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DATE: 1985

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DOCUMENT DESCRIPTION: Legal - Interrogatories Propounded & Served Concurrently with Requests for Admission to All Defendants

(SPACE BELOW FOR FILING STAMP ONLY)

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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

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| LOS ANGELES UNIFIED SCHOOL DISTRICT,<br><br>Plaintiff,<br><br>vs.<br><br>OWENS-CORNING FIBERGLAS, et al.,<br><br>Defendants. | CASE NO. C 440 317<br><br>INTERROGATORIES PROPOUNDED AND SERVED CONCURRENTLY WITH REQUESTS FOR ADMISSION TO ALL DEFENDANTS |

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

These interrogatories are being served on each and every defendant herein.

Plaintiff requests that you answer the following interrogatories pursuant to Section 2030 of the California Code of Civil Procedure within thirty (30) days of service thereof.

GENERAL PROVISIONS

These interrogatories ask not only for your knowledge and the contents of your own books and records, but also knowlege

of all other persons with whom inquiry may reasonably have been made from the contents of books and records available to you for examination. Your answers to these interrogatories should be based on all the aforementioned sources.

If, following your exercise of due diligence to answer any interrogatory, you are still unable to provide the information requested, please state in detail:

(a) your answer to the fullest extent possible;

(b) why you are unable to answer more fully;

(c) what efforts you have made to answer fully;

(d) the anticipated date of your completion of said investigation and discovery necessary to answer fully.

When an interrogatory asks you to identify a writing, you may, in lieu of answering that interrogatory, attach a copy of that writing with a statement in answer to the interrogatory that such copy is attached and such copy is a true copy of the original of the writing.

If you refuse to voluntarily attach a copy of that writing, then identify each such writing in detail so that it may be produced by you in response to plaintiff's Notice to Produce, or other discovery device.

<u>If objections to these interrogatories are not filed within thirty (30) days, as provided in Code of Civil Procedure, Section 2030, said objections will be waived.</u>

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## DEFINITION

"You" means and refers to you, your agents, your employees, your servants, your representatives and anyone else acting on your behalf or at your request.

## INTERROGATORIES

1. Did you, at any time between January 1, 1973 and the present, issue or make any statement, oral or written, to the effect that asbestos or asbestos-containing products used in the construction or renovation of buildings were capable of being used without creating a health hazard or risk to humans from the asbestos in said products?

2. If your answer to Interrogatory No. 1 is anything other than an unqualified "no", state for each such statement:

(a) The date said statement was made;

(b) The content or wording of said statement;

(c) The manner in which said statement was made, e.g., oral communication, advertisement, letter, press release, etc.;

(d) The identity of the person(s) to whom said statement was made;

(e) The name, address, telephone number and title of the person(s) who made or issued said statement.

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3. Did you, at any time between January 1, 1973, and the present, issue or make any statement, oral or written, to the effect that asbestos or asbestos-containing products used in the construction or renovation of buildings do not constitute a health hazard or risk to humans from the asbestos in said products?

4. If your answer to Interrogatory No. 3 is anything other than an unqualified "no", state for each such statement:

(a) The date said statement was made;

(b) The content or wording of said statement;

(c) The manner in which said statement was made, e.g., oral communication, advertisement, letter, press release, etc.;

(d) The identity of the person(s) to whom said statement was made;

(e) The name, address, telephone number and title of the person(s) who made or issued said statement.

5. Were you ever advised, informed or otherwise made aware that an employee of any other entity that mined, manufactured or distributed asbestos or asbestos-containing products made or issued any statement to the effect that asbestos or asbestos-containing products used in the construction or renovation of buildings were capable of being used without creating a health hazard or risk to humans from the asbestos in said products?

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6. If your answer to Interrogatory No. 5 is anything other than an unqualified "no", state for each such statement:

(a) The date you became aware that said statement was made;

(b) The content or wording of said statement;

(c) The manner in which said statement was made, e.g., oral communication, advertisement, letter, press release, etc.;

(d) The identity of the person(s) to whom said statement was made;

(e) The name of the person who made or issued the statement and the entity by whom he was employed at the time the statement was made.

