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DOCUMENT DESCRIPTION: Legal - Defendant Kubota's Responses to Plaintiffs' Requests for Admission, Set One

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

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

17 **PROPOUNDING PARTIES: RHODA EVANS AND BOBBY EVANS**

18 **RESPONDING PARTY: KUBOTA CORPORATION**

19 **SET NO.: ONE**

20 Defendant **KUBOTA CORPORATION** ("Defendant" or "KUBOTA") hereby responds
 21 to Plaintiffs Rhoda Evans and Bobby Evans' ("Plaintiffs") Request for Admissions, Set No. 1 as
 22 follows:
 23

24 **PRELIMINARY STATEMENT**

25 These responses are made solely for the purpose of, and in relation to, this action. Each
 26 answer is given subject to all appropriate objections including, but not limited to, objections
 27 concerning competency, relevancy, materiality, propriety and admissibility, which would require
 28 the exclusion of any statement contained herein where made by a witness present and testifying

1 in court. All such objections and grounds therefore are reserved, and may be interposed at the
2 time of trial.

3 It should be noted that this responding party has not fully completed its investigation of
4 the facts relating to this case, has not yet fully completed its discovery in this matter, and has not
5 completed its preparation for trial. All of the answers contained herein are based only upon such
6 information and documents which are presently available to and specifically known to this
7 responding party and disclose only those contentions which presently occur to such responding
8 party. It is anticipated that further discovery, independent investigation, legal research and
9 analysis will supply additional facts, add meaning to the known facts, as well as establish
10 entirely new factual conclusions and legal contentions, all of which may lead to substantial
11 additions to, changes in, and variations from the contentions herein set forth.

12 As Responding Party ceased the sale of asbestos cement pipe in 1975 and during the
13 ensuing 35 years, potentially knowledgeable witnesses have left the employ of the asbestos
14 cement pipe division of Kubota Corporation or have become deceased and, through standard
15 company record destruction policies, potentially responsive documents have been destroyed, it
16 should be noted that Responding Party lacks sufficient information and belief to respond to many
17 of the requests for admissions. These responses are made on behalf of Kubota Corporation only
18 with regard to information existing during the time asbestos cement pipe was exported to the
19 United States.

21 The following responses are given without prejudice to Kubota Corporation's right to
22 produce evidence of any subsequently discovered facts which this responding party may later
23 recall. Kubota Corporation accordingly reserves the right to change any and all answers herein
24 as additional facts are ascertained, analyses are made, legal research is completed and
25 contentions are made.

27 The answers contained herein are made in a good faith effort to supply as much factual
28 information and as much specification of legal contentions as is presently known, but should in

no way be to the prejudice of Kubota Corporation in relation to further discovery, research or any answers to herein, no admission of any nature whatsoever is to be implied or inferred. The fact that any request for admission herein has been partially answered should not be taken as an admission to the entire request, or that such answer constitutes evidence of any facts thus set forth or assumed. All answers must be construed as given on the basis of present recollection. Any request for admission deemed as continuing is objected to as oppressive, over burdensome, improper, and not in compliance with *Code of Civil Procedure Sections 2033, et seq.*, and will not be regarded as continuing in nature.

RESPONSES PLAINTIFFS' REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1:

Admit that on approximately June 29, 2005, you made an announcement regarding the occurrence of many occupational victims of asbestos, as well as the victims of asbestos dust from environmental exposure around the Kanzaki plant.

RESPONSE REQUEST FOR ADMISSION NO. 1:

Objection: This request is vague and ambiguous with regard to the terms "many occupational victims of asbestos" and "victims of asbestos dust", is overly broad, irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. The request is propounded to oppress and harass KUBOTA.

REQUEST FOR ADMISSION NO. 2:

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

RESPONSE REQUEST FOR ADMISSION NO. 2:

Objection: This request is vague and ambiguous with regard to the terms "former workers of the Kansaki Plant" and "asbestos-containing products", is overly broad, irrelevant and

1 is not reasonably calculated to lead to the discovery of admissible evidence. The request is
2 propounded merely to oppress and harass KUBOTA. In addition, the request and its
3 accompanying Form Interrogatory No. 17.1 calls for information that invades the privacy
4 privilege of third parties and their families.

5 **REQUEST FOR ADMISSION NO. 3:**

6 Admit that you have compensated the surviving families of deceased workers of the
7 Kanzaki Plant who developed mesothelioma as a result of their exposure to the plant's asbestos-
8 containing products.

