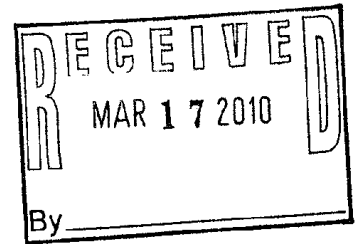


FILE NAME: Kubota (KUB)

DATE: 2010

DOC#: KUB028

DOCUMENT DESCRIPTION: Legal - Defendant Kubota's Responses to Plaintiffs' Request for Production [Set One]



1 Thomas C. Corless (State Bar No. 100614)
Aide C. Ontiveros (State Bar No. 169629)
2 **WILSON, ELSE, MOSKOWITZ,**
EDELMAN & DICKER LLP
3 555 S. Flower Street, Suite 2900
Los Angeles, California 90071
4 Telephone: (213) 443-5100
Facsimile: (213) 443-5101
5 Attorneys for Defendant,
KUBOTA CORPORATION
6

7
8 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

10 RHODA EVANS and BOBBY EVANS) (*Unlimited Civil Case*)
11)
12 Plaintiffs,) Case No.: BC 418867
13 v.) Judge: Conrad R. Aragon, Dept. 49
14) **DEFENDANT KUBOTA**
A.W. CHESTERTON COMPANY, et al.) **CORPORATION'S RESPONSES TO**
15 Defendants.) **PLAINTIFFS' REQUEST FOR**
16) **PRODUCTION (SET ONE)**
Action Filed: July 29, 2009

17 **PROPOUNDING PARTY** : Plaintiffs RHODA EVANS and BOBBY EVANS

18 **RESPONDING PARTY** : Defendant KUBOTA CORPORATION

19 **SET NO.** : ONE (1)
20

21 Defendant KUBOTA CORPORATION ("KUBOTA" or "Defendant") hereby provides
22 the following responses to Plaintiffs' Request for Production of Documents, Set No. One (1), as
23 follows:

24 **GENERAL OBJECTIONS**

25 Responding Party, Defendant KUBOTA CORPORATION, contends that many of these
26 requests for production are objectionable as overly broad, unduly burdensome, oppressive, not
27 reasonably calculated to lead to the discovery of admissible evidence, vague, ambiguous and
28 unintelligible as applied to KUBOTA and inconsistent with the requirements of the California

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

7 To the extent applicable and expressly incorporated below, the following objections are
8 incorporated in the response to each request for production of documents:

9 (a) KUBOTA objects generally to the requests for production to the extent they
10 request information that is not within KUBOTA's possession, custody or control. However,
11 KUBOTA has conducted a good faith investigation and reasonable search for information with
12 which to respond to these categories and requests.

13 (b) KUBOTA objects on the grounds that each of the requests is overly broad,
14 irrelevant and not reasonably calculated to the discovery of admissible evidence to the extent that
15 each demand requests documents after December 31, 1975 and/or information related to
16 products other than asbestos-cement pressure pipe. These responses are made on behalf of
17 KUBOTA only with regard to business records of KUBOTA relating to asbestos-cement
18 pressure pipe created before December 31, 1975.

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

25 (d) KUBOTA objects generally to all requests for production of documents to the
26
27
28

1 extent they call for privileged information or documents, including, without limitation,
2 documents protected by the attorney-client privilege or the attorney work-product doctrine. All
3 references to "privileged" information in these responses will include, without limitation, the
4 attorney-client privilege, the work-product doctrine, all of the privileges set forth in California
5 Evidence Code §§ 900-1060; California Evidence Code §§ 1152, 1152.5, 1154; California Code
6 of Civil Procedure § 2018; and all applicable common law

7 In responding to this discovery, KUBOTA has furnished information that is now
8 available, which may include hearsay and other forms of information that are neither reliable nor
9 admissible as evidence. In conducting its business, KUBOTA has created documents that may
10 have been kept in numerous different locations and/or may have been moved from site to site.
11 As required by law, these responses reflect all responsive information identified by KUBOTA
12 pursuant to a diligent search and reasonable inquiry. To the extent that any discovery requires
13 more, KUBOTA objects because the discovery requests KUBOTA to conduct a search beyond
14 the scope of permissible discovery contemplated by law, and compliance with such requests
15 would impose an undue burden on KUBOTA.

16 KUBOTA interprets these requests for production of documents as requesting
17 information that is not protected by the attorney-client privilege and/or the attorney work-product
18 doctrine. KUBOTA provides the information in these responses solely for the purpose of the
19 present litigation. KUBOTA expressly reserves all objections to the attempted use of this
20 information beyond the present forum (complex asbestos litigation in Los Angeles County).

21 KUBOTA's investigation and discovery are ongoing. KUBOTA reserves the right to
22 object to future discovery on the same or related matters and does not waive any objection by
23 providing the information reflected in these responses. KUBOTA further reserves the right to
24 object to the admissibility of any of these responses, in whole or in part, at trial in any action, on
25 any grounds, including, but not limited to materiality, relevance and privilege.
26

27 All general objections are incorporated by this reference since each and every specific
28 response below is as though fully set forth herein.

1 Subject to the foregoing General Objections that are included, without being individually
2 repeated in each of the following responses, KUBOTA responds as follows:

3
4 **RESPONSE TO REQUESTS FOR PRODUCTION**

5 **REQUEST FOR PRODUCTION NO. 1:**

6 DOCUMENT(S) RELATING to the announcement by YOU on approximately June 29,
7 2005, regarding the occurrence of many occupational victims of asbestos, as well as the victims
8 of asbestos dust from environmental exposure around the Kanzaki plant.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

10 KUBOTA objects to this request as it invades the right to privacy of third parties and
11 their families, is overly broad in scope, unduly burdensome, oppressive, harassing, irrelevant and
12 not reasonably calculated to lead to the discovery of admissible evidence as to any KUBOTA
13 business documents created after December 31, 1975 and as to information related to other
14 asbestos-containing products besides asbestos-cement pressure pipe. The requested documents
15 are also protected by a confidentiality provision. Compromise agreements and statements of
16 sympathy are also protected by Evidence Code sections 1152 and 1160. Should KUBOTA be
17 ordered to produce such documentation, said order will force KUBOTA to breach its confidential
18 contract with third parties. This demand also requests documents that may be protected by the
19 attorney-client and attorney work product privileges. Without waiving these objections,
20 KUBOTA responds as follows:

21 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
22 possession, custody or control of the requested documents that were created prior to December
23 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

24 **REQUEST FOR PRODUCTION NO. 2:**

25 DOCUMENT(S) CONCERNING YOUR Retired Employees' Association Directory.
26
27
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

2 KUBOTA objects to this request as it invades the right to privacy of third parties and
3 their families, is overly broad in scope, unduly burdensome, oppressive, harassing, irrelevant and
4 not reasonably calculated to lead to the discovery of admissible evidence as to any KUBOTA
5 business documents created after December 31, 1975 and as to information related to other
6 asbestos-containing products besides asbestos-cement pressure pipe. The request is also vague,
7 ambiguous, unintelligible and undefining as to the phrase "Retired Employees' Association
8 Directory."

9
10 **REQUEST FOR PRODUCTION NO. 3:**

11 DOCUMENT(S) CONCERNING the Retired Employees' Association Directory for the
12 asbestos cement pipe division of Kubota.

13
14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

15 KUBOTA objects that the request is vague, ambiguous, unintelligible and undefining as
16 to the phrase "Retired Employees' Association Directory." KUBOTA also objects to this request
17 as it invades the right to privacy of third parties and their families who are not parties to the
18 action, who are protected by the California Constitution, Japanese law and/or common law. The
19 request is also overly broad in scope, unduly burdensome, oppressive, harassing, irrelevant and
20 not reasonably calculated to lead to the discovery of admissible evidence.

