

PATRICK J. HAGAN, ESQ. - Bar No.: 68264
EDWARD E. HARTLEY, ESQ. - Bar No.: 122892
KINCAID, GIANUNZIO, CAUDLE & HUBERT
A Professional Corporation
200 Webster Street, Suite 200
Oakland, California 94604-0828
(510) 465-5212

AUG 10 1992

Attorneys for Defendants
KAISER CEMENT CORPORATION
KAISER GYPSUM COMPANY, INC.

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

COY COSSEY, ACTION NO. 920148

Plaintiff,
vs.

ABEX CORPORATION, ET AL,
Defendants.

LYNN WEIMER ACTION NO. 914594

Plaintiff,
vs.

ABEX CORPORATION, ET AL.
Defendants.

CONSOLIDATED PARTIAL RESPONSE
OF KAISER CEMENT CORPORATION AND
KAISER GYPSUM COMPANY, INC. TO
PLAINTIFFS' REQUEST FOR
PRODUCTION OF DOCUMENTS

PRELIMINARY STATEMENT

During April, 1992 Plaintiffs served Notices of Deposition and Requests for Production of Documents on defendants Kaiser Cement Corporation ("Kaiser Cement") and Kaiser Gypsum Company, Inc. ("Kaiser Gypsum"), seeking production twenty-five categories of documents and related depositions. Copies of the notices are attached as Exhibit A. On May 1 Kaiser Cement and

THE LAW OFFICES OF
KINCAID GIANUNZIO
CAUDLE & HUBERT
A PROFESSIONAL
CORPORATION

PLAINTIFF'S EXHIBIT

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1 Kaiser Gypsum served Plaintiffs, by letter, with their objections.
2 (Exhibit B hereto). All objections stated in Exhibit B are
3 incorporated herein by reference. Among the objections was that
4 the requested categories have no geographic limitation and span
5 very long time periods. Consequently, locating the responsive
6 documents would be unduly burdensome and oppressive.

7 However, Kaiser Gypsum agreed, without waiving any
8 objections, to produce appropriate responsive documents, if given
9 a reasonable amount of time to complete the task. By letter of
10 May 20, 1992, counsel for Kaiser Cement and Kaiser Gypsum indicated
11 several months would be needed to complete this task (Exhibit C),
12 but also indicated that certain categories of documents could be
13 provided before completion and prior to any depositions.

14 Since May, Kaiser Cement and Kaiser Gypsum have been
15 engaged in a diligent search through their voluminous retained
16 records for documents potentially responsive to the twenty-five
17 document production categories. Because neither firm's retained
18 records are organized in terms of the document production
19 categories, literally thousands of boxes must be thoroughly
20 examined to locate documents fully responsive to some requests (or
21 to determine that there are none). However, completion of that
22 task is not required in the case of documents responsive to
23 document production category 15 (annual reports).

24 Accordingly, Kaiser Cement and Kaiser Gypsum provide the
25 following separate partial response to Plaintiffs request for
26 production of documents:

27 Request 15. All your annual reports for the years 1936
28 through 1991 inclusive, to include all alleged predecessors or

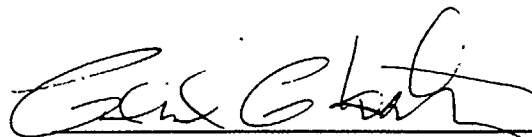
1 successors in interest and subsidiaries involved in the sale,
2 mining, milling, distribution, import, transport, installation, or
3 manufacture of asbestos or asbestos-containing products.

4 Kaiser Cement Response: Kaiser Cement objects to
5 this request on the grounds that it is oppressive and overbroad
6 (and therefore not calculated to lead to the discovery of
7 admissible evidence) to the extent that it seeks annual reports
8 for years in which Kaiser Cement did not market asbestos-
9 containing products. The only years during which Kaiser Cement
10 issued annual reports and marketed any products that contained
11 asbestos as an ingredient were from 1959-76. During the years
12 1959-63 Kaiser Cement was known as "Permanente Cement Company";
13 during the years 1964-76 Kaiser Cement was known as "Kaiser Cement
14 & Gypsum Corporation." Without waiving its objections,
15 Kaiser Cement agrees to produce these annual reports.

16 - Kaiser Gypsum Response: Kaiser Gypsum adopts the above-
17 stated objections of Kaiser Cement. Without waiving those
18 objections, Kaiser Gypsum responds that it never issued annual
19 reports, and, consequently, there are no documents responsive to
20 this request.

21 DATED : August 7, 1992

22 KINCAID, GIANUNZIO, CAUDLE & HUBERT
23 A Professional Corporation

24 

25 EDWARD E. HARTLEY, ESQ. - Bar No.: 122892
26 Attorneys for Defendants
27 KAISER CEMENT CORPORATION AND
28 KAISER GYPSUM COMPANY, INC.

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FRANCINE S. CURTIS, ESQ.
BRAYTON, GIBBS & HARLEY
Attorneys at Law
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Novato, California 94948
(415) 898-1555

Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

COY COSSEY, et al.,) No. 920148

Plaintiffs,)

vs.)

ABEX CORPORATION, et al.,)

Defendants.)

LYNN WEIMER, et al.,)

Plaintiffs,)

vs.)

ABEX CORPORATION, et al.,)

Defendants)

NO. 914594

NOTICE OF TAKING DEPOSITION
AND REQUEST FOR PRODUCTION

TO: DEFENDANT KAISER GYPSUM COMPANY, INC. AND ITS ATTORNEYS OF
RECORD:

PLEASE TAKE NOTICE that the deposition of the Custodian of
Records has been notices for May 6, 1992 at 9:00 a.m. and each
day thereafter until completed at Tooker & Antz, 131 Steuart
Street, San Francisco, CA, plaintiffs will take the deposition
of Custodian of Records whose address is known to you, regarding:

PLTF 0531

1 defendant KAISER GYPSUM COMPANY, INC.'s purchase, sale,
2 marketing, distribution, shipment, import, transport,
3 processing, mining, milling, labeling, packaging, installation,
4 removal, application, use, testing, knowledge of health hazards,
5 and/or analysis of asbestos and/or asbestos-containing products,
6 and SEC filings, during the years 1936 through 1991. The
7 deponent will testify upon oral examination before a duly
8 authorized notary public, said deposition to continue from day
9 to day, Saturdays and Sundays excluded, until completed.

10 Pursuant to Section 2025(d) of the California Code of Civil
11 Procedure, plaintiffs in the above-captioned actions hereby
12 request you to bring to the deposition for inspection and
13 copying by Brayton, Gisvold & Harley, the documents and things
14 described below. You are requested to produce the original
15 documents, and not just copies thereof, unless the original
16 documents have been destroyed or lost.

17 DEFINITIONS

18 1. The word "PROMOTION" refers to any method or form of
19 communicating a representation regarding a product or service.

20 2. The word "ADVERTISING" refers to any method or form of
21 communicating information about a product or service.

22 3. The word "LOGO" shall refer to an identifying symbol,
23 trademark, identifying statement or motto.

24 4. The words "PRODUCT" or "ASBESTOS-CONTAINING PRODUCT"
25 shall refer to raw asbestos or to any product, materials,
26 supplies, or equipment which you know or believe to contain or
27 include any amount or percentage of the mineral asbestos in
28 whole or in mixture with other products or materials.