9 **RESPONSE REQUEST FOR ADMISSION NO. 3:**

10 Objection: This request is vague and ambiguous with regard to the terms "surviving
11 families", "deceased workers of the Kanzaki Plant" and "asbestos-containing products", is overly
12 broad, irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
13 The request is propounded merely to oppress and harass KUBOTA. In addition, the request and
14 its accompanying Form Interrogatory No. 17.1 calls for information that invades the privacy
15 privilege of third parties and their families. Should KUBOTA be ordered to respond to this
16 request, said order will force KUBOTA to breach its confidentiality contract with third parties.

17 **REQUEST FOR ADMISSION NO. 4:**

18 Admit that residents of Amagasaki City, Japan developed fatal mesothelioma during and
19 after the years the Kanzaki Plant produced asbestos-containing products as a result of exposure
20 to the Kanzaki Plant's asbestos-containing products.

21 **RESPONSE REQUEST FOR ADMISSION NO. 4:**

22 Objection: This request is vague and ambiguous with regard to the terms "residents of
23 Amagasaki City, Japan", "Kanzaki Plant" and "asbestos-containing products", is overly broad,
24 irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The
25

1 request is propounded merely to oppress and harass KUBOTA. In addition, the request and its
2 accompanying Form Interrogatory No. 17.1 calls for information that invades the privacy
3 privilege of third parties.

4 **REQUEST FOR ADMISSION NO. 5:**

5
6 Admit that from 1962 through 1975 approximately 240,000 tons of asbestos was used at
7 the Kanzaki Plant in the production of asbestos water pipes and building material.

8 **RESPONSE REQUEST FOR ADMISSION NO. 5:**

9 Objection: This request is vague and ambiguous with regard to the terms "Kanzaki
10 Plant" and "asbestos water pipes" and "building material". With regard to the years 1962 to
11 1967 prior to Bobby Evans' employment with LOS ANGELES DEPARTMENT OF WATER
12 AND POWER, this request is overly broad and irrelevant and is not reasonably calculated to lead
13 to the discovery of admissible evidence. The request is propounded merely to oppress and harass
14 KUBOTA.

15
16 Without waiving these objections, Defendant responds as follows:

17 Deny.

18 **REQUEST FOR ADMISSION NO. 6:**

19 Admit that from 1962 through 1975 YOU were informed and had documentation
20 regarding the HAZARDS ASSOCIATED WITH ASBESTOS EXPOSURE and/or ASBESTOS
21 CONTAINING MATERIAL.

22
23 **RESPONSE REQUEST FOR ADMISSION NO. 6:**

24 Objection: This request is compound with regard to the terms "from 1962 to 1975" and
25 "and/or ASBESTOS CONTAINING MATERIAL". The request is vague and ambiguous with
26 regard to the term "documentation" and the term "ASBESTOS CONTAINING MATERIAL".

27 With regard to the years 1962 to 1967 prior to Bobby Evans' employment with LOS
28

1 ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad and
2 irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. The
3 request is propounded merely to oppress and harass KUBOTA.

4 Without waiving these objections, Defendant responds as follows:

5
6 Through the passage of time and demise of its employees, KUBOTA is unable to more
7 completely respond to this interrogatory, but shortly before its enactment, KUBOTA became
8 aware of a 1960 Japanese Pneumoconiosis Act that addressed pneumoconiosis and asbestosis
9 resulting from long term exposures to asbestos at manufacturing facilities, but not lung cancer or
10 mesothelioma, and on that basis admits the request. KUBOTA believes it first learned of
11 asbestos related cancer and mesothelioma hazards shortly before promulgation of the 1975
12 Japanese Ordinance on Prevention of Hazards Caused by Specific Chemical Substances and on
13 this basis denies the request.

14
15 **REQUEST FOR ADMISSION NO. 7:**

16 Admit that from 1962 through 1975 precautionary equipment was available to YOU, to
17 protect YOUR employees from HAZARDS ASSOCIATED WITH EXPOSURE TO
18 ASBESTOS.

19 **RESPONSE REQUEST FOR ADMISSION NO. 7:**

20 Objection: This request is vague and ambiguous with regard to the term "precautionary
21 equipment". With regard to the years 1962 to 1967 prior to Bobby Evans' employment with
22 LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad and
23 irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. The
24 request is propounded merely to oppress and harass KUBOTA.