7. Were you ever advised, informed or otherwise made aware that an employee of any other entity that mined, manufactured or distributed asbestos or asbestos-containing products made or issued any statement to the effect that asbestos or asbestos-containing products used in the construction or renovation of buildings do not constitute a health hazard or risk to humans from the asbestos in said products?

8. If your answer to Interrogatory No. 7 is anything other than an unqualified "no", state for each such statement:

(a) The date you became aware that said statement was made;

(b) The content or wording of said statement;

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(c) The manner in which said statement was made, e.g., oral communication, advertisement, letter, press release, etc.;

(d) The identity of the person(s) to whom said statement was made;

(e) The name of the person who made or issued the statement and the entity by whom he was employed at the time the statement was made.

9. Since January 1, 1973, have you or anyone on your behalf or purporting to represent you or any organization of which you were a member testified or issued or made any statement, either oral or written, to the federal government or to any state government, or to any branch, agency, committee, subcommittee, or any other subdivision thereof, to the effect that asbestos or asbestos-containing products used in the construction or renovation of buildings do not constitute a health hazard or risk to humans from the asbestos in said products?

10. If your answer to Interrogatory No. 9 is anything other than an unqualified "no", state for each such statement:

(a) The date said statement was made;

(b) The content or wording of said statement;

(c) The manner in which said statement was made, e.g., oral communication, advertisement, letter, press release, etc.;

(d) The identity of the person(s) or entity to whom said statement was made;

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(e) The name, address, telephone number and title of the person(s) who made or issued said statement.

11. Since January 1, 1973, have you or anyone on your behalf or purporting to represent you or any organization of which you were a member testified or issued or made any statement, either oral or written, to the federal government or to any state government, or to any branch, agency, committee, subcommittee, or any other subdivision thereof, to the effect that asbestos or asbestos-containing products used in the construction or renovation of buildings were capable of being used without creating a health hazard or risk to humans from the asbestos in said products?

12. If your answer to Interrogatory No. 11 is anything other than an unqualified "no", state for each such statement:

(a) The date said statement was made;

(b) The content or wording of said statement;

(c) The manner in which said statement was made, e.g., oral communication, advertisement, letter, press release, etc.;

(d) The identity of the person(s) or entity to whom said statement was made;

(e) The name, address, telephone number and title of the person(s) who made or issued said statement.

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13. Do you contend that plaintiff was or should have been aware, prior to January 27, 1980, that its properties had been damaged by asbestos?

14. If your answer to Interrogatory No. 13 is affirmative, state:

(a) The identity and location of the properties which you contend plaintiff knew or should have known were damaged;

(b) Each and every fact on which you base your contention;

(c) The identity of each and every communication, whether oral or written, on which you rely in making your contention;

(d) The name, address and occupation of each and every individual who has knowledge of facts which support your contention.

15. Since January 1, 1973, have you issued or made any statement, either oral or written, to your stockholders, employees, agents or customers, to the effect that asbestos or asbestos-containing products used in the construction or renovation of buildings do not constitute a health hazard?

16. If your answer to Interrogatory No. 15 is anything other than an unqualified "no", state for each such statement:

(a) The date said statement was made;

(b) The content or wording of said statement;

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(c) The manner in which said statement was made, e.g., oral communication, advertisement, letter, press release, etc.;

(d) The identity of the person(s) to whom said statement was made;

(e) The name, address, telephone number and title of the person(s) who made or issued said statement.

17. Since January 1, 1973, have you issued or made any statement, either oral or written, to your stockholders, employees, agents or customers, to the effect that asbestos or asbestos-containing products used in the construction or renovation of buildings were capable of being used without creating a health hazard?

18. If your answer to Interrogatory No. 17 is anything other than an unqualified "no", state for each such statement:

(a) The date said statement was made;

(b) The content or wording of said statement;

(c) The manner in which said statement was made, e.g., oral communication, advertisement, letter, press release, etc.;

(d) The identity of the person(s) to whom said statement was made;

(e) The name, address, telephone number and title of the person(s) who made or issued said statement.

