

EXHIBIT
17

Jim Reichert
7/8/08
hg Litigation Services

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CALIFORNIA SUPERIOR COURT
CITY AND COUNTY OF SAN FRANCISCO

IN RE:	)	NO. 828684
	)	
COMPLEX ASBESTOS LITIGATION	)	DEFENDANT J-M
	)	MANUFACTURING COMPANY,
	)	INC.'S RESPONSE TO
	)	PLAINTIFFS' STANDARD
	)	INTERROGATORIES

J-M MANUFACTURING COMPANY, INC. ("JMM") by and through its counsel of
record hereby responds to plaintiffs' standard interrogatories.

PRELIMINARY STATEMENT

JMM last sold asbestos containing cement pipe ("A/C Pipe") more than a decade ago.
Since that time, the company has moved its headquarters from California to New Jersey and most
of the individuals involved with the sale of A/C Pipe are no longer employed with the company.
Further, many of the documents relating to A/C pipe no longer exist. As a result, collecting the
detailed information requested in these interrogatories requires the company to rely on the best
recollections of those witnesses with personal knowledge who are still available and the historical
documents that still exist. Furthermore, many of the interrogatories request information that JMM
has never previously been required to attempt to assemble and responding would necessitates the

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1 preparation of a compilation, abstract, audit or summary of or from historical documents. JMM
2 has made a good faith effort in the time available to respond to these interrogatories. Each of the
3 responses is based on information and belief of the person verifying the responses. JMM continues
4 to investigate issues relevant to this lawsuit and reserves the right to introduce additional evidence
5 at trial that is discovered in the course of its further investigation or review of information.
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7 GENERAL OBJECTIONS

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9 1. These interrogatories are overly broad and unduly burdensome to the extent that they
10 seek information from and identification of every person with knowledge of a particular fact. A
11 larger number of individuals may have knowledge of some of the topics inquired into. Many of
12 these people are now deceased or cannot be located. Others, though locatable, are not currently
13 employees of JMM and cannot be compelled to assist in the preparation of answers to these
14 interrogatories. Moreover, because the interrogatories seek information regarding events that
15 occurred many years ago, those who had personal knowledge at the time may no longer be able to
16 recall the specific facts requested.
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18 2. These interrogatories are overly broad and unduly burdensome to the extent that they
19 seek information that is not within the personal knowledge of JMM and its employees, and which
20 can only be ascertained in whole or part by detailed review of historical document. Some of these
21 documents are in JMM's possession others are equally available to plaintiffs. There is no
22 compilation, abstract or summary relating to these interrogatories of the records in JMM's
23 possession, and the burden of ascertaining the responses to most of the interrogatories is
24 substantially the same for the party propounding these interrogatories as for JMM.
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26 3. The entire set of interrogatories are form interrogatories filled with boilerplate and are
27 propounded to every defendant without attempting to tailor them to a specific defendant based on
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1 plaintiffs' knowledge of that defendant. Many of the interrogatories only request information from
2 a time period before JMM came into existence. The failure to limit these interrogatories to
3 information related to JMM's alleged liability in these cases renders these interrogatories, as a
4 whole, irrelevant to the subject matter of these actions and not reasonably calculated to lead to the
5 discovery of admissible evidence.
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7 4. Many of these interrogatories call for JMM to characterize the state of knowledge or
8 awareness of a corporation at any given time with regard to a particular fact, event or subject
9 matter. No corporation is capable of knowledge or awareness except through its managerial
10 employees whose knowledge is attributable to the corporation by operation of law.

11 5. JMM construes these interrogatories not to call for information protected by the
12 attorney-client privilege, work product doctrine or any other privilege.
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14 **RESPONSE TO INTERROGATORY NO. 1:**

15 Alice Hu Nightingale.

16 **RESPONSE TO INTERROGATORY NO. 2:**

17 Ms. Nightingale is currently Corporate Secretary for JMM and its parent company Formosa
18 Plastics Corporation, U.S.A. ("FPC USA") and is also Director of Legal Division for FPC USA.
19 Ms. Nightingale has been employed by FPC USA since 1978 (except from 1987-1989) in various
20 positions including accounting officer, assistant treasurer and assistant to the president. From
21 1987-1989 she was assistant to the president of JMM.
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23 **RESPONSE TO INTERROGATORY NO. 3:**

24 A. J-M Manufacturing Company, Inc.

25 B. Delaware.

26 C. December 1982.

27 D. 9 Peach Tree Hill Road, Livingston, NJ 07039.
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- E. Yes, since 1983.
- F. JMM is a wholly owned subsidiary of Formosa Plastics Corporation, U.S.A.
- G. JMM has a manufacturing facility located at 1051 Sperry Road, Stockton, CA 95206.