25
26 Without waiving these objections, Defendant responds as follows:

27 Admit.
28

1 **REQUEST FOR ADMISSION NO. 8:**

2 Admit that YOU did not offer protective respiratory equipment to employees at all of
3 your asbestos cement pipe manufacturing facilities from 1962 through 1975.

4 **RESPONSE REQUEST FOR ADMISSION NO. 8:**

5 Objection: This request is vague and ambiguous with regard to the term "protective
6 respiratory equipment". With regard to the years 1962 to 1967 prior to Bobby Evans'
7 employment with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is
8 overly broad and irrelevant and is not reasonably calculated to lead to the discovery of
9 admissible evidence. The request is propounded merely to oppress and harass KUBOTA.

10
11 Without waiving these objections, Defendant responds as follows:

12 Deny.
13

14 **REQUEST FOR ADMISSION NO. 9:**

15 Admit that YOU did not provide consumers of your produced asbestos-containing
16 products any WARNINGS about the HAZARDS RELATED TO ASBESTOS EXPOSURE with
17 the ASBESTOS CONTAINING MATERIAL YOU SOLD at any time from 1962 through 1975.

18 **RESPONSE REQUEST FOR ADMISSION NO. 9:**

19 Objection: This request is vague and ambiguous with regard to the terms "consumers",
20 "asbestos -containing products" and "ASBESTOS CONTAINING MATERIAL". With regard to
21 the years 1962 to 1967 prior to Bobby Evans' employment with LOS ANGELES
22 DEPARTMENT OF WATER AND POWER, this request is overly broad and irrelevant and is
23 not reasonably calculated to lead to the discovery of admissible evidence. The request is
24 propounded merely to oppress and harass KUBOTA.

25
26 Without waiving these objections, Defendant responds as follows:

27 Deny.
28

REQUEST FOR ADMISSION NO. 10:

Admit that YOU did not provide WARNINGS on any packaging or product itself associated with ASBESTOS CONTAINING MATERIAL YOU provided to consumers of your produced asbestos-containing products from 1962 through 1975.

RESPONSE REQUEST FOR ADMISSION NO. 10:

Objection: This request is vague and ambiguous with regard to the term "asbestos - containing products". With regard to the years 1962 to 1967 prior to Bobby Evans' employment with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. The request is propounded merely to oppress and harass KUBOTA.

Without waiving these objections, Defendant responds as follows:

Admit.

REQUEST FOR ADMISSION NO. 11:

Admit that YOU did not provide any WARNINGS about the HAZARDS RELATED TO ASBESTOS EXPOSURE with the ASBESTOS CONTAINING MATERIAL YOU SOLD to VOSS at any time from 1962 through 1975.

RESPONSE REQUEST FOR ADMISSION NO. 11:

Objection: This request is vague and ambiguous with regard to the term "ASBESTOS CONTAINING MATERIAL. With regard to the years 1962 to 1967 prior to Bobby Evans' employment with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. The request is propounded merely to oppress and harass KUBOTA.

Without waiving these objections, Defendant responds as follows:

Deny.

1 **REQUEST FOR ADMISSION NO. 12:**

2 Admit that YOU did not provide WARNINGS on any packaging or product itself
3 associated with ASBESTOS CONTAINING MATERIAL YOU provided to VOSS at any time
4 from '1962 through 1975.

5 **RESPONSE REQUEST FOR ADMISSION NO. 12:**

6
7 Objection: This request is vague and ambiguous with regard to the term "ASBESTOS
8 CONTAINING MATERIAL". With regard to the years 1962 to 1967 prior to Bobby Evans'
9 employment with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is
10 overly broad and irrelevant and is not reasonably calculated to lead to the discovery of
11 admissible evidence. The request is propounded merely to oppress and harass KUBOTA.

12 Without waiving these objections, Defendant responds as follows:

13 Admit.

14
15 **REQUEST FOR ADMISSION NO. 13:**

16 Admit that YOU did not provide any WARNINGS about the HAZARDS RELATED TO
17 ASBESTOS EXPOSURE with the ASBESTOS CONTAINING MATERIAL YOU SOLD to the
18 Los Angeles Department of Water and Power at any time from 1962 to 1975.