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1 7. All written correspondence or other documents directed
2 to or received from any United States governmental agency
3 regarding health hazards related to the inhalation or ingestion
4 of asbestos fibers.

5 8. All bulletins, notes or other writings directed from
6 you to your employees regarding health hazards related to the
7 inhalation or ingestion of asbestos fibers.

8 9. All warning signs, facsimiles or photographs thereof,
9 relating to the dangers of asbestos inhalation, placed at or
10 near work sites of your employees or of any of your customers,
11 where asbestos or asbestos-containing product(s) were or are
12 used.

13 10. All warning signs, or facsimiles or photographs
14 thereof, related to the dangers of asbestos inhalation,
15 recommended by you for use at work sites where asbestos or
16 asbestos-containing product(s) are or were used.

17 11. All writings or documents pertaining to agreements
18 between yourself and any other manufacturer or distributor of
19 asbestos-containing products regarding the relabelling,
20 rebranding or resale of asbestos or asbestos-containing
21 product(s) by said manufacturers or distributors.

22 12. All writings or documents pertaining to agreements
23 between yourself and any other manufacturer or distributor of
24 asbestos-containing products regarding the transfer or
25 assumption of any license or right to manufacture, distribute,
26 transport, import, ship, mine, mill or sell asbestos or
27 asbestos-containing product(s).

28 13. All writings or documents relating to

1 COMPANY, INC.'s control, purchase, acquisition and/or
2 dissolution of any corporation or business entity which has
3 mined, manufactured, produced, processed, compounded, sold,
4 supplied, imported, transported, shipped, distributed and/or
5 otherwise, placed asbestos or asbestos-containing products in
6 the stream of commerce, including any predecessor in interest to
7 KAISER GYPSUM COMPANY, INC..

8 14. All writings or documents, including bills, purchase
9 orders, customer lists, customer sales lists, bills of lading,
10 invoices and shipping orders, reflecting or representing sales,
11 shipment, import, transport or distribution by you of any
12 asbestos or asbestos-containing product(s) to any other
13 defendant herein (including those defendants in bankruptcy).

14 15. All your annual reports for the years 1936 through
15 1991, inclusive, to include all alleged predecessors or
16 successors in interest and subsidiaries involved in the sale,
17 mining, milling, distribution, import, transport, installation,
18 or manufacture of asbestos or asbestos-containing products.

19 16. All reports filed with the United States Securities
20 and Exchange Commission, including Forms 10-K, 10-Q and 8-K, for
21 the years 1936 to the date of this Request, inclusive, to
22 include all alleged predecessors and successors in interest and
23 subsidiaries involved in the sale, mining, milling,
24 distribution, import, transport, installation, or manufacture of
25 asbestos or asbestos-containing products.

26 17. All organization charts or other such documents from
27 1936 to the present date which detail lines of authority within
28 your company, to include all alleged predecessors and ...

1 in interest and subsidiaries involved in the sale, mining,
2 milling, distribution, import, transport, installation, or
3 manufacture of asbestos or asbestos-containing products.

4 18. All copies of Asbestos Magazine in your possession.

5 19. Examples of all warning labels placed on the
6 containers and/or packages and/or bags of asbestos or asbestos-
7 containing products which dealt with exposure to asbestos, to
8 include those of all of your alleged predecessors and successors
9 in interest.

10 20. All internal memoranda, papers, minutes, or other such
11 documents which relate to your decision to label asbestos or any
12 asbestos-containing products with a warning relative to asbestos
13 exposure.

14 21. Each and every set of interrogatories, and answers
15 thereto, served on you by each and every plaintiff both in
16 actions pending or which have been dismissed, alleging asbestos-
17 related disease or injury resulting from exposure within the
18 State of California to your asbestos products. (If multiple
19 plaintiffs have served identical interrogatories, you need only
20 produce an exemplar set of questions and answers.)

21 22. All writings concerning any studies, analyses or
22 estimates of the quantity of asbestos or asbestos-containing
23 products sold, manufactured, mined, milled, processed,
24 distributed, transported, imported, shipped, marketed or stored
25 by you or by any subsidiary or division, or alleged predecessor
26 or successor in interest to you, in the United States, or for
27 use within the United States, between 1936 and the present.

28 23. All documents, writings, memoranda and/or

correspondence concerning any oral or written contact between you and Dr. Irving Selikoff about the potential health hazards of asbestos.

24. Any and all corporate minutes, books for KAISER GYPSUM COMPANY, INC., and any and all of its predecessors in interest for the years 1936 to 1991, inclusive.

25. Any and all documents identified, or referenced in KAISER GYPSUM COMPANY, INC.'s answers to General Order No. 29 Interrogatories.

The witness will be required to testify regarding his/her knowledge of facts and other matters related to the above- captioned matters including, but not limited to, COY COSSEY's and DONALD WEIMER's exposure to asbestos and asbetos-containing products and those matters referenced above.

Dated: 4/17/92 BRAYTON, GISVOLD & HARLEY

By: Francine S. Curtis
Francine S. Curtis
Attorneys for Plaintiffs

PROOF OF SERVICE

I, Candace L. Jordan, do hereby declare and state:

I am employed in the City of Novato, County of Marin, California. I am over the age of 18 years and not a party to the within action. My business address is 881 Grant Avenue, Novato, CA 94945. On April 17, 1992, I served the within:

Jeffrey L. King, Esq. & L. Scott
Law Firm

on the parties in this action, by placing a true copy thereof in a sealed envelope, and each envelope addressed as follows:

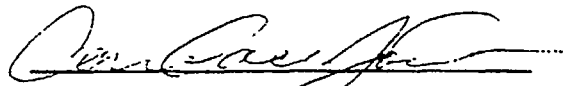
Berry & Berry
Station D
P.O. Box 70250
Oakland, CA 94612-0250

SEE ATTACHED LIST

- ☒ (By Mail Service) I am readily familiar with the business practice at my place of business for collection and processing of correspondence for delivery by mail. Correspondence so collected and processed is deposited with the United States Postal Service on the same day in the ordinary course of business. On the above date the said envelope was collected for the United States Postal Service following ordinary business practices.
- ☐ (By Telecopier) I caused each such document to be Telefaxed by telecopier to the offices of each addressee above.

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

Executed this 17th day of April, 1992, at Novato, California.


Candace L. Jordan

ARMSTRONG WORLD INDUSTRIES Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	CERTAIN-TEED CORPORATION Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	DEE ENGINEERING COMPANY Walsworth, Franklin & Bevins 580 California St., Ste. 1335 San Francisco, CA 94104 (415)781-7072 (415)391-6258	FLEXITALLIC, INC. Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946
GAF CORPORATION Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	KAISER CEMENT CORPORATION Kincaid, Gianunzio P.O. Box 1828 200 Webster Street Oakland, CA 94604-0828 (510)465-5212 (510)465-0362	KAISER GYPSUM COMPANY, INC. Kincaid, Gianunzio P.O. Box 1828 200 Webster Street Oakland, CA 94604-0828 (510)465-5212 (510)465-0362	NATIONAL GYPSUM/GOLD SCOD Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946
POZZI, INC. Lynch, Loofbourrow, et al. 50 Francisco St., Ste. 400 San Francisco, CA 94133 (415)397-2800 (415)397-3937	QUIGLEY COMPANY, INC. Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	TURNER & NEWALL/KEASBEY & MADI Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	UNITED STATES GYPSUM COMPANY Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946
WESTERN ASBESTOS/MACARTHUR CO. Hardin, Cook, et al. Lake Merritt Plaza 1999 Harrison Street Oakland, CA 94612 10)444-3131 (510)839-7940	U.S. MINERAL PRODUCTS COMPANY Long & Levit 101 California St., Ste. 2300 San Francisco, CA 94111 (415)397-2222 (415)397-6392	UNION CARBIDE CORPORATION Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	RIVERSIDE CEMENT COMPANY Liedman, Reiner, et al. 3255 Wilshire Blvd., 12th F. Los Angeles, CA 90010 (213)387-0777 (213)383-6777

END OF REPORT**

BRAYTON, GISA HARLEY
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P O BOX 2109
NOVATO, CALIFORNIA 94948
(415) 888 1333

SUPERIOR COURT OF CALIFORNIA

COY COSSEY, et al.,) No. 920148

vs.