21
22 **REQUEST FOR PRODUCTION NO. 4:**

23 DOCUMENT(S) RELATING to any and all asbestos-related deaths of former Kubota
24 employees.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

26 KUBOTA objects to this request as it invades the right to privacy of third parties and
27 their families, who are not parties to the action, who are protected by the California Constitution,
28 Japanese law and/or common law. The request is overly broad in scope, unduly burdensome,
DEFENDANT KUBOTA CORPORATION'S RESPONSES TO PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS, SET

1 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
2 admissible evidence as to any KUBOTA business documents created after December 31, 1975
3 and as to information related to other asbestos-containing products besides asbestos-cement
4 pressure pipe. The requested documents are also protected by a confidentiality provision.
5 Compromise agreements and statements of sympathy are also protected by Evidence Code
6 sections 1152 and 1160. Should KUBOTA be ordered to produce such documentation, said order
7 will force KUBOTA to breach its confidential contract with third parties. This demand also
8 requests documents that may be protected by the attorney-client and attorney work product
9 privileges. Without waiving these objections, KUBOTA responds as follows:

10 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
11 possession, custody or control of the requested documents that were created prior to December
12 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

13 **REQUEST FOR PRODUCTION NO. 5:**

14 DOCUMENT(S) IDENTIFYING all current and former Kubota employees who worked
15 at the Kanzaki Plant located in Amagasaki City, Japan who YOU have knowledge have
16 developed mesothelioma, including but not limited to all those former employees YOU have
17 compensated for mesothelioma.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

19 KUBOTA objects to this request as it invades the right to privacy of third parties and
20 their families, who are not parties to the action, and who are protected by the California
21 Constitution, Japanese law and/or common law. The request is overly broad in scope, unduly
22 burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
23 discovery of admissible evidence as to any KUBOTA business documents created after
24 December 31, 1975 and as to information related to other asbestos-containing products besides
25 asbestos-cement pressure pipe. The requested documents are also protected by a confidentiality
26 provision. Compromise agreements and statements of sympathy are also protected by Evidence
27 Code sections 1152 and 1160. Should KUBOTA be ordered to produce such documentation, said
28

1 order will force KUBOTA to breach its confidential contract with third parties. This demand also
2 requests documents that may be protected by the attorney-client and attorney work product
3 privileges. Without waiving these objections, 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 that were created prior to December
6 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

7 **REQUEST FOR PRODUCTION NO. 6:**

8 All DOCUMENTS CONCERNING asbestos currently in the possession or control of
9 YOUR current or former employee Mr. Itoh (or Ito) collected during his tenure with YOUR
10 Department of Corporate Social Responsibility.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

12 KUBOTA objects to this request as being vague, ambiguous, unintelligible and
13 undefining as to the terms "Mr. Itoh" and "Department of Corporate Social Responsibility," and
14 requests documentation protected by the attorney-client and work-product privileges. The
15 request also seeks proprietary information as to KUBOTA and its support groups, is invasive of
16 individual privacy rights, is overly broad in scope and time, unduly burdensome, oppressive and
17 harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible
18 evidence as to any KUBOTA business documents created after December 31, 1975 and as to
19 information related to other asbestos-containing products besides asbestos-cement pressure pipe.
20

21 Without waiving these objections, KUBOTA has conducted a diligent and reasonable
22 search and is not in possession, custody or control of the requested documents created prior to
23 December 31, 1975 and related to asbestos cement pressure pipe; nor are they known to exist.
24

25 **REQUEST FOR PRODUCTION NO. 7:**

26 DOCUMENT(S) IDENTIFYING the surviving families of deceased workers at the
27 Kanzaki Plant located in Amagasaki City, Japan who YOU have knowledge have developed
28

1 mesothelioma, including but not limited to all those former employees YOU have compensated
2 for mesothelioma.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

4 KUBOTA objects to this request as it invades the right to privacy of third parties and
5 their families, who are not parties to the action, and who are protected by the California
6 Constitution, Japanese law and/or common law. The request is overly broad in scope, unduly
7 burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
8 discovery of admissible evidence as to any KUBOTA business documents created after
9 December 31, 1975 and as to information related to other asbestos-containing products besides
10 asbestos-cement pressure pipe. The requested documents are also protected by a confidentiality
11 provision. Compromise agreements and statements of sympathy are also protected by Evidence
12 Code sections 1152 and 1160. Should KUBOTA be ordered to produce such documentation, said
13 order will force KUBOTA to breach its confidential contract with third parties. This demand also
14 requests documents that may be protected by the attorney-client and attorney work product
15 privileges. Without waiving these objections, KUBOTA responds as follows:

16 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
17 possession, custody or control of the requested documents that were created prior to December
18 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

19 **REQUEST FOR PRODUCTION NO. 8:**

20 DOCUMENT(S) IDENTIFYING all persons who YOU have compensated for
21 developing mesothelioma who lived in Amagasaki City, Japan during the years for Kanzaki
22 Plant produced asbestos-containing products.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

24 KUBOTA objects to this request as it invades the right to privacy of third parties and
25 their families, who are not parties to the action, and who are protected by the California
26 Constitution, Japanese law and/or common law. The request is overly broad in scope, unduly
27 burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
28

1 discovery of admissible evidence as to any KUBOTA business documents created after
2 December 31, 1975 and as to information related to other asbestos-containing products besides
3 asbestos-cement pressure pipe. The requested documents are also protected by a confidentiality
4 provision. Compromise agreements and statements of sympathy are also protected by Evidence
5 Code sections 1152 and 1160. Should KUBOTA be ordered to produce such documentation, said
6 order will force KUBOTA to breach its confidential contract with third parties. This demand also
7 requests documents that may be protected by the attorney-client and attorney work product
8 privileges. Without waiving these objections, KUBOTA responds as follows:

9 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
10 possession, custody or control of the requested documents that were created prior to December
11 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

12 **REQUEST FOR PRODUCTION NO. 9:**

13 DOCUMENT(S) IDENTIFYING all persons who YOU have been requested to
14 compensate for developing mesothelioma who lived in Amagasaki City, Japan during the year
15 the Kanzaki Plan produced asbestos-containing products.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

17 KUBOTA objects to this request as it invades the right to privacy of third parties and
18 their families, who are not parties to the action, and who are protected by the California
19 Constitution, Japanese law and/or common law. The request is overly broad in scope, unduly
20 burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
21 discovery of admissible evidence as to any KUBOTA business documents created after
22 December 31, 1975 and as to information related to other asbestos-containing products besides
23 asbestos-cement pressure pipe. The requested documents are also protected by a confidentiality
24 provision. Compromise agreements and statements of sympathy are also protected by Evidence
25 Code sections 1152 and 1160. Should KUBOTA be ordered to produce such documentation, said
26 order will force KUBOTA to breach its confidential contract with third parties. This demand also
27
28

1 requests documents that may be protected by the attorney-client and attorney work product
2 privileges. Without waiving these objections, KUBOTA responds as follows:

3 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
4 possession, custody or control of the requested documents that were created prior to December
5 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

6 **REQUEST FOR PRODUCTION NO. 10 :**

7 DOCUMENT(S) RELATING to all former employee deaths since 1978, including
8 approximately 75 workers from YOUR Kanzaki Japan factory and approximately 4
9 subcontractors who had been employed at the same facility.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

11 KUBOTA objects to this request as it invades the right to privacy of third parties and
12 their families, who are not parties to the action, and who are protected by the California
13 Constitution, Japanese law and/or common law. The request 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 any KUBOTA business documents created after
16 December 31, 1975 and as to information related to other asbestos-containing products besides
17 asbestos-cement pressure pipe. The requested documents are also protected by a confidentiality
18 provision. Compromise agreements and statements of sympathy are also protected by Evidence
19 Code sections 1152 and 1160. Should KUBOTA be ordered to produce such documentation, said
20 order will force KUBOTA to breach its confidential contract with third parties. This demand also
21 requests documents that may be protected by the attorney-client and attorney work product
22 privileges. Without waiving these objections, KUBOTA responds as follows:

23 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
24 possession, custody or control of the requested documents that were created prior to December
25 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

26 **REQUEST FOR PRODUCTION NO. 11:**

27 DOCUMENT(S) RELATING to the health of approximately 552 other workers from
28

1 YOUR Kanzaki Japan factory who were directly involved in the manufacture of asbestos pipes
2 for a minimum of one year at any time from 1962 through 1975.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

4 KUBOTA objects to this request as it invades the right to privacy of third parties and
5 their families, who are not parties to the action, and who are protected by the California
6 Constitution, Japanese law and/or common law. The request is overly broad in scope, unduly
7 burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
8 discovery of admissible evidence as to any KUBOTA business documents created after
9 December 31, 1975 and as to information related to other asbestos-containing products besides
10 asbestos-cement pressure pipe. The requested documents are also protected by a confidentiality
11 provision. Compromise agreements and statements of sympathy are also protected by Evidence
12 Code sections 1152 and 1160. Should KUBOTA be ordered to produce such documentation, said
13 order will force KUBOTA to breach its confidential contract with third parties. This demand also
14 requests documents that may be protected by the attorney-client and attorney work product
15 privileges. Without waiving these objections, KUBOTA responds as follows:

16 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
17 possession, custody or control of the requested documents that were created prior to December
18 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

19 **REQUEST FOR PRODUCTION NO. 12:**

20 All DOCUMENTS from 1962 through 1975 reflecting the approximate 240,000 tons of
21 asbestos used at the Kanzaki plant in the production of asbestos water pipes and building
22 materials; the majority of fiber consumed was crocidolite.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

24 KUBOTA objects on the grounds that the request is unintelligible, vague and ambiguous
25 as to the terms "asbestos water pipes" and "majority of fiber consumed," overly broad in scope
26 and time, unduly burdensome, oppressive and harassing, irrelevant and not reasonably calculated
27 to lead to the discovery of admissible evidence as to information related to other asbestos-
28

1 containing products besides asbestos-cement pressure pipe. This demand also requests
2 documents that may be protected by the attorney-client and attorney work product privileges.
3 Without waiving these objections, KUBOTA responds as follows:

4 Defendant has conducted a diligent search and reasonable inquiry and is not in
5 possession, custody or control of any responsive non-privileged documents that were created
6 prior to December 31, 1975 and are related to asbestos cement pressure pipe.

