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BRAYTON HARLEY CURTIS
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9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SAN FRANCISCO

11 IN RE: COMPLEX ASBESTOS
12 LITIGATION

No.

13 RESPONSES TO PLAINTIFF'S
14 STANDARD INTERROGATORIES TO
15 ALL DEFENDANTS (GENERAL ORDER
16 NO. 129)

17 DEFENDANT, KELLY-MOORE PAINT COMPANY, INC. (hereinafter, "Kelly-Moore"),
18 hereby responds to Plaintiffs' Standard Interrogatories to all DEFENDANTS, pursuant to
19 General Order No. 129.

20 PREFACE

21 These Interrogatories are to be answered pursuant to San Francisco Superior Court
22 General Order No. 129.

23 Unless otherwise specifically set forth, the time frame for response to these
24 Interrogatories is from 1930 until 1985; except where otherwise specifically set forth,
25 each Interrogatory and each Response are intended and should be construed as including
26 and being limited to such time frame. Where expressly stated with reference to the date
27 and circumstances justifying use of such date, the responding party may limit any such
28 response to dates subsequent to 1930, but which in no event are later than the inception
of the responding party, including the inception of any predecessor in interest.

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1 Unless otherwise specifically set forth, the geographic scope for response to these
2 Interrogatories by domestic corporation is the United States. Hospital and other health
3 care entity defendants shall provide responses related only to that defendant's physical
4 facilities and shall not be required to disclose any information related to the furnishing
5 of services to patients.

6 DEFINITIONS

7 1. "ASBESTOS-CONTAINING PRODUCT(S)" shall mean a product(s) which
8 THIS DEFENDANT knows or believes to have contained any amount of the mineral
9 asbestos at any time.

10 2. "COMPANY" means any private enterprise including corporations,
11 partnerships, joint ventures, and sole proprietorships.

12 3. A "CONTRACT UNIT" shall mean a branch, division, subsidiary or other
13 affiliated entity of a DEFENDANT which has been or is now engaged in installation,
14 disturbing or handling and/or removal of RAW ASBESTOS and/or ASBESTOS-
15 CONTAINING PRODUCT(S).

16 4. "DOCUMENT(S)" or "WRITING(S)" shall include all WRITING(S) as defined
17 by Section 250 of the California Evidence Code.

18 5. "GEOGRAPHIC AREA" means the 46 counties of Northern California
19 (Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado,
20 Fresno, Glenn, Humboldt, Kern, Kings, Lake, Lassen, Marin, Mariposa, Mendocino,
21 Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San
22 Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou,
23 Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba) and
24 military facilities/installations in the State of California, or the following shipyards:
25 Bethlehem Shipbuilding, San Pedro; California Shipbuilding, Terminal Island;
26 Consolidated Steel Shipyard, Wilmington, Los Angeles Shipbuilding and Dry Dock aka L.A.
27 Ship, San Pedro; National Steel and Shipbuilding Corporation, San Diego; Todd Shipyards
28 Corporation, San Pedro Divisions; Naval Air Station, North Island; Thirty-second Street

1 Naval Repair Facility, San Diego; Long Beach Naval Shipyard; and San Diego Destroyer
2 Base.

3 6. A request to "IDENTIFY" a "WRITING" or "DOCUMENT" or study shall mean
4 a request to either attach such an exhibit to YOUR answers to these Interrogatories, or
5 to describe such with sufficient particularity that it may be made the subject of a request
6 for production of DOCUMENT(S). YOUR description should include an indication of: (a)
7 the author; (b) address(s); (c) date of origin; (d) the nature of the writing or document
8 (e.g. letter, telephone memorandum, audio tape recording, photograph, etc.); and (e) its
9 present location, name and the present address of custodian thereof.

10 7. A request to "IDENTIFY" an oral communication shall mean a request to
11 describe the communication with particularity, and shall include the following
12 information; (a) the IDENTITY of all parties to the communication; (b) the IDENTITY of
13 the person whom YOU contend initiated the communication; (c) the IDENTITY of all
14 persons present at the time of the communication; and (d) the time, date and place of
15 the communication.

16 8. A request to "IDENTIFY" or to state the "IDENTITY" of a person or individual
17 means to state his or her name, the place of employment, job title, present business or
18 present or last known home address, years of employment and last known telephone
19 number if not employed by DEFENDANT.

20 9. A request to "IDENTIFY" the product shall mean a request to describe the
21 product, the material or compound by the following means: (1) by nickname or slang
22 name used in YOUR industry and/or occupation; (2) by the name under which it is sold
23 in the marketplace (trade name); (3) by its generic name; and (4) by manufacturer.