Defendants.

NO. 914594

VS.

NOTICE OF TAKING DEPOSITION
AND REQUEST FOR PRODUCTION

TO: DEFENDANT KAISER CEMENT CORPORATION AND ITS ATTORNEYS OF
RECORD:

PLEASE TAKE NOTICE that plaintiff's will take the following described deposition before a duly qualified court reporter in and for the State of California.

Deponent: KAISER CEMENT CORPORATION's person(s) with
the most knowledge regarding the information described below.

1 Time/Date: 1:00 p.m., May 5, 1992
2 Place: Tooker & Antz, 131 Steuart, San Francisco,
3 California.

4 All information regarding defendant KAISER CEMENT
5 CORPORATION's purchase, sale, marketing, distribution, shipment,
6 import, transport, processing, mining, milling, labeling,
7 packaging, installation, removal, application, use, testing,
8 knowledge of health hazards, and/or analysis of asbestos and/or
9 asbestos-containing products, and SEC filings, during the years
10 1936 through 1991. The deponent will testify upon oral
11 examination before a duly authorized notary public, said
12 deposition to continue from day to day, Saturdays and Sundays
13 excluded, until completed.

14 Pursuant to Section 2025(d) of the California Code of Civil
15 Procedure, plaintiffs in the above-captioned actions hereby
16 request you to bring to the deposition for inspection and
17 copying by Brayton, Gisvold & Harley, the documents and things
18 described below. You are requested to produce the original
19 documents, and not just copies thereof, unless the original
20 documents have been destroyed or lost.

21 DEFINITIONS

22 1. The word "PROMOTION" refers to any method or form of
23 communicating a representation regarding a product or service.

24 2. The word "ADVERTISING" refers to any method or form of
25 communicating information about a product or service.

26 3. The word "LOGO" shall refer to an identifying symbol,
27 trademark, identifying statement or motto.

28 4. The words "PRODUCT" or "ASBESTOS-CONT."

1 shall refer to raw asbestos or to any product, materials,
2 supplies, or equipment which you know or believe to contain or
3 include any amount or percentage of the mineral asbestos in
4 whole or in mixture with other products or materials.

5
6 DOCUMENTS TO BE PRODUCED

7 1. All written correspondence, directed to or
8 received from other manufacturers or distributors of any
9 asbestos or asbestos-containing products, or agents thereof
10 regarding health hazards related to the inhalation or ingestion
11 of asbestos fibers.

12 2. All writings or documents regarding tests or studies
13 conducted by you or under your auspices, which tests or studies
14 concerned health hazards related to the inhalation or ingestion
15 of asbestos fibers.

16 3. All writings or documents regarding patent
17 applications or patents originated by you or under your auspices
18 concerning any asbestos-containing product(s).

19 4. All writings or documents regarding patent
20 applications or patents originated by you or under your auspices
21 concerning any asbestos-free insulation product(s) intended for
22 the same purpose as, or to be used in place of any insulation
23 product(s) manufactured or distributed by you which contained
24 asbestos.

25 5. All writings or documents regarding workers'
26 compensation claims made by or on behalf of your employees,
27 other than contract unit employees, which claims were or are
28 based upon injury or illness allegedly caused by asbestos.

1 ingestion of or exposure to asbestos fibers.

2 6. All books, pamphlets, catalogs, or written articles,
3 published or otherwise, including rough drafts thereof, produced
4 by you or under your auspices which pertain to health hazards
5 related to the inhalation or ingestion of asbestos fibers.

6 7. All written correspondence or other documents directed
7 to or received from any United States governmental agency
8 regarding health hazards related to the inhalation or ingestion
9 of asbestos fibers.

10 8. All bulletins, notes or other writings directed from
11 you to your employees regarding health hazards related to the
12 inhalation or ingestion of asbestos fibers.

9. All warning signs, facsimiles or photographs thereof, relating to the dangers of asbestos inhalation, placed at or near work sites of your employees or of any of your customers, where asbestos or asbestos-containing product(s) were or are used.

18 10. All warning signs, or facsimiles or photographs
19 thereof, related to the dangers of asbestos inhalation,
20 recommended by you for use at work sites where asbestos or
21 asbestos-containing product(s) are or were used.

11. All writings or documents pertaining to agreements between yourself and any other manufacturer or distributor of asbestos-containing products regarding the relabelling, rebranding or resale of asbestos or asbestos-containing product(s) by said manufacturers or distributors.

27 12. All writings or documents pertaining to agreements
28 between yourself and any other manufacturer or distributor

asbestos-containing products regarding the transfer or assumption of any license or right to manufacture, distribute, transport, import, ship, mine, mill or sell asbestos or asbestos-containing product(s).

13. All writings or documents relating to KAISER CEMENT CORPORATION's control, purchase, acquisition and/or dissolution of any corporation or business entity which has mined, manufactured, produced, processed, compounded, sold, supplied, imported, transported, shipped, distributed and/or otherwise, placed asbestos or asbestos-containing products in the stream of commerce, including any predecessor in interest to KAISER CEMENT CORPORATION.

14. All writings or documents, including bills, purchase orders, customer lists, customer sales lists, bills of lading, invoices and shipping orders, reflecting or representing sales, shipment, import, transport or distribution by you of any asbestos or asbestos-containing product(s) to any other defendant herein (including those defendants in bankruptcy).

15. All your annual reports for the years 1936 through 1991, inclusive, to include all alleged predecessors or successors in interest and subsidiaries involved in the sale, mining, milling, distribution, import, transport, installation, or manufacture of asbestos or asbestos-containing products.

16. All reports filed with the United States Securities and Exchange Commission, including Forms 10-K, 10-Q and 8-K, for the years 1936 to the date of this Request, inclusive, to include all alleged predecessors and successors in interest and subsidiaries involved in the sale, mining, milling,

1 distribution, import, transport, installation, or manufacture of
2 asbestos or asbestos-containing products.

3 17. All organization charts or other such documents from
4 1936 to the present date which detail lines of authority within
5 your company, to include all alleged predecessors and successors
6 in interest and subsidiaries involved in the sale, mining,
7 milling, distribution, import, transport, installation, or
8 manufacture of asbestos or asbestos-containing products.

9 18. All copies of Asbestos Magazine in your possession.

10 19. Examples of all warning labels placed on the
11 containers and/or packages and/or bags of asbestos or asbestos-
12 containing products which dealt with exposure to asbestos, to
13 include those of all of your alleged predecessors and successors
14 in interest.