7 **REQUEST FOR PRODUCTION NO. 13:**

8 All DOCUMENT(S) RELATING to THEY TYPE OR FIBER USED AT THE Kanzaki
9 plant in the production of asbestos water piped at any time from 1962 through 1975.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

11 KUBOTA objects on the grounds that the request vague and ambiguous as to the term
12 "asbestos water piped", is overly broad in scope and time, unduly burdensome, oppressive and
13 harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible
14 evidence as to information related to other asbestos-containing products besides asbestos-cement
15 pressure pipe. This demand also requests documents that may be protected by the attorney-client
16 and attorney work product privileges. Without waiving these objections, KUBOTA responds as
17 follows:

18 Defendant has conducted a diligent search and reasonable inquiry and is not in
19 possession, custody or control of any responsive non-privileged documents that were created
20 prior to December 31, 1975 and are related to asbestos cement pressure pipe.

21 **REQUEST FOR PRODUCTION NO. 14:**

22 All DOCUMENTS and INFORMATION uncovered during KUBOTA's investigation of
23 a mesothelioma epidemic in the neighborhood around its own former ASBESTOS-
24 CONTAINING pipe manufacturing plant.
25
26
27
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

2 KUBOTA objects to this request as it is vague and ambiguous as to the terms
3 "mesothelioma epidemic" and "neighborhood around its own former ASBESTOS-
4 CONTAINING pipe manufacturing plant". The request invades the right to privacy of third
5 parties and their families, who are not parties to the action, and who are protected by the
6 California Constitution, Japanese law and/or common law. The request is overly broad in scope,
7 unduly burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
8 discovery of admissible evidence as to any KUBOTA business documents created after
9 December 31, 1975 and as to information related to other asbestos-containing products besides
10 asbestos-cement pressure pipe. The requested documents are also protected by a confidentiality
11 provision. Compromise agreements and statements of sympathy are also protected by Evidence
12 Code sections 1152 and 1160. Should KUBOTA be ordered to produce such documentation, said
13 order will force KUBOTA to breach its confidential contract with third parties. This demand also
14 requests documents that may be protected by the attorney-client and attorney work product
15 privileges.

16 **REQUEST FOR PRODUCTION NO. 15:**

17 All DOCUMENTS, internal corporate DOCUMENTS, and interviews conducted,
18 created, or discovered, as a result of Kubota Shock.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

20
21 KUBOTA objects that this request is vague and ambiguous as to the term "Kubota
22 Shock". The request also invades the right to privacy of third parties and their families, who are
23 not parties to the action, and who are protected by the California Constitution, Japanese law
24 and/or common law. The request is overly broad in scope, unduly burdensome, oppressive,
25 harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible
26 evidence as to any KUBOTA business documents created after December 31, 1975 and as to
27 information related to other asbestos-containing products besides asbestos-cement pressure pipe.
28

1 The requested documents are also protected by a confidentiality provision. Compromise
2 agreements and statements of sympathy are also protected by Evidence Code sections 1152 and
3 1160. Should KUBOTA be ordered to produce such documentation, said order will force
4 KUBOTA to breach its confidential contract with third parties. This demand also requests
5 documents that may be protected by the attorney-client and attorney work product privileges.
6

7 **REQUEST FOR PRODUCTION NO. 16:**

8 All DOCUMENTS you produced to any third party after the June 29, 2005
9 announcement concerning your use of asbestos at the Kansaki Asbestos Cement Pipe plant, from
10 1962 through 1975.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

12 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
13 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
14 admissible evidence as to any KUBOTA business documents created after December 31, 1975
15 and as to information related to other asbestos-containing products besides asbestos-cement
16 pressure pipe. The requested documents are also protected by a confidentiality provision.
17 Compromise agreements and statements of sympathy are also protected by Evidence Code
18 sections 1152 and 1160. Should KUBOTA be ordered to produce such documentation, said order
19 will force KUBOTA to breach its confidential contract with third parties. This demand also
20 requests documents that may be protected by the attorney-client and attorney work product
21 privileges. Without waiving these objections, KUBOTA responds as follows:

22 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
23 possession, custody or control of the requested documents that were created prior to December
24 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.
25

26 **REQUEST FOR PRODUCTION NO. 17:**

27 All DOCUMENTS CONCERNING the 1960 Japanese Pneumoconiosis Act.
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

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

10 KUBOTA has conducted a diligent search and reasonable inquiry and will produce the
11 responsive non-privileged documents which are in its possession, custody or control which were
12 created prior to December 31, 1975.
13

14 **REQUEST FOR PRODUCTION NO. 18:**

15 All DOCUMENTS CONCERNING the 1975 Japanese Ordinance on Prevention of
16 Hazards Caused by Specific Chemical Substances.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

18 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
19 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
20 admissible evidence as to any KUBOTA business documents created after December 31, 1975
21 and as to information related to other asbestos-containing products besides asbestos-cement
22 pressure pipe. This demand also requests documents that may be protected by the attorney-client
23 and attorney work product privileges. Without waiving these objections, KUBOTA responds as
24 follows:

25 KUBOTA has conducted a diligent search and reasonable inquiry and will produce a
26 copy of the 1975 Japanese Ordinance on Prevention of Hazards Caused by Specific Chemical
27 Substances.
28

1 **REQUEST FOR PRODUCTION NO. 19:**

2 All DOCUMENTS containing information regarding how many workers' compensation
3 claims YOU have received relating to an asbestos disease.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

5 KUBOTA objects to this request as it invades the right to privacy of third parties and
6 their families, who are not parties to the action, and who are protected by the California
7 Constitution, Japanese law and/or common law. The request is overly broad in scope, unduly
8 burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
9 discovery of admissible evidence as to any KUBOTA business documents created after
10 December 31, 1975 and as to information related to other asbestos-containing products besides
11 asbestos-cement pressure pipe. The requested documents are also protected by a confidentiality
12 provision. Compromise agreements and statements of sympathy are also protected by Evidence
13 Code sections 1152 and 1160. Should KUBOTA be ordered to produce such documentation, said
14 order will force KUBOTA to breach its confidential contract with third parties. This demand also
15 requests documents that may be protected by the attorney-client and attorney work product
16 privileges. Without waiving these objections, KUBOTA responds as follows:

17 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
18 possession, custody or control of the requested documents that were created prior to December
19 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

20 **REQUEST FOR PRODUCTION NO. 20:**

21 All DOCUMENTS containing information regarding when YOU first received a workers'
22 compensation claim relating to an asbestos disease.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

24 KUBOTA objects to this request as it invades the right to privacy of third parties and
25 their families, who are not parties to the action, and who are protected by the California
26 Constitution, Japanese law and/or common law. The request is overly broad in scope, unduly
27 burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
28

1 discovery of admissible evidence as to any KUBOTA business documents created after
2 December 31, 1975 and as to information related to other asbestos-containing products besides
3 asbestos-cement pressure pipe. The requested documents are also protected by a confidentiality
4 provision. Compromise agreements and statements of sympathy are also protected by Evidence
5 Code sections 1152 and 1160. Should KUBOTA be ordered to produce such documentation, said
6 order will force KUBOTA to breach its confidential contract with third parties. This demand also
7 requests documents that may be protected by the attorney-client and attorney work product
8 privileges. Without waiving these objections, KUBOTA responds as follows:

9 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
10 possession, custody or control of the requested documents that were created prior to December
11 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

12 **REQUEST FOR PRODUCTION NO. 21:**

13 All DOCUMENTS containing information regarding any workers' compensation claims
14 relating to an asbestos disease YOU have received.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

16 KUBOTA objects to this request as it invades the right to privacy of third parties and
17 their families, who are not parties to the action, and who are protected by the California
18 Constitution, Japanese law and/or common law. The request is overly broad in scope, unduly
19 burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
20 discovery of admissible evidence as to any KUBOTA business documents created after
21 December 31, 1975 and as to information related to other asbestos-containing products besides
22 asbestos-cement pressure pipe. The requested documents are also protected by a confidentiality
23 provision. Compromise agreements and statements of sympathy are also protected by Evidence
24 Code sections 1152 and 1160. Should KUBOTA be ordered to produce such documentation, said
25 order will force KUBOTA to breach its confidential contract with third parties. This demand also
26 requests documents that may be protected by the attorney-client and attorney work product
27 privileges. Without waiving these objections, KUBOTA responds as follows:
28

1 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
2 possession, custody or control of the requested documents that were created prior to December
3 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

4 **REQUEST FOR PRODUCTION NO. 22:**

5 All DOCUMENTS containing information regarding YOUR knowledge of HAZARDS
6 ASSOCIATED WITH ASBESTOS EXPOSURE and/or ASBESTOS-CONTAINING
7 MATERIAL.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

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

17 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
18 possession, custody or control of the requested documents that were created prior to December
19 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

20 **REQUEST FOR PRODUCTION NO. 23:**

21 All DOCUMENTS containing information regarding when YOU first learned about the
22 HAZARDS ASSOCIATED WITH ASBESTOS EXPOSURE.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

24 KUBOTA objects to this request as it invades the right to privacy of third parties and
25 their families, who are not parties to the action, and who are protected by the California
26 Constitution, Japanese law and/or common law. The request is overly broad in scope, unduly
27 burdensome, oppressive, harassing, irrelevant and not reasonably calculated to lead to the
28

1 discovery of admissible evidence as to any KUBOTA business documents created after
2 December 31, 1975 and as to information related to other asbestos-containing products besides
3 asbestos-cement pressure pipe. This demand also requests documents that may be protected by
4 the attorney-client and attorney work product privileges and/or are equally available to the
5 plaintiffs. Without waiving these objections, KUBOTA responds as follows:

6 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
7 possession, custody or control of the requested documents that were created prior to December
8 31, 1975 and are related to asbestos-cement pressure pipe, nor are they known to exist, with the
9 exception of the 1960 Japanese Pneumoconiosis Act and the 1975 Japanese Ordinance on
10 Prevention of Hazards by Specific Chemical Substances laws, which are equally available to the
11 plaintiffs.

12 **REQUEST FOR PRODUCTION NO. 24:**

13 All DOCUMENTS containing information regarding YOUR membership in any
14 organization that discussed the HAZARDS ASSOCIATED WITH EXPOSURE TO
15 ASBESTOS.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

17 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
18 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
19 admissible evidence as to any KUBOTA business documents created after December 31, 1975
20 and as to information related to other asbestos-containing products besides asbestos-cement
21 pressure pipe. This demand also requests documents that may be protected by the attorney-client
22 and attorney work product privileges. Without waiving these objections, KUBOTA responds as
23 follows:
24

25 ///

26 ///

1 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
2 possession, custody or control of the requested documents that were created prior to December
3 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

4 **REQUEST FOR PRODUCTION NO. 25:**

5 All DOCUMENTS containing information CONCERNING any precautions YOU took
6 to protect YOUR employees from HAZARDS ASSOCIATED WITH EXPOSURE TO
7 ASBESTOS.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

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

17 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
18 produced all of its responsive documents in its possession, custody or control that were created
19 prior to December 31, 1975 and are related to asbestos-cement pressure pipe. The responsive
20 documents were produced at Tab 1.7 in KUBOTA's production of documents related to the
21 Deposition of KUBOTA's Person Most Knowledgeable taken on December 12, 2007 in the
22 *Webber v. A.H. Voss* litigation.

23 **REQUEST FOR PRODUCTION NO. 26:**

24 All DOCUMENTS concerning the use of protective respiratory equipment by employees
25 at all of your asbestos cement pipe manufacturing facilities from 1962 through 1975.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

27 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
28 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of

1 admissible evidence. This demand also requests documents that may be protected by the
2 attorney-client and attorney work product privileges. Without waiving these objections,
3 KUBOTA responds as follows:

4 KUBOTA will produce a copy of the Health & Safety Monthly Report for July and
5 November, 1962. KUBOTA has conducted a diligent search and reasonable inquiry and is not in
6 possession, custody or control of any additional responsive documents that were created prior to
7 December 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to
8 exist.

9 **REQUEST FOR PRODUCTION NO. 27:**

10 All DOCUMENTS containing information CONCERNING any research, reviewed by
11 YOU, CONCERNING what knowledge CONSUMERS of ASBESTOS-CONTAINING
12 MATERIALS YOU MANUFACTURED possessed CONCERNING the HAZARDS
13 ASSOCIATED WITH ASBESTOS EXPOSURE.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

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

22 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
23 produced all responsive documents in its possession, custody or control that were created prior to
24 December 31, 1975 and are related to asbestos-cement pressure pipe. The responsive documents
25 were produced at Tab 1.7 in KUBOTA's production of documents related to the Deposition of
26 KUBOTA's Person Most Knowledgeable taken on December 12, 2007 in the *Webber v. A.H.*
27 *Voss* litigation.
28

1 **REQUEST FOR PRODUCTION NO. 28:**

2 All DOCUMENTS containing information CONCERNING any research, reviewed by
3 YOU, CONCERNING what knowledge VOSS possessed CONCERNING the HAZARDS
4 ASSOCIATED WITH ASBESTOS EXPOSURE from ASBESTOS-CONTAINING
5 MATERIALS YOU MANUFACTURED at any time.
6

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

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

15 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
16 produced all responsive documents that are in its possession, custody or control of the requested
17 documents that were created prior to December 31, 1975 and are related to asbestos-cement
18 pressure pipe. The responsive documents were produced at Tabs 1.10(D), 1.10(E) and 4.21(V)
19 in KUBOTA's production of documents related to the Deposition of KUBOTA's Person Most
20 Knowledgeable taken on December 12, 2007 in the *Webber v. A.H. Voss* litigation, including
21 a Voss/Kubota brochure, a photo of a cutting tool, and the deposition of a former VOSS
22 employee, Randall Waters dated August 6, 2007. One of the photos in the Voss/Kubota
23 brochure depicts a VOSS employee protected by goggles, gloves and a face mask while working
24 at a cutting tool. VOSS required its employees to wear protective equipment while using a
25 cutting tool. The cutting tool used water at the point of operation.
26

27 **REQUEST FOR PRODUCTION NO. 29:**

28 All DOCUMENTS CONCERNING YOUR contention, if YOU so contend, that Bobby

1 Evans received WARNINGS CONCERNING HAZARDS ASSOCIATED WITH ASBESTOS
2 EXPOSURE CONCERNING ASBESTOS-CONTAINING PRODUCTS YOU manufactured.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

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. This demand also requests documents that may be protected by the attorney-client
9 and attorney work product privileges. The requested documents are equally available to
10 Plaintiffs. Without waiving these objections, KUBOTA responds as follows:

11 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
12 produced responsive documents that are in its possession, custody or control of the requested
13 documents that were created prior to December 31, 1975 and are related to asbestos-cement
14 pressure pipe. The responsive documents were produced at Tabs 1.10(D), 1.10(E) and 4.21(V)
15 in KUBOTA's production of documents related to the Deposition of KUBOTA's Person Most
16 Knowledgeable taken on December 12, 2007 in the *Webber v. A.H. Voss* litigation, including a
17 Voss/Kubota brochure, a photo of a cutting tool, and the deposition of a former VOSS employee,
18 Randall Waters dated August 6, 2007. One of the photos in the Voss/Kubota brochure depicts a
19 VOSS employee protected by goggles, gloves and a face mask while working at a cutting tool.
20 VOSS required its employees to wear protective equipment while using a cutting tool. The
21 cutting tool used water at the point of operation. Plaintiffs are also in possession of the
22 Deposition Transcripts of Bobby Jean Evans (Volumes 1 and 2) and the Deposition Transcripts
23 of Albert Groth (Volumes 1 and 2). In addition, KUBOTA will produce a copy of Certainteed's
24 GO Responses to Standard Interrogatories dated 2006, and color copies of photographs depicting
25 Johns-Manville's warnings related to asbestos.