19 **RESPONSE REQUEST FOR ADMISSION NO.13 :**

20
21 Objection: This request is vague and ambiguous with regard to the terms "HAZARDS
22 RELATED TO ASBESTOS EXPOSURE" and "ASBESTOS CONTAINING MATERIAL".
23 With regard to the years 1962 to 1967 prior to Bobby Evans' employment with LOS ANGELES
24 DEPARTMENT OF WATER AND POWER, this request is overly broad and irrelevant and is
25 not reasonably calculated to lead to the discovery of admissible evidence. The request assumes
26 facts not in evidence that KUBOTA sold any asbestos containing material to the LOS
27 ANGELES DEPARTMENT OF WATER AND POWER at any time from 1962 to 1975.
28

1 Without waiving these objections, Defendant responds as follows:

2 At this point the Defendant is unaware of any sales of its product to the Los Angeles
3 Department of Water and Power and therefore cannot admit or deny the request and on that basis
4 denies it.

5 **REQUEST FOR ADMISSION NO. 14:**
6

7 Admit that YOU did not provide WARNINGS on any packaging or product itself
8 associated with ASBESTOS CONTAINING MATERIAL YOU provided to the Los Angeles
9 Department of Water and Power at any time from 1962 to 1975.

10 **RESPONSE REQUEST FOR ADMISSION NO. 14:**
11

12 Objection: This request is vague and ambiguous with regard to the terms "HAZARDS
13 RELATED TO ASBESTOS EXPOSURE" and "ASBESTOS CONTAINING MATERIAL".
14 With regard to the years 1962 to 1967 prior to Bobby Evans' employment with LOS ANGELES
15 DEPARTMENT OF WATER AND POWER, this request is overly broad and irrelevant and is
16 not reasonably calculated to lead to the discovery of admissible evidence. The request assumes
17 facts not in evidence that KUBOTA sold any asbestos containing material to the LOS
18 ANGELES DEPARTMENT OF WATER AND POWER at any time from 1962 to 1975.

19 Without waiving these objections, Defendant responds as follows:

20 At this point the Defendant is unaware of any sales of its product to the Los Angeles
21 Department of Water and Power and therefore cannot admit or deny the request and on that basis
22 denies it.

23 **REQUEST FOR ADMISSION NO. 15:**
24

25 Admit that YOU were aware of the asbestos fiber release that occurred when
26 ASBESTOS CONTAINING MATERIALS YOU manufactured and supplied to VOSS, were cut
27 with a power saw at any time from 1962 through 1975.
28

RESPONSE REQUEST FOR ADMISSION NO. 15:

Objection: This request is vague and ambiguous with regard to the terms "ASBESTOS CONTAINING MATERIAL", "cut" and "power saw". With regard to the years 1962 to 1967 prior to Bobby Evans' employment with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos containing material to the LOS ANGELES DEPARTMENT OF WATER AND POWER at any time from 1962 to 1975.

Without waiving these objections, Defendant responds as follows:

Admit.

REQUEST FOR ADMISSION NO. 16:

Admit that YOU SOLD KUBOTA ASBESTOS CEMENT PIPE to VOSS from 1962 through 1975.

RESPONSE REQUEST FOR ADMISSION NO. 16:

Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos containing material to the LOS ANGELES DEPARTMENT OF WATER AND POWER at any time from 1962 to 1975.

Without waiving these objections, Defendant responds as follows:

Admit.

///

1 **REQUEST FOR ADMISSION NO. 17:**

2 Admit that YOU knew VOSS SOLD KUBOTA ASBESTOS CEMENT PIPE in Los
3 Angeles County from 1962 through 1975.

4 **RESPONSE REQUEST FOR ADMISSION NO. 17:**

5
6 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment
7 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
8 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
9 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
10 containing material to the LOS ANGELES DEPARTMENT OF WATER AND POWER at any
11 time from 1962 to 1975.

12 Without waiving these objections, Defendant responds as follows:

13
14 Admit, however Voss did obtain asbestos cement pipe from other manufacturers.

15 **REQUEST FOR ADMISSION NO. 18:**

16 Admit that you had an exclusive distribution agreement with VOSS, under which VOSS
17 SOLD KUBOTA ASBESTOS CEMENT PIPE in California from 1962 through 1975.

18 **RESPONSE REQUEST FOR ADMISSION NO. 18:**

19
20 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment
21 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
22 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
23 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
24 containing material to the LOS ANGELES DEPARTMENT OF WATER AND POWER at any
25 time from 1962 to 1975.

26 Without waiving these objections, Defendant responds as follows:

27
28 Admit, however Voss did obtain asbestos cement pipe from other manufacturers.

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

2 Admit that you had an exclusive distribution agreement with VOSS, under which VOSS
3 SOLD KUBOTA ASBESTOS CEMENT PIPE in Los Angeles County from 1962 through 1975.