15 - 20. All internal memoranda, papers, minutes, or other such
16 documents which relate to your decision to label asbestos or any
17 asbestos-containing products with a warning relative to asbestos
18 exposure.

19 21. Each and every set of interrogatories, and answers
20 thereto, served on you by each and every plaintiff both in
21 actions pending or which have been dismissed, alleging asbestos-
22 related disease or injury resulting from exposure within the
23 State of California to your asbestos products. (If multiple
24 plaintiffs have served identical interrogatories, you need only
25 produce an exemplar set of questions and answers.)

26 22. All writings concerning any studies, analyses or
27 estimates of the quantity of asbestos or asbestos-contain-
28 products sold, manufactured, mined, milled, processed.

1 distributed, transported, imported, shipped, marketed or stored
2 by you or by any subsidiary or division, or alleged predecessor
3 or successor in interest to you, in the United States, or for
4 use within the United States, between 1936 and the present.

5 23. All documents, writings, memoranda and/or
6 correspondence concerning any oral or written contact between
7 you and Dr. Irving Selikoff about the potential health hazards
8 of asbestos.

9 24. Any and all corporate minutes, books for KAISER CEMENT
10 CORPORATION, and any and all of its predecessors in interest for
11 the years 1936 to 1991, inclusive.

12 25. Any and all documents identified, or referenced in
13 KAISER CEMENT CORPORATION's answers to General Order No. 29
14 Interrogatories.

15 Dated: 4/17/92 BRAYTON, GISVOLD & HARLEY

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18 By: Francine S. Curtis
19 Francine S. Curtis
20 Attorneys for Plaintiffs

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PROOF OF SERVICE

I, Candace L Jordan, do hereby declare and state:

I am employed in the City of Novato, County of Marin, California. I am over the age of 18 years and not a party to the within action. My business address is 881 Grant Avenue, Novato, CA 94945. On April 17, 1992, I served the within:

Notice of taking deposit for request for judgment

on the parties in this action, by placing a true copy thereof in a sealed envelope, and each envelope addressed as follows:

Berry & Berry
Station D
P.O. Box 70250
Oakland, CA 94612-0250

SEE ATTACHED LIST

☒ (By Mail Service) I am readily familiar with the business practice at my place of business for collection and processing of correspondence for delivery by mail. Correspondence so collected and processed is deposited with the United States Postal Service on the same day in the ordinary course of business. On the above date the said envelope was collected for the United States Postal Service following ordinary business practices.

☐ (By Telecopier) I caused each such document to be Telefaxed by telecopier to the offices of each addressee above.

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

Executed this 17th day of April, 1992, at Novato, California.

Candace L Jordan
Candace L Jordan

IDENT: [REDACTED]

REPORT NO: 52.

ARMSTRONG WORLD INDUSTRIES

Knox, Ricksen, et al.
Rupert Ricksen, Esq.
1999 Harrison St., Ste. 1700
Oakland, CA 94612
(510)444-4646 (510)446-1946

CERTAIN-TEED CORPORATION

Knox, Ricksen, et al.
Rupert Ricksen, Esq.
1999 Harrison St., Ste. 1700
Oakland, CA 94612
(510)444-4646 (510)446-1946

DEE ENGINEERING COMPANY

Walsworth, Franklin & Bevins
580 California St., Ste. 1335
San Francisco, CA 94104
(415)781-7072 (415)391-6258

FLEXITALLIC, INC.

Knox, Ricksen, et al.
Rupert Ricksen, Esq.
1999 Harrison St., Ste. 17
Oakland, CA 94612
(510)444-4646 (510)446-1946

GAF CORPORATION

Knox, Ricksen, et al.
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KAISER CEMENT CORPORATION

Kincaid, Gianunzio
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KAISER GYPSUM COMPANY, INC.

Kincaid, Gianunzio
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200 Webster Street
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(510)465-5212 (510)465-0362

NATIONAL GYPSUM/GOLD BOND

Knox, Ricksen, et al.
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Oakland, CA 94612
(510)444-4646 (510)446-1946

POZZI, INC.

Lynch, Loofbourrow, et al.
50 Francisco St., Ste. 400
San Francisco, CA 94133
(415)397-2800 (415)397-0937

QUIGLEY COMPANY, INC.

Knox, Ricksen, et al.
Rupert Ricksen, Esq.
1999 Harrison St., Ste. 1700
Oakland, CA 94612
(510)444-4646 (510)446-1946

TURNER & NEWALL/KEASBEY & MADI

Knox, Ricksen, et al.
Rupert Ricksen, Esq.
1999 Harrison St., Ste. 1700
Oakland, CA 94612
(510)444-4646 (510)446-1946

UNITED STATES GYPSUM COMPANY

Knox, Ricksen, et al.
Rupert Ricksen, Esq.
1999 Harrison St., Ste. 17
Oakland, CA 94612
(510)444-4646 (510)446-1946

WESTERN ASBESTOS/MACARTHUR CO.

Hardin, Cook, et al.
Lake Merritt Plaza
1999 Harrison Street
Oakland, CA 94612
(510)444-3131 (510)839-7940

U.S. MINERAL PRODUCTS COMPANY

Long & Levit
101 California St., Ste. 2300
San Francisco, CA 94111
(415)397-2222 (415)397-6392

UNION CARBIDE CORPORATION

Knox, Ricksen, et al.
Rupert Ricksen, Esq.
1999 Harrison St., Ste. 1700
Oakland, CA 94612
(510)444-4646 (510)446-1946

RIVERSIDE CEMENT COMPANY

Liebman, Reiner, et al.
3255 Wilshire Blvd., 12th F.
Los Angeles, CA 90010
(213)387-0777 (213)383-67

END OF REPORT

PLTF 0548

REQUEST 15

All your annual reports for the years 1936 through 1991, inclusive, to include alleged predecessors or successors-in-interest and subsidiaries involved in the sale, mining, milling, distribution, import, transport, installation or manufacture of asbestos or asbestos-containing products.

No documents produced in response to this request.

REQUEST 16

All reports filed with the United States Securities & Exchange Commission, including Forms 10-K, 10-Q and 8-K for the years 1936 to the date of this request, inclusive, to include all alleged predecessors-in-interest and subsidiaries involved in the sale, mining, milling, distribution, import, transport, installation or manufacture of asbestos or asbestos-containing products.

No documents produced in response to this request.

REQUEST 17

All organization charts or other such documents from 1936 to the present date which detail lines of authority within your company, to include alleged predecessors and successors-in-interest and subsidiaries involved in the sale, mining, milling, distribution, import, transport, installation or manufacture of asbestos or asbestos-containing products.

Document 1: Chart, Gypsum Group of Management.

Date: April 1972.

Description: This is a series of 4 charts listing the management of Gypsum Group.

Vice President and General Manager: R.A. Costa.

Manager, Building Systems Engineering: B.E. Tupper.

Manager, Traffic and Distribution: L.D. Olson.

Vice President and General Manager, COMSA: A. Chavez.

Vice President and General Manager, CIKSA: A. Condey.

FRANCINE S. CURTIS, ESQ.
BRAYTON, GISVOLD & HARLEY
Attorneys at Law
999 Grant Avenue
P.O. Box 2109
Novato, California 94948
(415) 898-1555

Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

COY COSSEY, et al.,) No. 920148

Plaintiffs,)

vs.)

