.

13 **SPECIAL INTERROGATORY NO. 78:**

14 IDENTIFY any and all information regarding YOUR knowledge of HAZARDS
15 ASSOCIATED WITH ASBESTOS EXPOSURE and/or ASBESTOS CONTAINING
16 MATERIAL.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 78:**

18 KUBOTA objects to this interrogatory as being overly broad in scope, vague, ambiguous
19 and unintelligible as to time, and not reasonably calculated to the discovery of admissible
20 evidence. Subject to the foregoing, and without waiving its objections, KUBOTA responds as
21 follows:

22 Through the passage of time, the retirement and demise of its employees, KUBOTA is
23 unable to completely respond to the interrogatory but shortly before its enactment, KUBOTA
24 became aware of a 1960 Japanese Pneumoconiosis Act that addressed pneumoconiosis and
25 asbestosis resulting from long term exposures to asbestos at manufacturing facilities, but not lung
26 cancer or mesothelioma. KUBOTA believes it first learned of asbestos related cancer and
27 mesothelioma hazards shortly before promulgation of the 1975 Japanese Ordinance on
28 Prevention of Hazards Caused by Specified Chemical Substances.

1 **SPECIAL INTERROGATORY NO. 79:**

2 IDENTIFY any and all information regarding when YOU first learned about the
3 HAZARDS ASSOCIATED WITH ASBESTOS EXPOSURE.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 79:**

5 KUBOTA responds as follows: Through the passage of time, the retirement and demise
6 of its employees, and through standard company destruction policies, potentially responsive
7 documents and evidence have been destroyed. KUBOTA is therefore unable to completely
8 respond to this interrogatory, but shortly before its enactment, KUBOTA became aware of a
9 1960 Japanese Pneumoconiosis Act that addressed pneumoconiosis and asbestosis resulting from
10 long term exposures to asbestos at manufacturing facilities, but not lung cancer or mesothelioma.
11 KUBOTA believes it first learned of asbestos related cancer and mesothelioma hazards shortly
12 before promulgation of the 1975 Japanese Ordinance on Prevention of Hazards Caused by
13 Specified Chemical Substances.

14 **SPECIAL INTERROGATORY NO. 80:**

15 IDENTIFY how many workers compensation claims YOU have received relating to an
16 asbestos disease.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 80:**

18 KUBOTA objects to this request as it invades the right to privacy of third parties and
19 their families, is overly broad in scope, unduly burdensome, oppressive, harassing, irrelevant and
20 not reasonably calculated to lead to the discovery of admissible evidence as to any KUBOTA
21 business documents created after December 31, 1975 and as to information related to other
22 asbestos-containing products besides asbestos-cement pressure pipe. The requested documents
23 are also protected by a confidentiality provision. Compromise agreements and statements of
24 sympathy are also protected by Evidence Code sections 1152 and 1160. Should KUBOTA be
25 ordered to produce such documentation, said order will force KUBOTA to breach its confidential
26 contract with third parties. This demand also requests documents that may be protected by the
27 attorney-client and attorney work product privileges.

1 **SPECIAL INTERROGATORY NO. 81:**

2 IDENTIFY when YOU first received a workers' compensation claim relating to an
3 asbestos disease.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 81:**

5 KUBOTA objects to this interrogatory as being unduly burdensome and oppressive.

6 Without waiving said objections, KUBOTA responds as follows:

7 In or about 1980.

8 **SPECIAL INTERROGATORY NO. 82:**

9 IDENTIFY information regarding any workers compensation claims relating to an
10 asbestos disease YOU have received.

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 82:**

12 KUBOTA objects to this request as it invades the right to privacy of various individuals
13 and their families, is overly broad in scope and time, unduly burdensome, oppressive, harassing,
14 and not reasonably calculated to lead to the discovery of admissible evidence as to information
15 related to other asbestos-containing products besides asbestos-cement pressure pipe. The
16 requested information is also protected by a confidentiality provision. Compromise agreements
17 and statements of sympathy are also protected by Evidence Code sections 1152 and 1160.
18 Should KUBOTA be ordered to reveal such information, said order will force KUBOTA to
19 breach its confidential contract with third parties. This demand also requests information that
20 may be protected by the attorney-client and attorney work product privileges.