RESPONSE TO INTERROGATORY NO. 4:

Yes.

RESPONSE TO INTERROGATORY NO. 5:

J-M Pipe Manufacturing Company since 1983.

RESPONSE TO INTERROGATORY NO. 6:

Not Applicable.

RESPONSE TO INTERROGATORY NO. 7:

Not Applicable.

RESPONSE TO INTERROGATORY NO. 8:

Not Applicable.

RESPONSE TO INTERROGATORY NO. 9:

The custodian of the records relating to the sale in California of asbestos containing pipe manufactured by J-M A/C Pipe Company ("JMAC") between 1983 and 1988 is Jim Reichert.

RESPONSE TO INTERROGATORY NO. 10:

- A. Paul Huang was a purchasing agent and Daryl Wilkinson was superintendent of asbestos pipe manufacturing in Stockton.
- B. JMM objects to the word "use" in this context as being vague. JMM facilitated purchase of raw asbestos, pursuant to an Operations Management Agreement with JMAC, for use by JMAC in manufacturing asbestos cement pipe for certain applications between 1983 and 1988. Daryl Wilkinson is the former Superintendent of the asbestos pipe operation at the Stockton plant.
- C. JMM objects to the term "contracting with others to use raw asbestos or asbestos

1 containing products" as being vague. JMM facilitated purchase of raw asbestos pursuant to an
2 Operations Management Agreement with JMAC for use by JMAC in manufacturing asbestos
3 cement pipe for certain applications between 1983 and 1988.

4 **RESPONSE TO INTERROGATORY NO. 11:**

5 Dr. E. E. Wang was employed full time by JMM up until 1990. In addition, JMM had
6 through its insurance carriers other industrial hygiene professionals who conducted surveys of its
7 plants. Discovery and investigation are continuing.

8 **RESPONSE TO INTERROGATORY NO. 12:**

9 Yes. Jim Reichert, Manager of Services of JMM's Stockton plant, was deposed in
10 ~~Hardcastle v. Advocate Mines, filed by the Kazan firm, on November 14, 2000. Alice Nightingale,~~
11 ~~JMM's Corporate Secretary, was deposed in Hardcastle v. Advocate Mines on December 7, 2000.~~
12 ~~David Chen, Plant Manager of JMM's Stockton plant was deposed in Hardcastle v. Advocate~~
13 ~~Mines on November 28, 2000. Aiken & Welch was the court reporter for all of the depositions.~~

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

15 From 1983 to mid 1985 JMM and JMAC were members of the Asbestos Information
16 Association. JMM and JMAC were members of the Asbestos Cement Pipe Producers Association.
17 Discovery is continuing.

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

19 JMM is still conducting its investigation into the information sought by this interrogatory.

20 **RESPONSE TO INTERROGATORY NO. 15:**

21 JMM was not in existence prior to 1973.

22 **RESPONSE TO INTERROGATORY NO. 16:**

23 JMM was not in existence prior to 1973.

1 RESPONSE TO INTERROGATORY NO. 17:

2 JMM was not in existence prior to 1973.

3 RESPONSE TO INTERROGATORY NO. 18:

4 JMM was not in existence prior to 1973.

5 RESPONSE TO INTERROGATORY NO. 19:

6 JMM was not in existence prior to 1973.

7 RESPONSE TO INTERROGATORY NO. 20:

8 JMM's research and investigation has not revealed any information indicating that any
9 employee testified before OSHA, NIOSH, or Congress regarding asbestos.

10 RESPONSE TO INTERROGATORY NO. 21:

11 Yes.

12 A. Stockton, CA and Denison, TX.

13 B. JMM objects to this question as oppressive and burdensome because the response
14 necessitates the preparation of a compilation, abstract, audit or summary of or from documents
15 and/or information equally available to plaintiffs from other sources. See C.C.P. Sec. 2030(f)(2).
16 JMM will make available for inspection and copying all documents relating to industrial hygiene
17 surveys conducted at its Stockton and Denison plants.

18 C. JMM objects to this questions as oppressive and burdensome because the response
19 necessitates the preparation of a compilation, abstract, audit or summary of or from documents
20 and/or information equally available to plaintiffs from other sources. See C.C.P. Sec. 2030(f)(2).
21 JMM will make available for inspection and copying all documents relating to industrial hygiene
22 surveys conducted at its Stockton and Denison plants.