ABEX CORPORATION, et al.,)

Defendants.)

LYNN WEIMER, et al.,)

Plaintiffs,)

vs.)

ABEX CORPORATION, et al.,)

Defendants)

NO. 914594

NOTICE OF TAKING DEPOSITION
AND REQUEST FOR PRODUCTION

TO: DEFENDANT KAISER CEMENT CORPORATION AND ITS ATTORNEYS OF
RECORD:

PLEASE TAKE NOTICE that plaintiff's will take the following
described deposition before a duly qualified court reporter in
and for the State of California.

Deponent: KAISER CEMENT CORPORATION's person(s) with
the most knowledge regarding the information described

1 shall refer to raw asbestos or to any product, materials,
2 supplies, or equipment which you know or believe to contain or
3 include any amount or percentage of the mineral asbestos in
4 whole or in mixture with other products or materials.

5
6 DOCUMENTS TO BE PRODUCED

7 1. All written correspondence, directed to or
8 received from other manufacturers or distributors of any
9 asbestos or asbestos-containing products, or agents thereof
10 regarding health hazards related to the inhalation or ingestion
11 of asbestos fibers.

12 2. All writings or documents regarding tests or studies
13 conducted by you or under your auspices, which tests or studies
14 concerned health hazards related to the inhalation or ingestion
15 of asbestos fibers.

16 3. All writings or documents regarding patent
17 applications or patents originated by you or under your auspices
18 concerning any asbestos-containing product(s).

19 4. All writings or documents regarding patent
20 applications or patents originated by you or under your auspices
21 concerning any asbestos-free insulation product(s) intended for
22 the same purpose as, or to be used in place of any insulation
23 product(s) manufactured or distributed by you which contained
24 asbestos.

25 5. All writings or documents regarding workers'
26 compensation claims made by or on behalf of your employees,
27 other than contract unit employees, which claims were or are
28 based upon injury or illness allegedly caused by

1 ingestion of or exposure to asbestos fibers.

2 6. All books, pamphlets, catalogs, or written articles,
3 published or otherwise, including rough drafts thereof, produced
4 by you or under your auspices which pertain to health hazards
5 related to the inhalation or ingestion of asbestos fibers.

6 7. All written correspondence or other documents directed
7 to or received from any United States governmental agency
8 regarding health hazards related to the inhalation or ingestion
9 of asbestos fibers.

10 8. All bulletins, notes or other writings directed from
11 you to your employees regarding health hazards related to the
12 inhalation or ingestion of asbestos fibers.

13 9. All warning signs, facsimiles or photographs thereof,
14 relating to the dangers of asbestos inhalation, placed at or
15 near work sites of your employees or of any of your customers,
16 where asbestos or asbestos-containing product(s) were or are
17 used.

18 10. All warning signs, or facsimiles or photographs
19 thereof, related to the dangers of asbestos inhalation,
20 recommended by you for use at work sites where asbestos or
21 asbestos-containing product(s) are or were used.

22 11. All writings or documents pertaining to agreements
23 between yourself and any other manufacturer or distributor of
24 asbestos-containing products regarding the relabelling,
25 rebranding or resale of asbestos or asbestos-containing
26 product(s) by said manufacturers or distributors.

27 12. All writings or documents pertaining to agreements
28 between yourself and any other manufacturer or distributor

1 asbestos-containing products regarding the transfer or
2 assumption of any license or right to manufacture, distribute,
3 transport, import, ship, mine, mill or sell asbestos or
4 asbestos-containing product(s).

5 13. All writings or documents relating to KAISER CEMENT
6 CORPORATION's control, purchase, acquisition and/or dissolution
7 of any corporation or business entity which has mined,
8 manufactured, produced, processed, compounded, sold, supplied,
9 imported, transported, shipped, distributed and/or otherwise,
10 placed asbestos or asbestos-containing products in the stream of
11 commerce, including any predecessor in interest to KAISER CEMENT
12 CORPORATION.

13 14. All writings or documents, including bills, purchase
14 orders, customer lists, customer sales lists, bills of lading,
15 invoices and shipping orders, reflecting or representing sales,
16 shipment, import, transport or distribution by you of any
17 asbestos or asbestos-containing product(s) to any other
18 defendant herein (including those defendants in bankruptcy). *

19 15. All your annual reports for the years 1936 through
20 1991, inclusive, to include all alleged predecessors or
21 successors in interest and subsidiaries involved in the sale,
22 mining, milling, distribution, import, transport, installation,
23 or manufacture of asbestos or asbestos-containing products.

24 16. All reports filed with the United States Securities
25 and Exchange Commission, including Forms 10-K, 10-Q and 8-K, for
26 the years 1936 to the date of this Request, inclusive, to
27 include all alleged predecessors and successors in interest and
28 subsidiaries involved in the sale, mining, milling,

1 distribution, import, transport, installation, or manufacture of
2 asbestos or asbestos-containing products.

17. All organization charts or other such documents from 1936 to the present date which detail lines of authority within your company, to include all alleged predecessors and successors in interest and subsidiaries involved in the sale, mining, milling, distribution, import, transport, installation, or manufacture of asbestos or asbestos-containing products.

9 18. All copies of Asbestos Magazine in your possession.

10 19. Examples of all warning labels placed on the
11 containers and/or packages and/or bags of asbestos or asbestos-
12 containing products which dealt with exposure to asbestos, to
13 include those of all of your alleged predecessors and successors
14 in interest.

15 - 20. All internal memoranda, papers, minutes, or other such
16 documents which relate to your decision to label asbestos or any
17 asbestos-containing products with a warning relative to asbestos
18 exposure.

21. Each and every set of interrogatories, and answers thereto, served on you by each and every plaintiff both in actions pending or which have been dismissed, alleging asbestos-related disease or injury resulting from exposure within the State of California to your asbestos products. (If multiple plaintiffs have served identical interrogatories, you need only produce an exemplar set of questions and answers.)

26 22. All writings concerning any studies, analyses, or
27 estimates of the quantity of asbestos or asbestos-containing
28 products sold, manufactured, mined, milled, processed,

1 distributed, transported, imported, shipped, marketed or stored
2 by you or by any subsidiary or division, or alleged predecessor
3 or successor in interest to you, in the United States, or for
4 use within the United States, between 1936 and the present.

5 23. All documents, writings, memoranda and/or
6 correspondence concerning any oral or written contact between
7 you and Dr. Irving Selikoff about the potential health hazards
8 of asbestos.

9 24. Any and all corporate minutes, books for KAISER CEMENT
10 CORPORATION, and any and all of its predecessors in interest for
11 the years 1936 to 1991, inclusive.

12 25. Any and all documents identified, or referenced in
13 KAISER CEMENT CORPORATION's answers to General Order No. 29
14 Interrogatories.

15 Dated: 4/17/92 BRAYTON, GISVOLD & HARLEY

16
17
18 By: Francine S. Curtis
19 Francine S. Curtis
20 Attorneys for Plaintiffs
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, Candace L. Jordan, do hereby declare and state:

I am employed in the City of Novato, County of Marin, California. I am over the age of 18 years and not a party to the within action. My business address is 881 Grant Avenue, Novato, CA 94945. On April 17, 1992, I served the within:

Notice of taking depositions & request for production

on the parties in this action, by placing a true copy thereof in a sealed envelope, and each envelope addressed as follows:

Berry & Berry
Station D
P.O. Box 70250
Oakland, CA 94612-0250

SEE ATTACHED LIST

- ☒ (By Mail Service) I am readily familiar with the business practice at my place of business for collection and processing of correspondence for delivery by mail.
- Correspondence so collected and processed is deposited with the United States Postal Service on the same day in the ordinary course of business. On the above date the said envelope was collected for the United States Postal Service following ordinary business practices.
- ☐ (By Telecopier) I caused each such document to be Telefaxed by telecopier to the offices of each addressee above.