21 **SPECIAL INTERROGATORY NO. 83:**

22 IDENTIFY YOUR membership in any organization that discussed the HAZARDS
23 ASSOCIATED WITH EXPOSURE TO ASBESTOS.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 83:**

25 KUBOTA objects to this interrogatory as being overly broad in scope and time and
26 because KUBOTA would not necessarily know about all "discussions" various "organizations"
27 may have had. Without waiving said objections, KUBOTA responds that it is not aware of any
28 such memberships.

1 **SPECIAL INTERROGATORY NO. 84:**

2 IDENTIFY information regarding YOUR corporate history.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 84:**

4 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
5 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
6 admissible evidence as to any KUBOTA business documents created after December 31, 1975
7 and as to information related to other asbestos-containing products besides asbestos-cement
8 pressure pipe. The demand requests documents that are equally available to Plaintiffs. This
9 demand also requests documents that may be protected by the attorney-client and attorney work
10 product privileges. Without waiving these objections, KUBOTA responds as follows:

12 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
13 produced any responsive documents in its possession, custody or control that were created prior
14 to December 31, 1975 and are related to asbestos-cement pressure pipe. The responsive
15 documents were produced as Tab 1.1 in KUBOTA's production of documents related to the
16 Deposition of KUBOTA's Person Most Knowledgeable taken on December 12, 2007 in the
17 *Webber v. A.H. Voss* litigation, and are already in the possession of plaintiffs' counsel.

19 KUBOTA objects to this interrogatory as being overly broad in scope and time, unduly
20 burdensome, oppressive and harassing, and vague, ambiguous and unintelligible as to what
21 information is sought.

22 **SPECIAL INTERROGATORY NO. 85:**

23 IDENTIFY information regarding YOUR DOCUMENT RETENTION POLICY.

24 **RESPONSE TO SPECIAL INTERROGATORY NO. 85:**

25 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
26 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
27 admissible evidence as to any KUBOTA business documents created after December 31, 1975
28 and as to information related to other asbestos-containing products besides asbestos-cement

1 pressure pipe. This demand requests documents which are equally available to Plaintiffs. This
2 demand also requests documents that may be protected by the attorney-client and attorney work
3 product privileges. Without waiving these objections, KUBOTA responds as follows:

4 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
5 produced any responsive documents which are in its possession, custody or control that were
6 created prior to December 31, 1975 and are related to asbestos-cement pressure pipe. The
7 responsive documents were produced as Tab 1.8 in KUBOTA's production of documents related
8 to the Deposition of KUBOTA's Person Most Knowledgeable taken on December 12, 2007 in
9 the *Webber v. A.H. Voss* litigation, and are already in the possession of plaintiffs' counsel.

10 **SPECIAL INTERROGATORY NO. 86:**

11 IDENTIFY all correspondence between YOU and the Familian Corporation between
12 1965 and 1992.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 86:**

14 KUBOTA objects to this interrogatory as overly broad in scope and time and not
15 reasonably calculated to lead to the discovery of admissible evidence. Without waiving said
16 objections, KUBOTA responds as follows: Through the passage of time, the retirement and
17 demise of its employees, and through standard company destruction policies, potentially
18 responsive documents and evidence have been destroyed. Without waiving said objections,
19 KUBOTA responds as follows:

20 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
21 possession, custody or control of the requested documents, nor are they known to exist.

22 **SPECIAL INTERROGATORY NO. 87:**

23 IDENTIFY all correspondence between YOU and the Los Angeles Department of Water
24 and Power between 1965 and 1992.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 87:**

26 KUBOTA objects to this interrogatory as overly broad in scope and time and not
27 reasonably calculated to lead to the discovery of admissible evidence. Without waiving said
28 objections, KUBOTA responds as follows: Through the passage of time, the retirement and

1 demise of its employees, and through standard company destruction policies, potentially
2 responsive documents and evidence have been destroyed. Without waiving said objections,
3 KUBOTA responds as follows:

4 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
5 possession, custody or control of the requested documents, nor are they known to exist.

6 **SPECIAL INTERROGATORY NO. 88:**

7 IDENTIFY any asbestos-related WARNINGS that YOU placed on any packaging
8 associated with ASBESTOS CONTAINING MATERIAL at any time.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 88:**

10 KUBOTA objects on the grounds that this interrogatory is overly broad in scope and
11 time, and duplicates Interrogatory No. 19, and is therefore oppressive, harassing and unduly
12 burdensome.