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19. At any time since January 1, 1973, have you been a member of any organization which, at any time, issued or made any statement, either oral or written, to the effect that asbestos or asbestos-containing products used in the construction or renovation of buildings do not constitute a health hazard?

20. If your answer to Interrogatory No. 19 is anything other than an unqualified "no", state for each such statement:

(a) The date said statement was made;

(b) The content or wording of said statement;

(c) The manner in which said statement was made, e.g., oral communication, advertisement, letter, press release, etc.;

(d) The identity of the person(s) to whom said statement was made;

(e) The name, address, telephone number and title of the person(s) who made or issued said statement.

21. At any time since January 1, 1973, have you been a member of any organization which, at any time, issued or made any statement, either oral or written, to the effect that asbestos or asbestos-containing products used in the construction or renovation of buildings were capable of being used without creating a health hazard?

22. If your answer to Interrogatory No. 21 is anything other than an unqualified "no", state for each such statement:

(a) The date said statement was made;

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(b) The content or wording of said statement;

(c) The manner in which said statement was made, e.g., oral communication, advertisement, letter, press release, etc.;

(d) The identity of the person(s) to whom said statement was made;

(e) The name, address, telephone number and title of the person(s) who made or issued said statement.

23. If your response to Request for Admission No. 1, served concurrently herewith, is other than an unqualified admission, state:

(a) Each and every fact upon which you base your refusal to admit said request for admission;

(b) The identity, sufficient for a notice to produce, of every document which you contend supports your refusal to admit that request for admission;

(c) The name, address, telephone number and title of every person who you contend has knowledge of facts which support your refusal to admit said request for admission.

24. If your response to Request for Admission No. 2, served concurrently herewith, is other than an unqualified admission, state:

(a) Each and every fact upon which you base your refusal to admit said request for admission;

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(b) The identity, sufficient for a notice to produce, of every document which you contend supports your refusal to admit that request for admission;

(c) The name, address, telephone number and title of every person who you contend has knowledge of facts which support your refusal to admit said request for admission.

25. If your response to Request for Admission No. 3, served concurrently herewith, is other than an unqualified admission, state:

(a) Each and every fact upon which you base your refusal to admit said request for admission;

(b) The identity, sufficient for a notice to produce, of every document which you contend supports your refusal to admit that request for admission;

(c) The name, address, telephone number and title of every person who you contend has knowledge of facts which support your refusal to admit said request for admission.

26. If your response to Request for Admission No. 4, served concurrently herewith, is other than an unqualified admission, state:

(a) Each and every fact upon which you base your refusal to admit said request for admission;

(b) The identity, sufficient for a notice to produce, of every document which you contend supports your refusal to admit that request for admission;

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(c) The name, address, telephone number and title of every person who you contend has knowledge of facts which support your refusal to admit said request for admission.

27. If your response to Request for Admission No. 5, served concurrently herewith, is other than an unqualified admission, state:

(a) Each and every fact upon which you base your refusal to admit said request for admission;

(b) The identity, sufficient for a notice to produce, of every document which you contend supports your refusal to admit that request for admission;

(c) The name, address, telephone number and title of every person who you contend has knowledge of facts which support your refusal to admit said request for admission.

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PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA )
) ss.
COUNTY OF LOS ANGELES )

I declare that:

I am employed in the County of Los Angeles, State of California.

I am over the age of eighteen years and not a party to the within cause; my business address is 816 South Figueroa Street, Los Angeles, California.

On April 18, 1985, I served the within document, entitled:

INTERROGATORIES PROPOUNDED AND
SERVED CONCURRENTLY WITH REQUESTS
FOR ADMISSION TO ALL DEFENDANTS

on the interested parties by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Los Angeles, California addressed as follow

KINCAID, GIANUNZIO, CAUDLE &
HUBERT
200 Webster Street, Second Fl.
Oakland, CA 941604-0828
Attn: Patrick Hagan, Esq.