26 **REQUEST FOR PRODUCTION NO. 30:**

27 All DOCUMENTS CONCERNING any IDENTIFICATION MARKINGS on
28

1 ASBESTOS-CONTAINING MATERIALS that you SUPPLIED to VOSS at any time.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

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

11 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
12 possession, custody or control of responsive documents that were created prior to December 31,
13 1975 and are related to asbestos-cement pressure pipe, other than photographs previously
14 produced by Stephanie Voss in the *Webber v. A.H. Voss* litigation which depict KUBOTA pipe
15 with a logo. These documents are believed to be in the in the possession of A. H. Voss as well as
16 in the possession of Plaintiffs' counsel.

18 **REQUEST FOR PRODUCTION NO. 31:**

19 All DOCUMENTS containing information concerning any WARNINGS about the
20 HAZARDS RELATED TO ASBESTOS EXPOSURE YOU provided with the ASBESTOS-
21 CONTAINING MATERIAL YOU SOLD at any time from 1962 through 1975.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

24 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
25 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
26 admissible evidence as to information related to other asbestos-containing products besides
27 asbestos-cement pressure pipe. This demand also requests documents that may be protected by
28

1 the attorney-client and attorney work product privileges. Without waiving these objections,
2 KUBOTA responds as follows:

3 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
4 possession, custody or control of any responsive documents that were created prior to December
5 31, 1975 and are related to its asbestos-cement pressure pipe, nor are they known to exist.

6 **REQUEST FOR PRODUCTION NO. 32:**

7 All DOCUMENTS concerning any asbestos-related WARNINGS that YOU placed on
8 any packaging or product itself associated with ASBESTOS-CONTAINING MATERIAL at any
9 time.
10

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

12 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
13 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
14 admissible evidence as to any KUBOTA business documents created after December 31, 1975
15 and as to information related to other asbestos-containing products besides asbestos-cement
16 pressure pipe. This demand also requests documents that may be protected by the attorney-client
17 and attorney work product privileges. Without waiving these objections, KUBOTA responds as
18 follows:

19 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
20 possession, custody or control of any responsive documents that were created prior to December
21 31, 1975 and are related to its asbestos-cement pressure pipe, nor are they known to exist.

22 **REQUEST FOR PRODUCTION NO. 33:**

23 All DOCUMENTS concerning any WARNINGS that YOU provided with YOUR sales
24 of ASBESTOS-CONTAINING MATERIAL at any time from 1962 through 1975.
25

26 ///
27
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

2 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
3 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
4 admissible evidence as to information related to other asbestos-containing products besides
5 asbestos-cement pressure pipe. This demand also requests documents that may be protected by
6 the attorney-client and attorney work product privileges. Without waiving these objections,
7 KUBOTA responds as follows:

8 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
9 produced all responsive documents that are in its possession, custody or control of the requested
10 documents that were created prior to December 31, 1975 and are related to asbestos-cement
11 pressure pipe. The responsive documents were produced at Tabs 1.10(D), 1.10(E) and 4.21(V)
12 in KUBOTA's production of documents related to the Deposition of KUBOTA's Person Most
13 Knowledgeable taken on December 12, 2007 in the *Webber v. A.H. Voss* litigation, including
14 a Voss/Kubota brochure, a photo of a cutting tool, and the deposition of a former VOSS
15 employee, Randall Waters dated August 6, 2007. One of the photos in the Voss/Kubota
16 brochure depicts a VOSS employee protected by goggles, gloves and a face mask while working
17 at a cutting tool. VOSS required its employees to wear protective equipment while using a
18 cutting tool. The cutting tool used water at the point of operation.
19

20 **REQUEST FOR PRODUCTION NO. 34:**

21 All DOCUMENTS related to any WARNINGS provided that YOU provided with YOUR
22 sales of ASBESTOS-CONTAINING MATERIAL to VOSS at any time from 1962 through
23 1975.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

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 information related to other asbestos-containing products besides
28

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

4 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
5 produced all responsive documents that are in its possession, custody or control of the requested
6 documents that were created prior to December 31, 1975 and are related to asbestos-cement
7 pressure pipe. The responsive documents were produced at Tabs 1.10(D), 1.10(E) and 4.21(V)
8 in KUBOTA's production of documents related to the Deposition of KUBOTA's Person Most
9 Knowledgeable taken on December 12, 2007 in the *Webber v. A.H. Voss* litigation, including
10 a Voss/Kubota brochure, a photo of a cutting tool, and the deposition of a former VOSS
11 employee, Randall Waters dated August 6, 2007. One of the photos in the Voss/Kubota
12 brochure depicts a VOSS employee protected by goggles, gloves and a face mask while working
13 at a cutting tool. VOSS required its employees to wear protective equipment while using a
14 cutting tool. The cutting tool used water at the point of operation.

15
16 **REQUEST FOR PRODUCTION NO.35:**

17 All DOCUMENTS related to any WARNINGS that YOU provided with YOUR sales of
18 ASBESTOS-CONTAINING MATERIAL, provided to the Los Angeles Department of Water
19 and Power at any time from 1962 to 1975.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

21 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
22 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
23 admissible evidence as to information related to other asbestos-containing products besides
24 asbestos-cement pressure pipe. This request assumes facts that are not in evidence that
25 KUBOTA sold or supplied any asbestos cement pipe to Los Angeles Department of Water &
26 Power at any time from 1962 to 1975. This demand also requests documents that may be
27
28

1 protected by the attorney-client and attorney work product privileges. Without waiving these
2 objections, KUBOTA responds as follows:

3 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
4 possession, custody or control of any requested documents that were created prior to December
5 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

6 **REQUEST FOR PRODUCTION NO. 36:**

7 All DOCUMENTS containing information CONCERNING any research performed by
8 YOU of the CONSUMERS response to any WARNINGS that may have CONCERNED
9 ASBESTOS-CONTAINING PRODUCTS YOU manufactured at any time from 1962 through
10 1975.
11

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

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

20 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
21 produced any responsive documents in its possession, custody or control that were created prior
22 to December 31, 1975 and are related to asbestos-cement pressure pipe. The responsive
23 documents were produced as Tabs 1.10(D) and 1.10(E) in KUBOTA's production of documents
24 related to the Deposition of KUBOTA's Person Most Knowledgeable taken on December 12,
25 2007 in the *Webber v. A.H. Voss* litigation, including a Voss/Kubota brochure, and a photo of a
26 cutting tool. One of the photos in the Voss/Kubota brochure depicts a VOSS employee protected
27 by goggles, gloves and a face mask while working at a cutting tool. VOSS required its
28

1 employees to wear protective equipment while using a cutting tool. The cutting tool used water
2 at the point of operation.

3 **REQUEST FOR PRODUCTION NO. 37:**

4 All DOCUMENTS reviewed by YOU CONCERNING CONSUMERS responses to any
5 WARNINGS that may have CONCERNED ASBESTOS-CONTAINING PRODUCTS YOU
6 manufactured at any time from 1962 through 1975.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

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

16 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
17 produced any responsive documents in its possession, custody or control that were created prior
18 to December 31, 1975 and are related to asbestos-cement pressure pipe. The responsive
19 documents were produced as Tabs 1.10(D) and 1.10(E) in KUBOTA's production of documents
20 related to the Deposition of KUBOTA's Person Most Knowledgeable taken on December 12,
21 2007 in the *Webber v. A.H. Voss* litigation, including a Voss/Kubota brochure, and a photo of a
22 cutting tool. One of the photos in the Voss/Kubota brochure depicts a VOSS employee protected
23 by goggles, gloves and a face mask while working at a cutting tool. VOSS required its
24 employees to wear protective equipment while using a cutting tool. The cutting tool used water
25 at the point of operation.

26 **REQUEST FOR PRODUCTION NO. 38:**

27 All DOCUMENTS containing information CONCERNING any research performed by
28 YOU of VOSS's actions in response to any₂₉ WARNINGS that may have CONCERNED

1 ASBESTOS-CONTAINING PRODUCTS YOU manufactured at any time from 1962 through
2 1975.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

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 requested documents are equally available to Plaintiffs. This demand also
9 requests documents that may be protected by the attorney-client and attorney work product
10 privileges. Without waiving these objections, KUBOTA responds as follows:

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 **REQUEST FOR PRODUCTION NO. 39:**

22 All DOCUMENTS containing information CONCERNING VOSS's actions in response
23 to any WARNINGS that may have CONCERNED ASBESTOS-CONTAINING PRODUCTS
24 YOU manufactured, that YOU are aware of, at any time from 1962 through 1975.