24 10. "MARKETING" or "MARKETED" shall mean the mining, supply, sale, labeling,
25 distribution, importing, processing or manufacture of RAW ASBESTOS and/or ASBESTOS-
26 CONTAINING PRODUCT(S).

27 11. A request to describe the "NATURE" of a product means to describe the; (a)
28 color; (b) texture; (c) form (i.e., powder, liquid, paste, solid, board, cloth, blanket, wire

1 insulation, etc.); (d) physical dimensions, if solid (length, width and height); (e) the type
2 of shipping package and shipping package dimensions if not solid; (f) type of asbestos
3 fiber used in the composition of the product (e.g., chrysotile, amosite, crocidolite); (g)
4 the intended use or function of such product as recommended by THIS DEFENDANT as
5 the miner, producer, supplier, contractor, manufacturer, distributor, owner or sell; and
6 (h) the type of worksite in which it was intended to be used (e.g., shipyard, refinery,
7 commercial building construction, manufacturing plant, home, power generating plant,
8 etc.)

9 12. "PREMISES" includes, but is not limited to, buildings, structures in a
10 refinery, boilers, generators, tract housing, commercial buildings and other such
11 structures.

12 13. "RAW ASBESTOS" means asbestos fiber mined or milled, either packaged or
13 in bulk, not compounded with other substances and essentially pure with the exception
14 of naturally occurring trace amounts of other substances.

15 14. "THIS DEFENDANT" or "DEFENDANT" shall mean the named DEFENDANT
16 herein, all of its divisions and subsidiaries in which it holds a controlling interest, and all
17 "alternative entities" as defined and identified by name in any complaint pending against
18 YOU as of the date of YOUR answers.

19 15. "YOU and "YOUR" refer to the DEFENDANT who is named above as
20 responding party.

21 **INTERROGATORY NO. 1:**

22 IDENTIFY the person verifying these answers on YOUR behalf.

23 **RESPONSE TO INTERROGATORY NO.:1** Mr. Douglas Wayne Merrill.

24 **INTERROGATORY NO. 2:**

25 State the date of first employment with YOU, and the dates and titles of each job
26 position the person verifying these interrogatories has held while employed by YOU.

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

28 July, 1968.

1 7/68-10/68, Quality Control Chemist; 10/68-10/81, Research and Production
2 Manager; - Paco Division; 12/81-3/83, Assistant to Vice President, Manufacturing; 3/83-
3 4/89, Plant Manager; and 4/89 - present, Vice President of Manufacturing.

4 **INTERROGATORY NO. 3:**

5 Please state whether or not YOU are a corporation, and if so, state:

- 6 (a) YOUR correct corporate name;
7 (b) YOUR state of incorporation;
8 (c) The date of YOUR incorporation;
9 (d) The address of YOUR principal place of business;
10 (e) Whether or not YOU have ever held a certificate of authority to do business
11 in the State of California, and if so, the inclusive dates of any certificate;
12 (f) If YOU are wholly owned or the majority interest of YOUR COMPANY is
13 owned by another business entity, state that entity's name and principal
14 place of business.
15 (g) Whether YOU have any business offices in California, and, if so, YOUR
16 principle place of business in California.

17 **RESPONSE TO INTERROGATORY NO. 3:**

18 Yes.

- 19 A. Kelly-Moore Paint Company, Inc.
20 B. California
21 C. 12/4/52
22 D. 987 Commercial Street, San Carlos, California 94070.
23 E. Yes. 1952 to present.
24 F. N/A
25 G. 987 Commercial Street, San Carlos, California 94070.

26 **INTERROGATORY NO. 4:**

27 Have YOU ever been identified, known, or done business under any other name
28 in the State of California?

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

2 No.

3 **INTERROGATORY NO. 5:**

4 If YOUR answer to Interrogatory No. 4 in the affirmative, please state such name
5 or names and the time period during which THIS DEFENDANT was so known or
6 identified.

7 **RESPONSE TO INTERROGATORY NO. 5:**

8 N/A.

9 **INTERROGATORY NO. 6:**

10 If YOU are not a corporation, what is YOUR business structure (partnership, joint
11 venture, sole proprietorship, etc.).

12 **RESPONSE TO INTERROGATORY NO. 6:**

13 N/A.

14 **INTERROGATORY NO. 7:**

15 If YOU are not a corporation, please IDENTIFY all persons or other entities with
16 an ownership interest in YOU.

17 **RESPONSE TO INTERROGATORY NO. 7:**

18 N/A.

19 **INTERROGATORY NO. 8:**

20 If YOU are not a corporation, please state the following:

- 21 (a) The address where the historical records of THIS DEFENDANT are currently
22 located; and
23 (b) The name, job title, and current address of the custodian for THIS
24 DEFENDANT's historical records.