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

Executed this 17th day of April, 1992, at Novato, California.

Candace L. Jordan
Candace L. Jordan

ARMSTRONG WORLD INDUSTRIES Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	CERTAIN-TEED CORPORATION Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	DEE ENGINEERING COMPANY Walsworth, Franklin & Bevins 580 California St., Ste. 1335 San Francisco, CA 94104 (415)781-7072 (415)391-6258	FLEXITALLIC, INC. Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 17 Oakland, CA 94612 (510)444-4646 (510)446-
GAF CORPORATION Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	KAISER CEMENT CORPORATION Kincaid, Gianunzio P.O. Box 1828 200 Webster Street Oakland, CA 94604-0828 (510)465-5212 (510)465-0362	KAISER GYPSUM COMPANY, INC. Kincaid, Gianunzio P.O. Box 1828 200 Webster Street Oakland, CA 94604-0828 (510)465-5212 (510)465-0362	NATIONAL GYPSUM/GOLD BOND Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 17 Oakland, CA 94612 (510)444-4646 (510)446-
POZZI, INC. Lynch, Loofbourrow, et al. 50 Francisco St., Ste. 400 San Francisco, CA 94133 (415)397-2800 (415)397-0937	QUIGLEY COMPANY, INC. Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	TURNER & NEWALL/KEASBEY & MADI Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	UNITED STATES GYPSUM COMPANY Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 17 Oakland, CA 94612 (510)444-4646 (510)446-
WESTERN ASBESTOS/MACARTHUR CO. Hardin, Cook, et al. Lake Merritt Plaza 1999 Harrison Street Oakland, CA 94612 (510)444-3131 (510)839-7940	U.S. MINERAL PRODUCTS COMPANY Long & Levit 101 California St., Ste. 2300 San Francisco, CA 94111 (415)397-2222 (415)397-6392	UNION CARBIDE CORPORATION Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	RIVERSIDE CEMENT COMPANY Liebman, Reiner, et al. 3255 Wilshire Blvd., 12th F Los Angeles, CA 90010 (213)387-0777 (213)383-6

END OF REPORT

PLTF 0558

BRAYTON, GISEV & HARLEY
ATTORNEYS AT LAW
999 GRANT AVENUE
P.O. BOX 2109
NOVATO, CALIFORNIA 94948
(415) 898-1555

FRANCINE S. CURTIS, ESQ.
BRAYTON, GISEVOLD & HARLEY
Attorneys at Law
999 Grant Avenue
P.O. Box 2109
Novato, California 94948
(415) 898-1555

Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

COY COSSEY, et al.,	)	No. 920148
Plaintiffs,	)	
vs.	)	
ABEX CORPORATION, et al.,	)	
Defendants.	)	
LYNN WEIMER, et al.,	)	NO. 914594
Plaintiffs,	)	
vs.	)	NOTICE OF TAKING DEPOSITION AND REQUEST FOR PRODUCTION
ABEX CORPORATION, et al.,	)	
Defendants	)	

TO: DEFENDANT KAISER GYPSUM COMPANY, INC. AND ITS ATTORNEYS OF
RECORD:

PLEASE TAKE NOTICE that the deposition of the Custodian of
Records has been notices for May 6, 1992 at 9:00 a.m. and each
day thereafter until completed at Tooker & Antz, 131 Steuart
Street, San Francisco, CA, plaintiffs will take the deposition
of Custodian of Records whose address is known to you, regard

DOCUMENTS TO BE PRODUCED

1. All written correspondence, directed to or received from other manufacturers or distributors of any asbestos or asbestos-containing products, or agents thereof regarding health hazards related to the inhalation or ingestion of asbestos fibers.

2. All writings or documents regarding tests or studies conducted by you or under your auspices, which tests or studies concerned health hazards related to the inhalation or ingestion of asbestos fibers.

3. All writings or documents regarding patent applications or patents originated by you or under your auspices concerning any asbestos-containing product(s).

4. All writings or documents regarding patent applications or patents originated by you or under your auspices concerning any asbestos-free insulation product(s) intended for the same purpose as, or to be used in place of any insulation product(s) manufactured or distributed by you which contained asbestos.

5. All writings or documents regarding workers' compensation claims made by or on behalf of your employees, other than contract unit employees, which claims were or are based upon injury or illness allegedly caused by inhalation or ingestion of or exposure to asbestos fibers.

6. All books, pamphlets, catalogs, or written articles, published or otherwise, including rough drafts thereof, produced by you or under your auspices which pertain to health hazards related to the inhalation or ingestion of asbestos.

1 7. All written correspondence or other documents directed
2 to or received from any United States governmental agency
3 regarding health hazards related to the inhalation or ingestion
4 of asbestos fibers.

5 8. All bulletins, notes or other writings directed from
6 you to your employees regarding health hazards related to the
7 inhalation or ingestion of asbestos fibers.

8 9. All warning signs, facsimiles or photographs thereof,
9 relating to the dangers of asbestos inhalation, placed at or
10 near work sites of your employees or of any of your customers,
11 where asbestos or asbestos-containing product(s) were or are
12 used.

13 10. All warning signs, or facsimiles or photographs
14 thereof, related to the dangers of asbestos inhalation,
15 recommended by you for use at work sites where asbestos or
16 asbestos-containing product(s) are or were used.

17 11. All writings or documents pertaining to agreements
18 between yourself and any other manufacturer or distributor of
19 asbestos-containing products regarding the relabelling,
20 rebranding or resale of asbestos or asbestos-containing
21 product(s) by said manufacturers or distributors.

22 12. All writings or documents pertaining to agreements
23 between yourself and any other manufacturer or distributor of
24 asbestos-containing products regarding the transfer or
25 assumption of any license or right to manufacture, distribute,
26 transport, import, ship, mine, mill or sell asbestos or
27 asbestos-containing product(s).

28 13. All writings or documents relating to A&A

1 COMPANY, INC.'s control, purchase, acquisition and/or
2 dissolution of any corporation or business entity which has
3 mined, manufactured, produced, processed, compounded, sold,
4 supplied, imported, transported, shipped, distributed and/or
5 otherwise, placed asbestos or asbestos-containing products in
6 the stream of commerce, including any predecessor in interest to
7 KAISER GYPSUM COMPANY, INC..

8 14. All writings or documents, including bills, purchase
9 orders, customer lists, customer sales lists, bills of lading,
10 invoices and shipping orders, reflecting or representing sales,
11 shipment, import, transport or distribution by you of any
12 asbestos or asbestos-containing product(s) to any other
13 defendant herein (including those defendants in bankruptcy).

14 15. All your annual reports for the years 1936 through
15 1991, inclusive, to include all alleged predecessors or
16 successors in interest and subsidiaries involved in the sale,
17 mining, milling, distribution, import, transport, installation,
18 or manufacture of asbestos or asbestos-containing products.