25 ///

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

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

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

19 **REQUEST FOR PRODUCTION NO. 40:**

20 All DOCUMENTS CONCERNING YOUR statement made in response to Plaintiffs
21 form interrogatories that Johns-Manville asbestos fiber bags sold in Japan did not have
22 WARNINGS until 1977.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

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. The requested documents are equally available to Plaintiffs. This demand also
2 requests documents that may be protected by the attorney-client and attorney work product
3 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 Tabs 4.21(P) and 4.21(Q) in KUBOTA's production of
8 documents related to the Deposition of KUBOTA's Person Most Knowledgeable taken on
9 December 12, 2007 in the *Webber v. A.H. Voss* litigation.

11 **REQUEST FOR PRODUCTION NO. 41:**

12 All DOCUMENTS containing information CONCERNING any product safety testing
13 performed by YOU at any time, CONCERNING the ASBESTOS-CONTAINING MATERIALS
14 YOU SUPPLIED to VOSS.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

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

23 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
24 produces any responsive documents in its possession, custody or control that were created prior
25 to December 31, 1975 and are related to asbestos-cement pressure pipe. The responsive
26 documents were produced as Tab 1.7 and Tab 2.1 in KUBOTA's production of documents
27 related to the Deposition of KUBOTA's Person Most Knowledgeable taken on December 12,
28

2007 in the *Webber v. A.H. Voss* litigation.

REQUEST FOR PRODUCTION NO. 42:

All DOCUMENTS containing information CONCERNING any product safety testing performed by an entity or person other than YOU, reviewed by YOU, CONCERNING the ASBESTOS-CONTAINING MATERIALS YOU SUPPLIED to VOSS at any time.

RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

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 any KUBOTA business documents created after December 31, 1975 and as to information related to other asbestos-containing products besides asbestos-cement pressure pipe. The requested documents are equally available to Plaintiffs. This demand also requests documents that may be protected by the attorney-client and attorney work product privileges. Without waiving these objections, KUBOTA responds as follows:

KUBOTA has conducted a diligent search and reasonable inquiry and has previously produces any responsive documents in its possession, custody or control that were created prior to December 31, 1975 and are related to asbestos-cement pressure pipe. The responsive documents were produced as Tab 1.7 and Tab 2.1 in KUBOTA's production of documents related to the Deposition of KUBOTA's Person Most Knowledgeable taken on December 12, 2007 in the *Webber v. A.H. Voss* litigation.

REQUEST FOR PRODUCTION NO. 43:

All DOCUMENTS in your possession containing information CONCERNING any testing CONCERNING asbestos fiber release from ASBESTOS CEMENT PIPE.

///

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

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

9 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
10 possession, custody or control of the requested documents that were created prior to December
11 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

12 **REQUEST FOR PRODUCTION NO. 44:**

13 All DOCUMENTS containing information CONCERNING any research performed by
14 YOU of how ASBESTOS-CONTAINING PRODUCTS you manufactured where being used by
15 CONSUMERS at any time from 1962 through 1975.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

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

24 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
25 produced any responsive documents in its possession, custody or control of the requested
26
27
28

documents that were created prior to December 31, 1975 and are related to asbestos-cement pressure pipe. The responsive documents were produced as Tab 1.7 and Tab 1.10(E) in KUBOTA's production of documents related to the Deposition of KUBOTA's Person Most Knowledgeable taken on December 12, 2007 in the *Webber v. A.H. Voss* litigation.

REQUEST FOR PRODUCTION NO. 45:

All DOCUMENTS you reviewed, containing information CONCERNING how ASBESTOS-CONTAINING PRODUCTS you manufactured where being used by CONSUMERS at any time from 1962 through 1975.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

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 any KUBOTA business documents created after December 31, 1975 and as to information related to other asbestos-containing products besides asbestos-cement pressure pipe. The requested documents are equally available to Plaintiffs. This demand also requests documents that may be protected by the attorney-client and attorney work product privileges. Without waiving these objections, KUBOTA responds as follows:

KUBOTA has conducted a diligent search and reasonable inquiry and has previously produced any responsive documents in its possession, custody or control of the requested documents that were created prior to December 31, 1975 and are related to asbestos-cement pressure pipe. The responsive documents were produced as Tab 1.7 and Tab 1.10(E) in KUBOTA's production of documents related to the Deposition of KUBOTA's Person Most Knowledgeable taken on December 12, 2007 in the *Webber v. A.H. Voss* litigation.

REQUEST FOR PRODUCTION NO. 46:

All DOCUMENTS containing information CONCERNING the asbestos fiber release that

1 occurred when ASBESTOS-CONTAINING MATERIALS YOU manufactured and supplied to
2 VOSS, were cut with a power saw at any time from 1962 through 1975.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

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 requested documents are equally available to Plaintiffs. This demand also
9 requests documents that may be protected by the attorney-client and attorney work product
10 privileges. Without waiving these objections, KUBOTA responds as follows:

11 KUBOTA has conducted a diligent search and reasonable inquiry and has previously
12 produced any responsive documents in its possession, custody or control of the requested
13 documents that were created prior to December 31, 1975 and are related to asbestos-cement
14 pressure pipe. The responsive documents were produced as Tab 1.10(D) and Tab 1.10(E) in
15 KUBOTA's production of documents related to the Deposition of KUBOTA's Person Most
16 Knowledgeable taken on December 12, 2007 in the *Webber v. A.H. Voss* litigation.

17 **REQUEST FOR PRODUCTION NO. 47:**

18 All DOCUMENTS CONCERNING the SUPPLIER(s) of ASBESTOS to YOU used in
19 the MANUFACTURING of ASBESTOS-CONTAINING MATERIALS YOU SUPPLIED to
20 VOSS at any time from 1962 through 1975.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

22 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
23 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
24 admissible evidence as to any KUBOTA business documents created after December 31, 1975
25 and as to information related to other asbestos-containing products besides asbestos-cement
26 pressure pipe. This demand also requests documents that may be protected by the attorney-client
27
28

1 and attorney work product privileges. Without waiving these objections, KUBOTA responds as
2 follows:

3 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
4 possession, custody or control of the requested documents that were created prior to December
5 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

6 **REQUEST FOR PRODUCTION NO. 48:**

7 All DOCUMENTS IDENTIFYING WORKSITES where VOSS supplied ASBESTOS-
8 CONTAINING MATERIALS you MANUFACTURED at any time from 1962 through 1975.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

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

17 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
18 possession, custody or control of the requested documents that were created prior to December
19 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

20 **REQUEST FOR PRODUCTION NO. 49:**

21 All DOCUMENTS CONCERNING the physical appearance of KUBOTA asbestos
22 cement pressure pipe that you SUPPLIED to VOSS at any time from 1962 through 1975.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

24 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
25 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
26 admissible evidence as to any KUBOTA business documents created after December 31, 1975

1 and as to information related to other asbestos-containing products besides asbestos-cement
2 pressure pipe. This demand also requests documents that may be protected by the attorney-client
3 and attorney work product privileges. Without waiving these objections, KUBOTA responds as
4 follows:

5 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
6 possession, custody or control of the requested documents that were created prior to December
7 31, 1975 and are related to asbestos-cement pressure pipe. Upon information and belief,
8 responsive documents are in the possession, of A.H. VOSS including photographs of KUBOTA
9 asbestos cement pipe.

10
11 **REQUEST FOR PRODUCTION NO. 50:**

12 All DOCUMENTS CONCERNING the type of asbestos fiber contained in ASBESTOS-
13 CONTAINING MATERIALS that you SUPPLIED to VOSS at any time from 1962 through
14 1975.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

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

23 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
24 possession, custody or control of the requested documents that were created prior to December
25 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist with the
26 exception of KUBOTA's Responses to GO Standard Interrogatories dated November 20, 2007
27 which were previously produced as Tab 1.10(A)₃ in KUBOTA's production of documents related
28

1 to the Deposition of KUBOTA's Person Most Knowledgeable taken on December 12, 2007 in
2 the *Webber v. A.H. Voss* litigation.