25 As used herein, historical records shall include all DOCUMENT(S) relating to the
26 formation of THIS DEFENDANT, all minutes of partners', general partners', or other
27 owners' meetings, and all DOCUMENT(S) relating to THIS DEFENDANT's merger with,
28 acquisition of or purchase, or sale of or by any other COMPANY.

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

2 N/A

3 **INTERROGATORY NO. 9:**

4 IDENTIFY YOUR custodian of business records.

5 **RESPONSE TO INTERROGATORY NO. 9:**

6
7 Mr. Douglas Wayne Merrill.

8 **INTERROGATORY NO. 10:**

9 IDENTIFY the person or persons most knowledgeable about:

- 10 (a) YOUR acquisition of RAW ASBESTOS and/or ASBESTOS-CONTAINING
11 PRODUCT(S);
12 (b) YOUR use of RAW ASBESTOS and/or ASBESTOS-CONTAINING
13 PRODUCT(S);
14 (c) YOUR contracting with others to do work involving the use or handling of
15 RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCT(S).

16 **RESPONSE TO INTERROGATORY NO. 10:**

17 Mr. Douglas Wayne Merrill.

18 **INTERROGATORY NO. 11:**

19 For DEFENDANTS involved in the MARKETING of ASBESTOS-CONTAINING
20 PRODUCT(S), state the IDENTITY of physicians, medical directors and/or industrial
21 hygienists employed by YOU during the time frame or prior to the time YOU
22 discontinued the MARKETING of such products. All other DEFENDANTS need only
23 respond as to medical directors and/or industrial hygienists or physicians employed in the
24 area of employee health and safety. Premises owners and domestic corporations need
25 only respond as to the United States.

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

27 None.

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1 **INTERROGATORY NO. 12:**

2 Has any employee of THIS DEFENDANT testified by deposition or at trial on behalf
3 of THIS DEFENDANT in a third party case, in which THIS DEFENDANT was a party,
4 wherein the plaintiff has alleged an asbestos related injury? If so, for each such third
5 party case (except that premises DEFENDANTS and contractor DEFENDANTS need answer
6 only with respect to sites within the GEOGRAPHIC AREA) please state.

- 7 (a) The caption and case number;
8 (b) The court filing including state and county;
9 (c) The date of deposition or trial testimony;
10 (d) The name and address of plaintiffs counsel of record;
11 (e) The name and address of the court reporter.

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

- 13 (A) *Fairl v. Western McArthur Co*, Superior Court No. 296985,
14 (B) Sacramento County, CA
15 (C) 10/8/84
16 (D) Unknown
17 (E) Unknown
18 (A) *Clapper & Brayton Shipyard*, Superior Court No.959,
19 (B) Solano County, CA
20 (C) 11/1/84
21 (D) Unknown
22 (E) Unknown
23 (A) *Clapper & Brayton Shipyard*, Superior Court No.959,
24 (B) Solano County, CA
25 (C) 2/27/85
26 (D) Unknown
27 (E) Unknown
28 (A) *Patterson v. Kelly-Moore*, Superior Court No.315826,

- 1 (B) San Mateo County, CA
2 (C) 7/21/87
3 (D) Unknown
4 (E) Unknown
5 (A) *Crosson v. Kelly-Moore*, Superior Court No.8615678,
6 (B) Dallas County, TX
7 (C) 7/6/88
8 (D) Unknown
9 (E) Unknown
10 (A) *Wooley v. Owens-Corning*, Superior Court No. 940904823B
11 (B) Camron County, TX
12 (C) 11/20/95
13 (D) Unknown
14 (E) Unknown
15 (A) *Sanchez v. Kelly-Moore*, Superior Court No.962807,
16 (B) El Paso County, TX
17 (C) 3/12/97
18 (D) Unknown
19 (E) Unknown

20 **INTERROGATORY NO. 13:**

21 For each of the following, please state whether, at any time within the time frame
22 or until such time as any DEFENDANT which had been engaged in the MARKETING RAW
23 ASBESTOS or ASBESTOS-CONTAINING PRODUCTS discontinued the MARKETING of such
24 products, THIS DEFENDANT was a member or paid dues for any representative of THIS
25 DEFENDANT (excluding faculty members of educational institutions) to be a member of
26 the following:

- 27 (a) American Conference of Governmental Industrial Hygienists;
28 (b) American Industrial Hygiene Association;