4 **RESPONSE REQUEST FOR ADMISSION NO.19 :**

5
6 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment
7 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
8 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
9 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
10 containing material to the LOS ANGELES DEPARTMENT OF WATER AND POWER at any
11 time from 1962 to 1975.

12 Without waiving these objections, Defendant responds as follows:

13
14 Admit, however Voss did obtain asbestos cement pipe from other manufacturers.

15 **REQUEST FOR ADMISSION NO. 20:**

16 Admit KUBOTA ASBESTOS CEMENT PIPE was supplied to VOSS without any
17 printed warnings affixed to the pipe from 1962 through 1975.

18 **RESPONSE REQUEST FOR ADMISSION NO. 20:**

19 Objection: This request is vague and ambiguous with regard to the terms "printed
20 warnings" and "affixed", is overly broad. With regard to the years 1962 to 1967 prior to Bobby
21 Evans' employment with LOS ANGELES DEPARTMENT OF WATER AND POWER, this
22 request is overly broad and irrelevant and is not reasonably calculated to lead to the discovery of
23 admissible evidence. The request assumes facts not in evidence that KUBOTA and/or VOSS
24 supplied any asbestos containing material to the LOS ANGELES DEPARTMENT OF WATER
25 AND POWER at any time from 1962 to 1975.

26
27 Without waiving these objections, Defendant responds as follows:
28

1 Admit.

2 **REQUEST FOR ADMISSION NO. 21:**

3 Admit KUBOTA ASBESTOS CEMENT PIPE was supplied to VOSS without any
4 printed warning materials from 1962 through 1975.

5 **RESPONSE REQUEST FOR ADMISSION NO. 21:**

6
7 Objection: This request is vague and ambiguous with regard to the term "printed warning
8 materials", is overly broad. With regard to the years 1962 to 1967 prior to Bobby Evans'
9 employment with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is
10 overly broad and irrelevant and is not reasonably calculated to lead to the discovery of
11 admissible evidence. The request assumes facts not in evidence that KUBOTA and/or VOSS
12 supplied any asbestos containing material to the LOS ANGELES DEPARTMENT OF WATER
13 AND POWER at any time from 1962 to 1975.

14
15 Without waiving these objections, Defendant responds as follows:

16 Admit.

17 **REQUEST FOR ADMISSION NO. 22:**

18 Admit that between the years 1962 and 1975 YOU knew, of the HAZARDS
19 ASSOCIATED WITH ASBESTOS EXPOSURE.

20 **RESPONSE REQUEST FOR ADMISSION NO. 22:**

21
22 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment
23 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
24 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
25 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
26 containing material to the LOS ANGELES DEPARTMENT OF WATER AND POWER at any
27 time from 1962 to 1975.
28

1 Without waiving these objections, Defendant responds as follows:

2 Through the passage of time and demise of its employees, KUBOTA is unable to more
3 completely respond to this interrogatory, but shortly before its enactment, KUBOTA became
4 aware of a 1960 Japanese Pneumoconiosis Act that addressed pneumoconiosis and asbestosis
5 resulting from long term exposures to asbestos at manufacturing facilities, but not lung cancer or
6 mesothelioma, and on that basis admits the request. KUBOTA believes it first learned of
7 asbestos related cancer and mesothelioma hazards shortly before promulgation of the 1975
8 Japanese Ordinance on Prevention of Hazards Caused by Specific Chemical Substances and on
9 this basis denies the request.
10

11 **REQUEST FOR ADMISSION NO. 23:**

12 Admit that KUBOTA ASBESTOS CEMENT PIPE that YOU SOLD TO VOSS
13 CONTAINED CROCIDILITE from 1962 through 1975.
14

15 **RESPONSE REQUEST FOR ADMISSION NO. 23:**

16 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment
17 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
18 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
19 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
20 containing material to the LOS ANGELES DEPARTMENT OF WATER AND POWER at any
21 time from 1962 to 1975.
22

23 Without waiving these objections, Defendant responds as follows:

24 Admit.

25 **REQUEST FOR ADMISSION NO. 24:**

26 Admit that VOSS stamped KUBOTA ASBESTOS CEMENT PIPE with a large logo
27 consisted of "Voss" on a triangle and "Kubota" underneath the triangle, from 1962 through 1975.
28

1 **RESPONSE REQUEST FOR ADMISSION NO. 24:**

2 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment
3 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
4 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
5 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
6 containing material to the Los Angeles Department of Water and Power at any time from 1962 to
7 1975.
8