19 16. All reports filed with the United States Securities
20 and Exchange Commission, including Forms 10-K, 10-Q and 8-K, for
21 the years 1936 to the date of this Request, inclusive, to
22 include all alleged predecessors and successors in interest and
23 subsidiaries involved in the sale, mining, milling,
24 distribution, import, transport, installation, or manufacture of
25 asbestos or asbestos-containing products.

26 17. All organization charts or other such documents from
27 1936 to the present date which detail lines of authority within
28 your company, to include all alleged predecessors and

1 in interest and subsidiaries involved in the sale, mining,
2 milling, distribution, import, transport, installation, or
3 manufacture of asbestos or asbestos-containing products.

4 18. All copies of Asbestos Magazine in your possession.

5 19. Examples of all warning labels placed on the
6 containers and/or packages and/or bags of asbestos or asbestos-
7 containing products which dealt with exposure to asbestos, to
8 include those of all of your alleged predecessors and successors
9 in interest.

10 20. All internal memoranda, papers, minutes, or other such
11 documents which relate to your decision to label asbestos or any
12 asbestos-containing products with a warning relative to asbestos
13 exposure.

14 21. Each and every set of interrogatories, and answers
15 thereto, served on you by each and every plaintiff both in
16 actions pending or which have been dismissed, alleging asbestos-
17 related disease or injury resulting from exposure within the
18 State of California to your asbestos products. (If multiple
19 plaintiffs have served identical interrogatories, you need only
20 produce an exemplar set of questions and answers.)

21 22. All writings concerning any studies, analyses or
22 estimates of the quantity of asbestos or asbestos-containing
23 products sold, manufactured, mined, milled, processed,
24 distributed, transported, imported, shipped, marketed or stored
25 by you or by any subsidiary or division, or alleged predecessor
26 or successor in interest to you, in the United States, or for
27 use within the United States, between 1936 and the present.

28 23. All documents, writings, memoranda and/...

1 correspondence concerning any oral or written contact between
2 you and Dr. Irving Selikoff about the potential health hazards
3 of asbestos.

4 24. Any and all corporate minutes, books for KAISER GYPSUM
5 COMPANY, INC., and any and all of its predecessors in interest
6 for the years 1936 to 1991, inclusive.

7 25. Any and all documents identified, or referenced in
8 KAISER GYPSUM COMPANY, INC.'s answers to General Order No. 29
9 Interrogatories.

10 The witness will be required to testify regarding his/her
11 knowledge of facts and other matters related to the above-
12 captioned matters including, but not limited to, COY COSSEY's
13 and DONALD WEIMER's exposure to asbestos and asbetos-containing
14 products and those matters referenced above.

15 Dated: 4/17/92 BRAYTON, GISVOLD & HARLEY

16
17 By: Francine S. Curtis
18 Francine S. Curtis
19 Attorneys for Plaintiffs
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, Candace L. Jordan, do hereby declare and state:

I am employed in the City of Novato, County of Marin, California. I am over the age of 18 years and not a party to the within action. My business address is 881 Grant Avenue, Novato, CA 94945. On April 17, 1992, I served the within:

W. W. King & Co. - Leggett
San Francisco

on the parties in this action, by placing a true copy thereof in a sealed envelope, and each envelope addressed as follows:

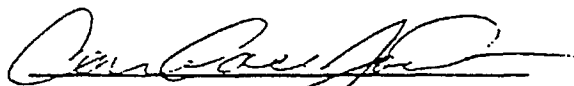
Berry & Berry
Station D
P.O. Box 70250
Oakland, CA 94612-0250

SEE ATTACHED LIST

- ☒ (By Mail Service) I am readily familiar with the business practice at my place of business for collection and processing of correspondence for delivery by mail. Correspondence so collected and processed is deposited with the United States Postal Service on the same day in the ordinary course of business. On the above date the said envelope was collected for the United States Postal Service following ordinary business practices.
- ☐ (By Telecopier) I caused each such document to be Telefaxed by telecopier to the offices of each addressee above.

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

Executed this 17th day of April, 1992 at Novato, California.


Candace L. Jordan

ARMSTRONG WORLD INDUSTRIES Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	CERTAIN-TEED CORPORATION Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	DEE ENGINEERING COMPANY Walsworth, Franklin & Bevins 580 California St., Ste. 1335 San Francisco, CA 94104 (415)781-7072 (415)391-6258	FLEXITALLIC, INC. Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 17 Oakland, CA 94612 (510)444-4646 (510)446-1946
GAF CORPORATION Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 1700 Oakland, CA 94612 (510)444-4646 (510)446-1946	KAISER CEMENT CORPORATION Kincaid, Gianunzio P.O. Box 1828 200 Webster Street Oakland, CA 94604-0828 (510)465-5212 (510)465-0362	KAISER GYPSUM COMPANY, INC. Kincaid, Gianunzio P.O. Box 1828 200 Webster Street Oakland, CA 94604-0828 (510)465-5212 (510)465-0362	NATIONAL GYPSUM/GOLD BOND Knox, Ricksen, et al. Rupert Ricksen, Esq. 1999 Harrison St., Ste. 17 Oakland, CA 94612 (510)444-4646 (510)446-1946
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END OF REPORT

THE LAW OFFICES OF
KINCAID, GIANUNZIO, CAUDLE & HUBERT

A PROFESSIONAL CORPORATION
200 WEBSTER STREET
OAKLAND, CALIFORNIA 94607
TELEPHONE (510) 465-5212
TELECOPIER (510) 465-0362

500 Mt Diablo Valley Road
Suite 400
Walnut Creek, California 94596
TELEPHONE (510) 930-9111
TELECOPIER (510) 930-9346

DONALD H. KINCAID
JOHN P. CAUDLE
PATRICK J. HAGAN
MICHAEL R. WELCH
SHAWN M. HADOME
JOHN F. JAN DE POEL, JR.

VICTOR J. GIANUNZIO
GARRY J. D. HUBERT
ELIOT J. HUGHSON
JESSICA MICHAEL DOYLE
E. JANE NELSON

WILLIAM K. BISSELL
MARILYN E. SIEGEL
TONY C. MOH
DEANNE B. POLITEO
DENNIS M. YOUNG
EDWARD E. HARTLEY
M. DAVID GOSANTIS
DANIEL L. DEES
JEAN M. CURTIS
FREDERICK W. GAIT
DARREL A. YASUTAKE
DAVID L. MELISSO
KELLY A. KILKENNY
OWEN E. BAYLIS
LYNDA K. ENRICH
PAUL YEE
GARETH J. UMPIEG
JENNIFER L. KIMBALL
JAMES R. COLGAN
RACHEL J. ASA
GUY A. BRYANT
ELIZABETH J. METCALF
LISA S. KLOTCHMAN
RANDOLPH STEVENSON - OM

RENE R. TAKAHASHI
EDWARD G. EBERMAN
BERTA H. SCHWENBERGER
STEVEN E. McDONALD
THOMAS A. STEIG
SCOTT A. BOVEE
MARJORIE J. HEINRICH
ROGER K. MILES
KATHRYN D. COX
GENE B. SACRET
ELIZABETH BARBU SULLIVAN
DONALD R. SCHODHOVER
ANDREW A. GOODE
JACK C. HENNING
DEBORAH T. BLONERUD
PATRICE L. GOLDMAN
S. LYNN APPLETON
MONICA L. QUINGQUIST
AMY C. HIRSCHKRON
JUDITH ANN PEMBERTON
PAUL J. GANSA
ELISA M. RODRIGUES
GREGG COHEN
DIANE J. DUTTON

MAILING ADDRESS
P.O. Box 1828 Oakland, CA 94604-0828

May 1, 1992

HAND SERVED

Alan Brayton, Esq.
BRAYTON, GISVOLD & HARLEY
999 Grant Avenue
P.O. Box 2109
Novato, California 94947

Re: Coy Cossey, et al. v. Abex Corp. et al. SFSC #920148
Lynn Weimer, et al. v. Abex Corp. et al. SFSC #914594

Dear Mr. Brayton:

Following up on our phone conversation of April 28, this letter is in response to the Notices of Taking Deposition and Request for Production that were served on Kaiser Cement Corporation and Kaiser Gypsum Co., Inc. on or about April 17, 1992. These depositions are scheduled to go forward on May 5, 1992 for Kaiser Cement and May 6, 1992 for Kaiser Gypsum.