3 **REQUEST FOR PRODUCTION NO. 51:**

4 All DOCUMENTS concerning the chemical composition of ASBESTOS-
5 CONTAINING MATERIALS that you SUPPLIED to VOSS at any time from 1962 through
6 1975.
7

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

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

16 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
17 possession, custody or control of the requested documents that were created prior to December
18 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist with the
19 exception of KUBOTA's Responses to GO Standard Interrogatories dated November 20, 2007
20 which were previously produced as Tab 1.10(A) in KUBOTA's production of documents related
21 to the Deposition of KUBOTA's Person Most Knowledgeable taken on December 12, 2007 in
22 the *Webber v. A.H. Voss* litigation.
23

24 **REQUEST FOR PRODUCTION NO. 52:**

25 All DOCUMENTS CONCERNING the percentage of asbestos contained in
26 ASBESTOS-CONTAINING MATERIALS that you SUPPLIED to VOSS at any time from 1962
27 through 1975.
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

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

9 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
10 possession, custody or control of the requested documents that were created prior to December
11 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist with the
12 exception of KUBOTA's Responses to GO Standard Interrogatories dated November 20, 2007
13 which were previously produced as Tab 1.10(A) in KUBOTA's production of documents related
14 to the Deposition of KUBOTA's Person Most Knowledgeable taken on December 12, 2007 in
15 the *Webber v. A.H. Voss* litigation.
16

17 **REQUEST FOR PRODUCTION NO. 53:**

18 All DOCUMENTS containing information regarding YOUR SALE of ASBESTOS-
19 CONTAINING MATERIAL to VOSS at any time.
20

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

22 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
23 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
24 admissible evidence as to any KUBOTA business documents created after December 31, 1975
25 and as to information related to other asbestos-containing products besides asbestos-cement
26 pressure pipe. This demand also requests documents that may be protected by the attorney-client
27 and attorney work product privileges. Without waiving these objections, KUBOTA responds as
28 follows:

1 KUBOTA will produce a copy of its Distributorship Agreement with Voss. KUBOTA
2 has conducted a diligent search and reasonable inquiry and is not in possession, custody or
3 control of additional responsive documents that were created prior to December 31, 1975 and are
4 related to asbestos-cement pressure pipe; nor are they known to exist.

5 **REQUEST FOR PRODUCTION NO. 54:**

6
7 Any DOCUMENTS concerning any distribution agreements YOU entered into with
8 VOSS regarding the SALE of ASBESTOS-CONTAINING MATERIAL at any time from 1962
9 to 1975.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

11 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
12 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
13 admissible evidence as to any KUBOTA business documents created after December 31, 1975
14 and as to information related to other asbestos-containing products besides asbestos-cement
15 pressure pipe. This demand also requests documents that may be protected by the attorney-client
16 and attorney work product privileges. Without waiving these objections, KUBOTA responds as
17 follows:
18

19 KUBOTA will produce a copy of its Distributorship Agreement with Voss. KUBOTA
20 has conducted a diligent search and reasonable inquiry and is not in possession, custody or
21 control of additional responsive documents that were created prior to December 31, 1975 and are
22 related to asbestos-cement pressure pipe; nor are they known to exist.

23 **REQUEST FOR PRODUCTION NO. 55:**

24
25 All DOCUMENTS containing information CONCERNING any and all agreements you
26 had with VOSS regarding the SUPPLY of ASBESTOS-CONTAINING MATERIALS in Los
27 Angeles County, CA any time from 1962 through 1975.
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

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

9 KUBOTA will produce a copy of its Distributorship Agreement with Voss. KUBOTA
10 has conducted a diligent search and reasonable inquiry and is not in possession, custody or
11 control of additional responsive documents that were created prior to December 31, 1975 and are
12 related to asbestos-cement pressure pipe; nor are they known to exist.

13
14 **REQUEST FOR PRODUCTION NO. 56:**

15 All DOCUMENTS containing information concerning VOSS' SALE of ASBESTOS-
16 CONTAINING MATERIAL to Los Angeles Department of Water and Power of Los Angeles,
17 CA at any time from 1962 through 1975.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

19 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
20 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
21 admissible evidence as to information related to other asbestos-containing products besides
22 asbestos-cement pressure pipe. This request assumes facts not in evidence that KUBOTA or
23 VOSS sold or supplied any asbestos-containing material to Los Angeles Department of Water
24 and Power of Los Angeles, CA at any time from 1962 to 1975. This demand also requests
25 documents that may be protected by the attorney-client and attorney work product privileges.
26 Without waiving these objections, KUBOTA responds as follows:

27 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
28

1 possession, custody or control of the requested documents that were created prior to December
2 31, 1975 and are related to asbestos-cement pressure pipe; nor are they known to exist.

3 **REQUEST FOR PRODUCTION NO. 57:**

4 All DOCUMENTS reflecting any correspondence between YOU and VOSS at any time
5 from 1962 to 1975.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 57:**

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

15 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
16 possession, custody or control of the requested documents that were created prior to December
17 31, 1975 and are related to asbestos-cement pressure pipe nor are they known to exist.

18 **REQUEST FOR PRODUCTION NO. 58:**

19 All DOCUMENTS CONCERNING any statements made by former Voss employee
20 Robert Arbizo.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

22
23 Objection: This demand requests information which is protected from disclosure by the
24 attorney-work product privilege.

25 **REQUEST FOR PRODUCTION NO. 59:**

26 All DOCUMENTS CONCERNING any testimony under oath made by former Voss
27 employee Robert Arbizo.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 59:**

2 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
3 possession, custody or control of any responsive documents.

4 **REQUEST FOR PRODUCTION NO. 60:**

5 All DOCUMENTS CONCERNING any statements made by former Voss employee
6 Bonifacio Lesso.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 60:**

8 Objection: This demand requests information which is protected from disclosure by the
9 attorney-work product privilege.

10 **REQUEST FOR PRODUCTION NO. 61:**

11 All DOCUMENTS CONCERNING any testimony under oath made by former Voss
12 employee Bonifacio Lesso.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 61:**

14 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
15 possession, custody or control of responsive documentation.

16 **REQUEST FOR PRODUCTION NO. 62:**

17 All DOCUMENTS CONCERNING any testimony under oath made by former Voss
18 employee Randall Waters.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 62:**

20 Objection: The requested documents are equally available to Plaintiffs.

21 Without waiving this objection, KUBOTA responds as follows:

22 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
23 possession, custody or control of any responsive documents, with the exception of Randall
24 Waters' deposition transcripts dated April 18, 1997 and August 6, 2007, which have been
25

1 produced in KUBOTA's production of documents related to the Deposition of KUBOTA's
2 Person Most Knowledgeable taken on December 12, 2007 in the *Webber v. A.H. Voss* litigation,
3 and is already in the possession of plaintiffs' counsel.

4 **REQUEST FOR PRODUCTION NO. 63:**

5 All DOCUMENTS CONCERNING any statements made by former Voss employee
6 Randall Waters.
7

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 63:**

9 Objection: The requested documents are equally available to Plaintiffs.

10 Without waiving this objection, KUBOTA responds as follows:

11 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
12 possession, custody or control of any responsive documents, with the exception of Randall
13 Waters' deposition transcripts dated April 18, 1997 and August 6, 2007, which have been
14 produced in KUBOTA's production of documents related to the Deposition of KUBOTA's
15 Person Most Knowledgeable taken on December 12, 2007 in the *Webber v. A.H. Voss* litigation,
16 and is already in the possession of plaintiffs' counsel.
17

18 **REQUEST FOR PRODUCTION NO. 64:**

19 All DOCUMENTS CONCERNING any communication between YOU and Mr. A.H.
20 Voss concerning use of respirators by workers cutting asbestos cement pipe.
21

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 64:**

23 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
24 possession, custody or control of any responsive documents.

25 **REQUEST FOR PRODUCTION NO. 65:**

26 All DOCUMENTS CONCERNING any communication between YOU and Mr. A.H.
27 Voss concerning use of eye protection by workers cutting asbestos cement pipe.
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 65:**

2 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
3 possession, custody or control of any responsive documents.

4 **REQUEST FOR PRODUCTION NO. 66:**

5 All DOCUMENTS CONCERNING any communication between YOU and Mr. A.H.
6 Voss concerning use of gloves by workers cutting asbestos cement pipe.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 66:**

8 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
9 possession, custody or control of any responsive documents.