9 Without waiving these objections, Defendant responds as follows:

10 Deny.

11 **REQUEST FOR ADMISSION NO. 25:**

12 Admit that YOU did not warn users of KUBOTA ASBESTOS CEMENT PIPE to use
13 RESPIRATORY PROTECTION when working with KUBOTA ASBESTOS CEMENT PIPE
14 from 1962 through 1975.
15

16 **RESPONSE REQUEST FOR ADMISSION NO. 25:**

17 Objection: This request is vague and ambiguous as to the terms "users" and "working"
18 With regard to the years 1962 to 1967 prior to Bobby Evans' employment with LOS ANGELES
19 DEPARTMENT OF WATER AND POWER, this request is overly broad and irrelevant and is
20 not reasonably calculated to lead to the discovery of admissible evidence. The request assumes
21 facts not in evidence that KUBOTA and/or VOSS supplied any asbestos containing material to
22 the Los Angeles Department of Water and Power at any time from 1962 to 1975.
23

24 Without waiving these objections, Defendant responds as follows:

25 Deny.

26 **REQUEST FOR ADMISSION NO. 26:**

27 Admit that YOU did not warn users of KUBOTA ASBESTOS CEMENT PIPE to use
28

1 RESPIRATORY PROTECTION when cutting KUBOTA ASBESTOS CEMENT PIPE from
2 1962 through 1975.

3 **RESPONSE REQUEST FOR ADMISSION NO. 26:**

4 Objection: This request is vague and ambiguous as to the terms "users" and "cutting".
5 With regard to the years 1962 to 1967 prior to Bobby Evans' employment with LOS ANGELES
6 DEPARTMENT OF WATER AND POWER, this request is overly broad and irrelevant and is
7 not reasonably calculated to lead to the discovery of admissible evidence. The request assumes
8 facts not in evidence that KUBOTA and/or VOSS supplied any asbestos containing material to
9 the Los Angeles Department of Water and Power at any time from 1962 to 1975.
10

11 Without waiving these objections, Defendant responds as follows:

12 Deny.

13 **REQUEST FOR ADMISSION NO. 27:**

14 Admit that YOU did not tell VOSS to warn users of KUBOTA ASBESTOS CEMENT
15 PIPE to use RESPIRATORY PROTECTION when working with KUBOTA ASBESTOS
16 CEMENT PIPE from 1962 through 1975.
17

18 **RESPONSE REQUEST FOR ADMISSION NO. 27:**

19 Objection: This request is vague and ambiguous as to the terms "users" and "working".
20 With regard to the years 1962 to 1967 prior to Bobby Evans' employment with LOS ANGELES
21 DEPARTMENT OF WATER AND POWER, this request is overly broad and irrelevant and is
22 not reasonably calculated to lead to the discovery of admissible evidence. The request assumes
23 facts not in evidence that KUBOTA and/or VOSS supplied any asbestos containing material to
24 the Los Angeles Department of Water and Power at any time from 1962 to 1975.
25

26 Without waiving these objections, Defendant responds as follows:

27 Deny.
28

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

2 Admit that YOU did not tell VOSS to warn users of KUBOTA ASBESTOS CEMENT
3 PIPE to use RESPIRATORY PROTECTION when cutting KUBOTA ASBESTOS CEMENT
4 PIPE from 1962 through 1975.
5

6 **RESPONSE REQUEST FOR ADMISSION NO. 28:**

7 Objection: This request is vague and ambiguous as to the terms "users" and "cutting".
8 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment with LOS
9 ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad and
10 irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. The
11 request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
12 containing material to the Los Angeles Department of Water and Power at any time from 1962 to
13 1975.
14

15 Without waiving these objections, Defendant responds as follows:

16 Deny.

17 **REQUEST FOR ADMISSION NO. 29:**

18 Admit that YOU did not require VOSS to warn users of KUBOTA ASBESTOS
19 CEMENT PIPE to use RESPIRATORY PROTECTION when working with KUBOTA
20 ASBESTOS CEMENT PIPE from 1962 through 1975.
21

22 **RESPONSE REQUEST FOR ADMISSION NO. 29:**

23 Objection: This request is vague and ambiguous as to the terms "users" and "working".
24 With regard to the years 1962 to 1967 prior to Bobby Evans' employment with LOS ANGELES
25 DEPARTMENT OF WATER AND POWER, this request is overly broad and irrelevant and is
26 not reasonably calculated to lead to the discovery of admissible evidence. The request calls for a
27 legal conclusion and assumes facts not in evidence that KUBOTA and/or VOSS supplied any
28

1 asbestos containing material to the Los Angeles Department of Water and Power at any time
2 from 1962 to 1975.