23 D. Yes, the documents remaining in JMM's possession are available for inspection.

24 E. Jim Reichert.

1 RESPONSE TO INTERROGATORY NO. 26:

2 JMM has insurance that it contends is available to cover such judgment(s). JMM is
3 informed and believes, and on that basis alleges, that the following insurance policies may cover
4 asbestos claims in whole or in part depending upon the specific allegations made and the terms and
5 conditions of the policies:
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- 8 • INA, Philadelphia, PA, Policy No. GLP 209192, 6/15/82-7/15/83, \$1
9 million
- 10 • Various Underwriters (Lloyd's) Policy Nos. 551/UPA/0383,
11 551/UPA/0384, 51/UPA/0385, 6/15/82-6/15/83, \$20 million
- 12 • International Insurance Co., Manchester, NH, Policy No. 523 267 890 3,
13 6/15/83-7/15/83, \$20 million
- 14 • Federal Insurance Co., Warren, NJ, Policy No. (84) 7308 20 36, 7/15/83-
15 84, \$1 million
- 16 • New York Marine Managers (currently Navigators Group, NY, NY/St.
17 Paul Insurance Co., St. Paul, MN, Policy No. JHJP83-H-147, 7/15/83-84,
18 \$20 million
- 19 • Federal Insurance Co., Policy No. (85) 7308 20 36, 7/15/84-85, \$1
20 million
- 21 • New York Marine Managers/St. Paul Insurance Co. Policy No. JHJP 84-
22 H-146, 7/15/84-85, \$20 million
- 23 • INA Policy No. GLP828505, 1/1/83-84
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- 25 • INA Policy No. ISG GO 319482-6, 1/1/84-85
- 26
- 27 • INA Policy No. ISL GO 319517-A, 1/1/85-86
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1 In addition, JMM has identified employer liability insurance policies that may cover certain
2 asbestos claims. JMM continues to search for additional applicable policies of insurance.

3 RESPONSE TO INTERROGATORY NO. 27:

4 JMM purchased the PVC pipe assets from Johns-Manville in December 1982. Asbestos
5 was and is not used in the manufacture of the PVC pipe.

6 RESPONSE TO INTERROGATORY NO. 28:

7 JMM facilitated purchase of raw asbestos pursuant to an Operations Management
8 Agreement with J-M A/C Pipe Company ("JMAC") for use by JMAC in manufacturing asbestos
9 cement pipe for certain applications between 1983 and 1988.

10 RESPONSE TO INTERROGATORY NO. 29:

11 JMM never milled or MARKETED raw asbestos as that term is defined in the instructions.

12 RESPONSE TO INTERROGATORY NO. 30:

13 JMM sold asbestos cement pipe and couplings manufactured by JMAC between 1983 and
14 1988.

15 RESPONSE TO INTERROGATORY NO. 31:

16 A. JMM sold asbestos cement pipe and couplings manufactured by JMAC between 1983
17 and 1988.

18 B. JMM objects to the question to the extent that it calls for information equally available
19 to plaintiff. JMM sold asbestos cement pipe and couplings manufactured by JMAC between 1983
20 and 1988. JMM understands that the product had been manufactured and sold by others for several
21 decades before 1983.

22 C. JMAC ceased production of asbestos cement pipe and couplings in Stockton, CA in
23 1987 and in Denison, TX in 1988.

24 D. The asbestos cement pipe manufactured by JMAC between 1983 and 1988 contained

1 cement, silica, asbestos and water. The exact ingredients and percentages varied over time and
2 between pipe type, but the A/C pipe generally contained approximately 12-20% of asbestos fiber.

3 The pipe contained chrysotile fiber and certain classes of pipe also contained crocidolite asbestos.

4 In terms of the specific details requested JMM objects to the question as oppressive and
5 burdensome because the response necessitates the preparation of a compilation, abstract, audit or
6 summary of or from documents and/or information equally available to plaintiffs from other
7 sources. See C.C.P. Sec. 2030(f)(2). JMM will make available for inspection and copying all
8 documents in its possession relating to the composition of the asbestos cement pipe manufactured
9 by JMAC.
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11 E. The pipe had a rough cement gray exterior and a smooth interior. It came in various
12 diameters and lengths and was sold in various configurations including with machined ends and
13 attached couplings on some product. The pipe had information stenciled and adhered to it that
14 varied depending on pipe type.
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16 F. The asbestos cement pipe manufactured by JMAC between 1983 and 1988 was
17 primarily used as water pipe, sewer pipe, drain pipe, and transmission pipe.