13 **SPECIAL INTERROGATORY NO. 89:**

14 IDENTIFY any WARNINGS that YOU provided with YOUR sales of ASBESTOS
15 CONTAINING MATERIAL between 1965 and 1992.

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 89:**

17 KUBOTA objects on the grounds that this interrogatory is overly broad in scope and
18 time, duplicates Interrogatories Nos. 15-18, and is therefore oppressive, harassing and unduly
19 burdensome.

20 **SPECIAL INTERROGATORY NO. 90:**

21 IDENTIFY any ASBESTOS CONTAINING MATERIAL that YOU have in YOUR
22 possession.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 90:**

24 KUBOTA objects to this interrogatory as being overly broad in scope, vague,
25 ambiguous, unintelligible and not defining as to the phrase "asbestos containing material" as
26 used in this context, is unduly burdensome, oppressive and harassing, irrelevant and is not
27 reasonably calculated to lead to the discovery of admissible evidence.

1 **SPECIAL INTERROGATORY NO. 91:**

2 IDENTIFY any WARNINGS about the HAZARDS RELATED TO ASBESTOS
3 EXPOSURE YOU provided with the ASBESTOS CONTAINING MATERIAL YOU SOLD
4 between the years 1965 and 1992, inclusive.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 91:**

6 KUBOTA objects on the grounds that this interrogatory is overly broad in scope and
7 time, duplicative of Interrogatories No. 15-18, 20-23, 38, 41-48, and 88 and is therefore
8 oppressive, harassing and unduly burdensome.

9 **SPECIAL INTERROGATORY NO. 92:**

10 IDENTIFY any WARNINGS provided to the Los Angeles Department of Water and
11 Power between the years 1965 and 1992, inclusive.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 92:**

13 Objection: KUBOTA objects to this request as it is overly broad in scope, unduly
14 burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
15 discovery of admissible evidence as to information related to other asbestos-containing products
16 besides asbestos-cement pressure pipe. This request assumes facts not in evidence that KUBOTA
17 or VOSS sold or supplied any asbestos-containing material to Los Angeles Department of Water
18 and Power of Los Angeles, CA at any time from 1962 to 1975. Without waiving these
19 objections, KUBOTA responds as follows:

20 Not applicable as there is no evidence that KUBOTA supplied or delivered any asbestos
21 cement pressure pipe to Los Angeles Department of Water and Power at any time from 1962 to
22 1975.

23 Dated: March 15, 2010

24 WILSON, ELSE, MOSKOWITZ,
25 EDELMAN & DICKER LLP

26 By: 
27 Thomas C. Corless
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Attorneys for Defendant,
KUBOTA CORPORATION

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I have read the foregoing DEFENDANT KUBOTA CORPORATION'S RESPONSES TO SPECIAL INTERROGATORIES, and know its contents.

Executed on March 15, 2010 at Osaka, Japan.

Signature

**PROOF OF SERVICE
1013a(3) CCP**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 555 South Flower Street, 29th Floor, Los Angeles, California 90071.

On **March 15, 2010** I caused the foregoing document described as **DEFENDANT KUBOTA CORPORATION'S RESPONSES TO PLAINTIFFS' SPECIAL INTERROGATORIES, SET ONE** to be served on the interested parties in this action by placing a true copy thereof enclosed in seal envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

☒ **(BY FACSIMILE)** I caused said document to be telephonically transmitted to each addressee's telecopier (Fax) number as noted on Proof of Service List.

AND

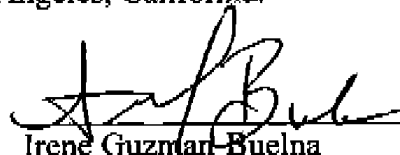
☒ **(BY MAIL)** I caused such envelope(s) fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence or mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California 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.

☐ **(BY OVERNIGHT-FEDERAL EXPRESS)** I caused said document(s) to be picked up by U.S. Federal Express Services for overnight delivery to the offices of the addressees listed on the Service List.

☐ **(BY HAND DELIVERY/PERSONAL SERVICE)** I caused said document(s) to be personally delivered by a courier/attorney service to the addressee as noted on the Service list.

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

Executed on **March 15, 2010**, Los Angeles, California.


Irene Guzman-Buelna

SERVICE LIST***RHODA EVANS, et al. v. KUBOTA CORPORATION, et al.*****Case No.: BC418867****Our File No.: 00495.06997**

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