3 Without waiving these objections, Defendant responds as follows:

4 Deny.

5
6 **REQUEST FOR ADMISSION NO. 30:**

7 Admit that YOU did not require VOSS to warn users of KUBOTA ASBESTOS
8 CEMENT PIPE to use RESPIRATORY PROTECTION when cutting KUBOTA ASBESTOS
9 CEMENT PIPE from 1962 through 1975.

10 **RESPONSE REQUEST FOR ADMISSION NO. 30:**

11 Objection: This request is vague and ambiguous as to the terms "users" and "cutting".
12 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment with LOS
13 ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad and
14 irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. The
15 request calls for a legal conclusion and assumes facts not in evidence that KUBOTA and/or
16 VOSS supplied any asbestos containing material to the Los Angeles Department of Water and
17 Power at any time from 1962 to 1975.

18
19 Without waiving these objections, Defendant responds as follows:

20 Deny.

21
22 **REQUEST FOR ADMISSION NO. 31:**

23 Admit that YOU did not know the SYSTEM OF DISTRIBUTION VOSS used to
24 distribute KUBOTA ASBESTOS CEMENT PIPE in Los Angeles County, California from 1962
25 through 1975.

26 **RESPONSE REQUEST FOR ADMISSION NO. 31:**

27 Objection: vague, ambiguous and unintelligible as to the phrase "system of
28

1 transportation;" and with regard to the years 1962 to 1967 prior to Bobby Evans' employment
2 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
3 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
4 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
5 containing material to the Los Angeles Department of Water and Power at any time from 1962 to
6 1975.

7
8 Without waiving these objections, Defendant responds as follows:

9 Admit, although KUBOTA did have general knowledge of the distribution system, i.e.,
10 transport by truck from port to yard and then from the yard to Voss' customers.

11 **REQUEST FOR ADMISSION NO. 32:**

12 Admit that YOU do not know the WORKSITES where VOSS distributed KUBOTA
13 ASBESTOS CEMENT PIPE from 1962 through 1975.

14 **RESPONSE REQUEST FOR ADMISSION NO. 32:**

15
16 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment
17 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
18 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
19 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
20 containing material to the Los Angeles Department of Water and Power at any time from 1962 to
21 1975.

22
23 Without waiving these objections, Defendant responds as follow

24 Admit.

25 **REQUEST FOR ADMISSION NO. 33:**

26 Admit that KUBOTA ASBESTOS CEMENT PIPE that YOU SOLD TO VOSS
27 CONTAINED CROCIDILITE from 1962 through 1975.

1 **RESPONSE REQUEST FOR ADMISSION NO. 33:**

2 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment
3 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
4 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
5 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
6 containing material to the Los Angeles Department of Water and Power at any time from 1962 to
7 1975.
8

9 Without waiving these objections, Defendant responds as follows:

10 Admit.

11 **REQUEST FOR ADMISSION NO. 34:**

12 Admit that YOU did not warn VOSS of the HAZARDS ASSOCIATED WITH
13 ASBESTOS EXPOSURE from 1962 through 1975.
14

15 **RESPONSE REQUEST FOR ADMISSION NO. 34:**

16 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment
17 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
18 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
19 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
20 containing material to the Los Angeles Department of Water and Power at any time from 1962 to
21 1975.
22

23 Without waiving these objections, Defendant responds as follows:

24 Deny.

25 **REQUEST FOR ADMISSION NO. 35:**

26 Admit that YOU knew that consumers were cutting KUBOTA ASBESTOS CEMENT
27 PIPE with power saws from 1962 through 1975.
28

1 **RESPONSE REQUEST FOR ADMISSION NO. 35:**

2 Objection: This request is vague and ambiguous as to the terms "consumers", "cutting"
3 and "power saws". With regard to the years 1962 to 1967 prior to Bobby Evans' employment
4 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
5 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
6 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
7 containing material to the Los Angeles Department of Water and Power at any time from 1962 to
8 1975.
9

10 Without waiving these objections, Defendant responds as follows:

11 Admit that KUBOTA knew that consumers like Voss would require various persons to
12 perform occasional cutting of pipes outdoors in small quantities.
13

14 **REQUEST FOR ADMISSION NO. 36:**

15 Admit that from 1962 through 1975, YOU knew that when consumers cut KUBOTA
16 ASBESTOS CEMENT PIPE with power saws that asbestos fiber would be released into the air.