18 G. JMM is still investigating this information.

19 H. JMM objects to this interrogatory as harassing, oppressive and burdensome to the extent
20 that it would necessitate the preparation of a compilation, abstract, audit or summary of or from
21 documents and/or information equally available to plaintiffs from other sources. See C.C.P. Sec.
22 2030(f)(2). JMM will make available for Plaintiffs' inspection all non-privileged records in its
23 possession pertaining to the purchase of raw asbestos for use in asbestos cement pipe manufactured
24 by JMAC between 1983 and 1988. Subject to and without waiving its objections, JMM responds
25 that the raw asbestos used in JMAC pipe between 1983 and 1988 came from Johns-Manville,
26 Calaveras, Cassiar, Bell, Cape, and possibly others as detailed in the historical documents.
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I. JMM objects to this interrogatory as harassing, oppressive and burdensome to the extent that it would necessitate the preparation of a compilation, abstract, audit or summary of or from documents and/or information equally available to plaintiffs from other sources. See C.C.P. Sec. 2030(f)(2). JMM will make available for Plaintiffs' inspection all non-privileged records in its possession pertaining to the sale in the GEOGRAPHIC AREA of asbestos cement pipe manufactured by JMAC between 1983 and 1988.

J. All non-privileged documents in JMM's possession relating to asbestos cement pipe manufactured by JMAC between 1983 and 1988 and sold by JMM are available for inspection upon request.

RESPONSE TO INTERROGATORY NO. 32:

Not applicable.

RESPONSE TO INTERROGATORY NO. 33:

Not applicable.

RESPONSE TO INTERROGATORY NO. 34:

JMM sold asbestos cement pipe and couplings manufactured by JMAC between 1983 and 1988 through a number of distributors. Investigation has not revealed that the company signed exclusive agreements with these distributors.

RESPONSE TO INTERROGATORY NO. 35:

Not Applicable.

RESPONSE TO INTERROGATORY NO. 36:

Not Applicable.

RESPONSE TO INTERROGATORY NO. 37:

Yes.

A. The following warning and work practice recommendation was placed on asbestos

1 cement pipe manufactured by JMAC:

2 CAUTION

3 Do not use power saws to cut this pipe. Breathing dust created
4 by improper work practices may cause serious bodily harm.

5 When cutting, machining or tapping, refer to the recommended
6 work practice guide furnished by your employer.

7 AVISO

8 No use herramientas automaticas para cortar tuberia. Respirar
9 el polvo producido por cortes con herramientas automaticas
10 puede traer consecuencias graves a la salud. Consulte la
11 informacion suministrada por su supervisor antes de cortar
12 torneear o roscar el material.

13 Other information included the AWWA Manual #M16 - Work Practices for Asbestos-Cement
14 Pipe, The Recommended Work Practices for A/C Pipe, A/C Pipe and Health, an A/C & Health
15 audio visual presentation, as well as information provided orally by field representatives.

16 Investigation is continuing.

17 B. JMM has copies of the warning and instruction for use documents described above.

18 C. The warnings and instructions for use were provided between 1983 and 1988.

19 D. Investigation has not revealed any material alterations to the recommendations
20 referenced in subpart (A).

21 E. Ken Kreikemeier, former Sales Manager for JMM.

22 RESPONSE TO INTERROGATORY NO. 38:

23 The asbestos cement pipe manufactured by JMAC between 1983 and 1988 had information

1 informacion suministrada por su supervisor antes de cortar
2 tornear o roscar el material.

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4 Other information included the AWWA Manual #M16 - Work Practices for Asbestos-Cement
5 Pipe, The Recommended Work Practices for A/C Pipe, A/C Pipe and Health, an A/C & Health
6 audio visual presentation, as well as information provided orally by field representatives.

7 Investigation is continuing.
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9 **RESPONSE TO INTERROGATORY NO. 50:**

10 JMM is not aware of any such citation. Investigation and discovery are continuing.

11 **RESPONSE TO INTERROGATORY NO. 51:**

12 Not Applicable.
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14 **RESPONSE TO INTERROGATORY NO. 52:**

15 Not Applicable,
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16 **RESPONSE TO INTERROGATORY NO. 53:**

17 JMM objects to the terms "import, export, ship, tranship, or otherwise transport" as being
18 vague as used in this context. JMM facilitated purchase of raw asbestos pursuant to an Operations
19 Management Agreement with JMAC for use by JMAC in manufacturing asbestos cement pipe for
20 certain applications between 1983 and 1988. JMM has not verified whether any of this fiber was
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shipped through a port in the GEOGRAPHIC AREA. Discovery and investigation are continuing.

DATED: August 9, 2002

BROBECK, PHLEGER & HARRISON

By 
Jeffrey A. Kaiser

Attorneys for Defendant
J-M Manufacturing Company, Inc.

VERIFICATION

I am Corporate Secretary for J-M Manufacturing, Inc. and am authorized to make this verification on its behalf. I have read the foregoing Responses to Interrogatories and know its contents. I am informed and believe that the matters stated therein are true and on that ground certify or declare under penalty of perjury under the laws of the State of California that the same are true and correct.

Dated: August 9, 2002

By Alice Hu Nightingale

Alice Hu Nightingale