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

Executed this 18th day of April, 1985 at Los Angeles, California.

MARY T. BULL

(SPACE BELOW FOR FILING STAMP ONLY)

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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

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|---|---|
| LOS ANGELES UNIFIED SCHOOL DISTRICT,<br><br>Plaintiff,<br><br>vs.<br><br>OWENS-CORNING FIBERGLAS, et al.,<br><br>Defendants. | CASE NO. C 440 317<br><br>REQUESTS FOR ADMISSION PROPOUNDED AND SERVED CONCURRENTLY WITH INTERROGATORIES TO ALL DEFENDANTS |

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

These requests for admission are being served on each and every defendant.

Plaintiff requests that you admit or deny, in writing and under oath, within thirty (30) days from the date of service of these Requests for Admission the truth of each of the following statements of fact, and plaintiff further requests that you file answers to these Requests for Admission.

These Requests are directed to your knowledge and to the contents of your books and records and of the knowledge of your

agents, servants, representatives, attorneys and insurers and investigators, and of the books and records of each, and to the knowledge of all of the persons of whom inquiry may reasonably be made.

## DEFINITIONS

"Friable", when used herein, means capable of being crumbled, pulverized, or reduced to powder in the hand.

"You" means and refers to you, your agents, your employees, your servants, your representatives and anyone else acting on your behalf or at your request.

IF YOU FAIL TO COMPLY WITH THE PROVISIONS OF SECTION 2033 OF THE CODE OF CIVIL PROCEDURE WITH RESPECT TO THESE REQUESTS FOR ADMISSION, EACH OF THE MATTERS OF WHICH AN ADMISSION IS REQUESTED WILL BE DEEMED ADMITTED.

## REQUESTS FOR ADMISSION

1. Admit that airborne asbestos fibers are a health hazard.

2. Admit that friable asbestos-containing products and materials within buildings release asbestos fibers into the atmosphere and environment within said buildings.

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3. Admit that on January 27, 1980, there were friable asbestos-containing products within buildings owned, operated and/or maintained by the plaintiff.

4. Admit that on January 27, 1983, there were friable asbestos-containing products within buildings owned, operated and/or maintained by the plaintiff.

5. Admit that before January 27, 1980, there were friable asbestos-containing products within buildings owned, operated and/or maintained by the plaintiff.

6. Admit that between January 1, 1983, and the present, you have informed, advised, or issued or made statement(s), either oral or written, to persons not employed or retained by you to the effect that asbestos-containing products and materials used in the construction and/or renovation of buildings were not hazardous when used in the manner intended by or reasonably foreseeable to their manufacturer(s).

7. Admit that between January 1, 1973, and the present, you have issued or made statement(s), either oral or written, to persons not employed or retained by you to the effect that there is no health risk to persons within school buildings from the presence of asbestos-containing products used in the construction and/or improvement of said buildings.

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IF YOU FAIL TO COMPLY WITH THE PROVISIONS OF SECTION 2033 OF THE CODE OF CIVIL PROCEDURE WITH RESPECT TO THESE REQUESTS FOR ADMISSION, EACH OF THE MATTERS OF WHICH AN ADMISSION IS REQUESTED WILL BE DEEMED ADMITTED.

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PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA )
) ss.
COUNTY OF LOS ANGELES )

I declare that:

I am employed in the County of Los Angeles, State of California.

I am over the age of eighteen years and not a party to the within cause; my business address is 816 South Figueroa Street, Los Angeles, California.

On April 18, 1985, I served the within document, entitled:

**REQUESTS FOR ADMISSION
PROPOUNDED AND SERVED
CONCURRENTLY WITH INTERROGATORIES
TO ALL DEFENDANTS**

on the interested parties by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Los Angeles, California addressed as follow

KINCAID, GIANUNZIO, CAUDLE &
HUBERT
200 Webster Street, Second Fl.
Oakland, CA 941604-0828
Attn: Patrick Hagan, Esq.

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

Executed this 18th day of April, 1985 at Los Angeles, California.

MARY T. BULL