17 **RESPONSE REQUEST FOR ADMISSION NO. 36:**

18 Objection: This request is vague and ambiguous as to the terms "consumers", "cut" and
19 "power saws". With regard to the years 1962 to 1967 prior to Bobby Evans' employment with
20 LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad and
21 irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. The
22 request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
23 containing material to the Los Angeles Department of Water and Power at any time from 1962 to
24 1975.
25

26 Without waiving these objections, Defendant responds as follows:

27 Admit.
28

1 **REQUEST FOR ADMISSION NO. 37:**

2 Admit that printed warnings regarding asbestos dust were on bags of JOHNS-
3 MANVILLE asbestos fiber you were supplied by TOKYO KOGYO BOEKI SHOKAI for the
4 production of KUBOTA ASBESTOS CEMENT PIPE from 1962 through 1975.

5 **RESPONSE REQUEST FOR ADMISSION NO. 37:**

6
7 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment
8 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
9 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
10 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
11 containing material to the Los Angeles Department of Water and Power at any time from 1962 to
12 1975.

13
14 Without waiving these objections, Defendant responds as follows:

15 Deny.

16 **REQUEST FOR ADMISSION NO. 38:**

17 Admit that YOU SOLD KUBOTA ASBESTOS CEMENT PIPE to VOSS from 1962
18 through 1975.

19 **RESPONSE REQUEST FOR ADMISSION NO. 38:**

20
21 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment
22 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
23 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
24 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
25 containing material to the LOS ANGELES DEPARTMENT OF WATER AND POWER at any
26 time from 1962 to 1975. Asked and answered at Request for Admission No. 16.

27
28 Without waiving these objections, Defendant responds as follows:

1 Admit.

2 **REQUEST FOR ADMISSION NO. 39:**

3 Admit that YOU knew VOSS SOLD KUBOTA ASBESTOS CEMENT PIPE in Los
4 Angeles county from 1962 through 1975.

5 **RESPONSE REQUEST FOR ADMISSION NO. 39:**

6
7 Objection: With regard to the years 1962 to 1967 prior to Bobby Evans' employment
8 with LOS ANGELES DEPARTMENT OF WATER AND POWER, this request is overly broad
9 and irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
10 The request assumes facts not in evidence that KUBOTA and/or VOSS supplied any asbestos
11 containing material to the Los Angeles Department of Water and Power at any time from 1962 to
12 1975. Asked and answered at Request No. 17.

13 Without waiving these objections, Defendant responds as follows:

14 Admit.

15 **REQUEST FOR ADMISSION NO. 40:**

16 Admit that Rhoda Evans has mesothelioma caused by asbestos exposure.

17 **RESPONSE REQUEST FOR ADMISSION NO. 40:**

18 Deny.

19 **REQUEST FOR ADMISSION NO. 41:**

20 Admit that YOU contributed to Rhoda Evans' mesothelioma.

21 **RESPONSE REQUEST FOR ADMISSION NO. 41:**

22 Objection: The request assumes facts not in evidence that KUBOTA and/or VOSS
23 supplied any asbestos containing material to the Los Angeles Department of Water and Power at
24 any time from 1962 to 1975.

25
26
27 ///

28

1 Without waiving these objections, Defendant responds as follows:

2 Deny.

3 Dated: March 15, 2010

4 WILSON, ELSER, MOSKOWITZ,
5 EDELMAN & DICKER LLP

6 By: 

7 Thomas C. Corless

8 Aide C. Ontiveros

9 Attorneys for Defendant,

10 KUBOTA CORPORATION

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I have read the foregoing DEFENDANT KUBOTA CORPORATION'S RESPONSES TO REQUESTS FOR ADMISSION, SET NO. ONE (1) and know its contents.

I am Masahiko Uchino, Legal Department for KUBOTA CORPORATION, a party to this action entitled *Rhoda Evans v. A. W. Chesterton, et al*, LASC Case No. BC 418867, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on March 15, 2010 at Osaka, Japan.

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

内野雅彦
Signature

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

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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

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

SEE ATTACHED SERVICE LIST

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

AND

☒ **(BY MAIL)** I caused such envelope(s) fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence or mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

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

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

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


Irene Guzman Buelna

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

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PROOF OF SERVICE