Please accept this letter as Kaiser Cement's and Kaiser Gypsum's objections to the deposition notices. Accordingly, we will not be producing any Custodian of Records or "Person Most Knowledgeable" on May 5 or May 6.

Each of the categories of documents requested (which are identical for each notice) are overbroad in that they bear no reasonable relationship to the years of employment or jobsites involved in each case.

Each category of documents requested are also overbroad and irrelevant to the extent that they do not bear any relationship to products identified by either plaintiff in their depositions or answers to interrogatories.

PLTF 0567

HAND SERVED

Alan Brayton, Esq.

May 1, 1992

Page 2

Each category of documents requested are unduly burdensome because they require, without qualification, Kaiser Cement and Kaiser Gypsum to search through decades of documents, indeed, millions of pieces of paper, to discern documents that are responsive to these requests.

The category of documents requested of Kaiser Cement is particularly burdensome and oppressive, and constitute harassment since neither plaintiff has claimed exposure to any Kaiser Cement asbestos-containing product.

Furthermore, as you know, several of your attorneys and paralegals spent many weeks at our offices in 1986 looking through the very same kinds of documents you are requesting in these notices. It is common knowledge that the documents you reviewed have been summarized on some sort of data base, which has been shared, sold, or otherwise made available to other firms representing plaintiffs. Thus, to the extent you have already had discovery of these documents, your requests are unduly burdensome, oppressive, and constitute harassment.

Your decision to request these documents under individual case captions is further evidence of the burdensome, oppressive and harassing nature of these requests in that it subjects Kaiser Cement and Kaiser Gypsum to endless requests for these documents, simply by requesting these same documents under different individual cases.

This letter should not be taken as an indication that Kaiser Cement and Kaiser Gypsum will not, under any circumstances, produce documents responsive to these requests. Perhaps we could discuss the possibility of having these requests noticed under the "Complex Asbestos Litigation" caption in San Francisco, Alameda and Solano counties. We would need a reasonable amount of time to search our documents for those responsive to your requests. In keeping with the theme of prohibiting repetitive discovery which has prevailed in complex asbestos litigation Kaiser Cement's and Kaiser Gypsum's production of documents responsive to these requests, should be on a one time basis.

HAND SERVED

Alan Brayton, Esq.

May 1, 1992

Page 3

Please contact me about working out some arrangement along the lines I suggested above. We stand ready to meet and confer regarding the issues raised by your requests and our response.

Very truly yours,

KINCAID, GIANUNZIO, CAUDLE & HUBERT

A handwritten signature in dark ink, appearing to read "E. Hartley", with a stylized flourish at the end.

EDWARD E. HARTLEY

EEH/bad

1-53bc\eeh\brayton4.29

PLTF 0569

1
2 PROOF OF SERVICE BY HAND VIA MESSENGER

3 I, the undersigned, declare:

4 I am employed in the City of Oakland, County of
5 Alameda, State of California; that I am over the age of
6 eighteen years and not a party to the within cause; my
business address is 200 Webster Street, Suite 200, Oakland,
California 94607-3789.

7
8 That on May 1, 1992, I caused a true and
9 correct copy of the within:

10
11 Letter Entitled:

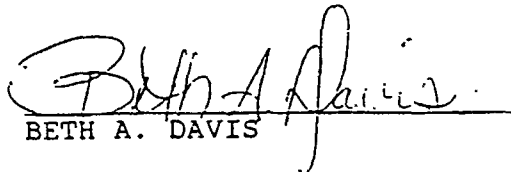
12 Re: Coy Cossey, et al. v. Abex Corp. et al. SFSC #920148
Lynn Weimer, et al. v. Abex Corp. et al. SFSC #914594

13
14 to be delivered, via messenger to the party listed below
15 by hand delivery.

16 Alan Brayton, Esq.
17 BRAYTON, GISVOLD & HARLEY
999 Grant Avenue
18 P.O. Box 2109
Novato, California 94947

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

22 Executed at Oakland, California this 1st day
23 of May 1992.

24
25 
BETH A. DAVIS

KAISER GYPSUM

ACCOUNTING DEPARTMENT

C O M P A N Y I N C.
300 LAKEBIDE DRIVE, OAKLAND, CALIFORNIA 94612

SOLD TO:

SHIP TO:

27664 01

DI-WAL INC
61 JORDAN ST
SAN RAFAEL CALIF

DI-WAL INC
SAN RAFAEL CALIF

C/O TAYLOR & CLARK SHEETROCK
#9 LOVELL AVE

INV. NO. 60916 INVOICE DATE 08/12/65 TAX CLASS 0 DIV. TERR. 2105
PREPAID ☒ COLLECT ☐ VIA ☐ STAPEL TRUCK LINE CAR NO. 240404 ORDER NUMBER 7516

THE SALE OF PRODUCTS HEREIN DESCRIBED IS MADE SUBJECT TO THE TERMS AND CONDITIONS ON THE FACE AND REVERSE SIDE HEREOF.

PROD. NO.	WEIGHT
693 000 0	40.040 104.10P
	40.040

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
616 CAN	KAISER DUAL PURPOSE PRE-MIX PNC	4.00 CAN	2,464.00
6.16		TOTAL	2,464.00

Can - 154.00

A CASH DISCOUNT OF 49.28 WILL BE ALLOWED IF INVOICE IS PAID BY
REMIT TO P.O. BOX 555, OAKLAND, CALIFORNIA 94604 20TH SEPT 1965
SUBJECT TO TERMS ON REVERSE SIDE.

- c. Have there been any changes in operation that might affect workers' personal exposures to this substance? Explain your answer.

Yes _____ No _____

- d. Has any further evaluation of this facility for exposure to asbestos occurred since the last NIOSH survey was accomplished? If yes, who conducted evaluation and when was it completed.

Yes _____ No _____

By whom _____ When _____

- e. Are you interested in having a NIOSH re-evaluation for employee exposure to asbestos?

Yes _____ No _____

If "Yes", identify a point of contact and provide telephone number.

Name _____

Address _____

Telephone# _____

3. ANY OTHER COMMENTS YOU MAY HAVE

Return Questionnaire in envelope provided to:

Hazard Evaluations and Technical Assistance Branch
National Institute for Occupational Safety and Health
4676 Columbia Parkway
Cincinnati, Ohio 45226