10 **REQUEST FOR PRODUCTION NO. 67:**

11 All DOCUMENTS CONCERNING the testimony of A.H. Voss to the International
12 Trade Commission.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 67:**

14 Objection: This demand requests documents which are equally available to Plaintiffs.

15 Without waiving this objection, KUBOTA responds as follows:

16 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
17 possession, custody or control of responsive documents, with the exception of the testimony of
18 A.H. Voss to the International Trade Commission dated March 22, 1972 which was previously
19 produced as Tab 4.21(R) in KUBOTA's production of documents related to the Deposition of
20 KUBOTA's Person Most Knowledgeable taken on December 12, 2007 in the *Webber v. A.H.*
21 *Voss* litigation, and is already in the possession of plaintiffs' counsel.

22 **REQUEST FOR PRODUCTION NO. 68:**

23 All DOCUMENTS containing information that supports YOUR contention, if YOU so
24 contend, that Bobby Evans was not exposed to asbestos from ASBESTOS-CONTAINING

1 PRODUCTS that YOU MANUFACTURED.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 68:**

3 Objection: The demand requests the production of documents which are equally
4 available to Plaintiffs. Without waiving this objection, Defendant responds as follows:

5 KUBOTA has conducted a diligent search and reasonable inquiry and is not in
6 possession, custody or control of any responsive documents other than the following documents
7 which are equally available to Plaintiffs:
8

- 9 (1) LADWP's Production of Documents dated 2/1/10 attached as Exhibit 35 to the
10 Deposition Transcript of LADWP's Person Most Knowledgeable, Daniel Davis III
11 dated 2/4/10;
12
13 (2) Deposition Transcript of LADWP's Person Most Knowledgeable, Daniel Davis III
14 dated 2/4/10 and 2/5/10, Volumes 1 and 2, with Exhibits;
15
16 (3) Deposition Transcript of LADWP's Person Most Knowledgeable, Alvaro Sanchez
17 dated 2/5/10 and 2/8/10, Volume 1 and 2, with Exhibits;
18
19 (4) Deposition Transcript of LADWP's Person Most Knowledgeable, Rhoda Lukjaniec
20 dated 2/8/10 with Exhibits;
21
22 (5) Deposition Transcript of Albert Groth dated January 28 and 27, 2010 and Exhibits;
23 and
24
25 (6) Deposition Transcript of Arthur H. Voss dated 1/31/07 taken in Superior Court
26 County of San Francisco, Case No. 972662 entitled *Paul Roach v. Abex Corporation*
27 *et. al.* which was previously produced as Tab 4.21(S) in KUBOTA's production of
28 documents related to the Deposition of KUBOTA's Person Most Knowledgeable
taken on December 12, 2007 in the *Webber v. A.H. Voss* litigation, and is already in
the possession of plaintiffs' counsel.

1 **REQUEST FOR PRODUCTION NO. 69:**

2 All DOCUMENTS RELATING to asbestos currently in the possession or control of
3 YOUR Department of Corporate Social Responsibility.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 69:**

5 KUBOTA objects to this request as being vague, ambiguous, unintelligible and
6 undefining as to the term "Department of Corporate Social Responsibility," and requests
7 documents protected by the attorney-client and work-product privileges. The request also seeks
8 proprietary information as to KUBOTA and its support groups, is invasive of individual privacy
9 rights, is overly broad in scope and time, unduly burdensome, oppressive and harassing,
10 irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.
11

12 **REQUEST FOR PRODUCTION NO. 70:**

13 All DOCUMENTS containing information information regarding YOUR corporate
14 history.
15

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 70:**

17 KUBOTA objects to this request as it is overly broad in scope, unduly burdensome,
18 oppressive, harassing, irrelevant and not reasonably calculated to lead to the discovery of
19 admissible evidence as to any KUBOTA business documents created after December 31, 1975
20 and as to information related to other asbestos-containing products besides asbestos-cement
21 pressure pipe. The demand requests documents that are equally available to Plaintiffs. This
22 demand also requests documents that may be protected by the attorney-client and attorney work
23 product privileges. Without waiving these objections, KUBOTA responds as follows:
24

25 (7) KUBOTA has conducted a diligent search and reasonable inquiry and has previously
26 produced any responsive documents in its possession, custody or control that were created prior
27 to December 31, 1975 and are related to asbestos-cement pressure pipe. The responsive
28

1 documents were produced as Tab 1.1 in KUBOTA's production of documents related to the
2 Deposition of KUBOTA's Person Most Knowledgeable taken on December 12, 2007 in the
3 *Webber v. A.H. Voss* litigation, and are already in the possession of plaintiffs' counsel.

4 **REQUEST FOR PRODUCTION NO. 71:**

5 All DOCUMENTS containing information regarding YOUR DOCUMENT
6 RETENTION POLICY.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 71:**

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

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

21 **REQUEST FOR PRODUCTION NO. 72:**

22 All DOCUMENTS containing information regarding the IDENTITIES of any officers or
23 directors of YOUR company over the last five years.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 72:**

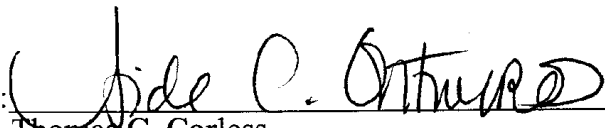
25 KUBOTA objects to this request as it invades the right to privacy of third parties and
26 their families, is overly broad in scope, unduly burdensome, oppressive, harassing, irrelevant and
27
28

1 not reasonably calculated to lead to the discovery of admissible evidence as to any KUBOTA
2 business documents created after December 31, 1975 and as to information related to other
3 asbestos-containing products besides asbestos-cement pressure pipe. This request also requests
4 documents that may be protected by the attorney-client and attorney work product privileges.
5

6 Dated: March 15, 2010

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

7
8
9 By:


Thomas C. Corless
Aide C. Ontiveros
Attorneys for Defendant,
KUBOTA CORPORATION

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' REQUEST FOR PRODUCTION, 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

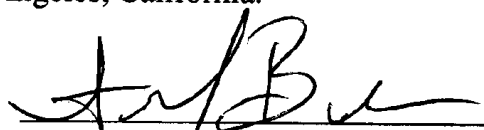
☒ **(BY MAIL)** I caused such envelope(s) fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence or mailing. Under that practice it would be deposited with the U.S. postal service on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

Jeffrey A. Kaiser, Esq. T. Scott Hames, Esq. LEVIN SIMES KAISER & GORNICK LLP 44 Montgomery Street, 36 th Floor San Francisco, California 94104 (ORIGINAL)	Attorneys for Plaintiffs, RHODA EVANS and BOBBY EVANS Tel: (415) 646-7160 - Fax: (415) 981-1270
K&L Gates, LLP Four Embarcadero Center, Suite 1200 San Francisco, CA 94111r (COPY)	Attorneys for Crane Co., Individually & as successor-in-interest to Chapman Valve Co. Tel: (415) 882-8200 - Fax: (415) 882-8220
Corinne Orquiola, Esq. LEWIS BRISBOIS BISGAARD & SMITH LLP 221 North Figueroa Street, Suite 1200 Los Angeles, CA 90012 (COPY)	Attorneys for Advocate Mines, Limited Tel: (213) 250-1800 - Fax: (213) 580-7942 orquiola@lbbslaw.com
William J. Sayers, Esq. Farah S. Nicol, Esq. Mary McKelvey, Esq. McKENNA, LONG & ALDRIDGE, LLP 300 S. Grand Avenue, Suite 1400 Los Angeles, CA 90071 (COPY)	Attorneys for Certain-Teed Corporation Tel: (213) 688-1000 - Fax: (213) 243-6330 mmckelvey@mckennalong.com
Carmen A. Trutanich, Esq. Pamela L. McFarlane, Esq. Eskel Solomon, Esq. 111 North Hope Street, Suite 340 P.O. Box 51111 Los Angeles, CA 90051 (COPY)	Attorneys for Los Angeles Department of Water and Power Tel: (213) 367-4640- 4534 - Fax: (213) 367-4588 (Maggie Flores – Secretary Pamela.mcfarlane@ladwp.com Eskel.solomon@ladwp.com
R. Gregory Amudson, Esq. Seymour B. Everett, Esq. WOOD, SMITH, HENNING & BERMAN 5000 Birch Street, Suite 8500 Newport Beach, CA 92660 (COPY)	Associated Counsel for City of Los Angeles Acting by and through the Department of Water and Power of the City of Los Angeles Tel.: (949) 757-4500 - Fax: (949) 757-4550 gamudson@wshblaw.com severett@wshblaw.com