- 1 (c) American Petroleum Institute;
- 2 (d) American Railroad Association;
- 3 (e) Asbestos Cement Producers Association;
- 4 (f) Asbestos Information Association (AIA) (please answer through date of YOUR
- 5 answers);
- 6 (g) Asbestos Information Association/North America (AIA/NA) (please answer
- 7 through the date of YOUR answers);
- 8 (h) Asbestos Textile Institute (ATI);
- 9 (i) Industrial Hygiene Foundation and or Industrial Health Foundation (IHF);
- 10 (j) Industrial Mineral Insulation Manufacturers Institute;
- 11 (k) Magnesia Insulation Manufacturers Association;
- 12 (l) Magnesia Silica Insulation Manufacturers Association;
- 13 (m) Mineral Wool Institute;
- 14 (n) National Insulation Manufacturers Association (NIMA);
- 15 (o) National Safety Council;
- 16 (p) New York Academy of Sciences;
- 17 (q) Quebec Asbestos Mining Association (QAMA);
- 18 (r) Refractories Institute;
- 19 (s) Safe Building Alliance (please answer through the date of YOUR answers);
- 20 (t) Thermal Insulation Manufacturers Association (TIMA);
- 21 (u) U.S. Maritime Commission;
- 22 (v) IDENTIFY any other organizations, associations or groups of manufacturers,
- 23 miners, distributors, importers, labelers, suppliers, and/or sellers of
- 24 asbestos-containing products of which THIS DEFENDANT was a member;
- 25 (w) IDENTIFY any such representative of THIS DEFENDANT.

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

27 Not to Defendant's knowledge.

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1 **INTERROGATORY NO. 14:**

2 For each organization or other entity identified in YOUR Response to Interrogatory
3 No. 13, please state:

- 4 (a) The dates during which THIS DEFENDANT was a member;
5 (b) The name(s) of any publication(s) received by THIS DEFENDANT from such
6 association or organization;
7 (c) The name of any committee or subcommittee of which THIS DEFENDANT
8 was a member, and the dates of such committee or subcommittee
9 membership.

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

11 N/A

12 **INTERROGATORY NO. 15:**

13 Had THIS DEFENDANT prior to 1973 received any DOCUMENT(S) containing the
14 results or conclusions of any studies and/or tests conducted by Bonsib for Standard Oil
15 of New Jersey relating to asbestos exposure in the workplace or the human health
16 consequences of exposure to asbestos? If so:

- 17 (a) Either (1) attach all DOCUMENT(S) evidencing the information sought in
18 this Interrogatory and its subparts to YOUR Answers to these
19 Interrogatories, or (2) attach disks containing such data, or (3) describe
20 such DOCUMENT(S) with sufficient particularity that they may be made the
21 subject of a request for production of DOCUMENT(S).
22 (b) State the date upon which THIS DEFENDANT first received such
23 DOCUMENT(S);
24 (c) State the IDENTITY of the custodian of records for such DOCUMENT(S).
25 (d) This Interrogatory does not apply to DOCUMENT(S) contained in a library
26 maintained by a DEFENDANT hospital or a DEFENDANT'S library
27 providing access to the general public.

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

2 After making a reasonable inquiry and conducting a diligent search, Kelly-Moore
3 responds that it is currently unaware that it received any said "DOCUMENTS" prior to
4 1973.

5 **INTERROGATORY NO. 16:**

6 Had THIS DEFENDANT prior to 1973 received a copy or any portion of any studies
7 and/or tests conducted by any insurance COMPANY, including but not limited to
8 Metropolitan Life Insurance Company, and Aetna Insurance relating to asbestos exposure
9 in the workplace or the human health consequences of exposure to asbestos? If so:

10 (a) Either (1) attach all DOCUMENT(S) evidencing the information sought in
11 this Interrogatory and its sub parts to YOUR answers to these
12 Interrogatories, or (2) attach disks containing such data, or (3) describe
13 such DOCUMENT(S) with sufficient particularity that they may be made the
14 subject of a request for production of DOCUMENT(S).

15 (b) State the date upon which THIS DEFENDANT first received such
16 DOCUMENT(S);

17 (c) State the IDENTITY of the custodian of records for such DOCUMENT(S).

18 (d) This Interrogatory does not apply to DOCUMENT(S) contained in a library
19 maintained by a DEFENDANT hospital or a DEFENDANT'S library providing
20 access to the general public.

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

22 After making a reasonable inquiry and conducting a diligent search, Kelly-Moore
23 responds that it is currently unaware that it received any said "DOCUMENTS" prior to
24 1973.

25 **INTERROGATORY NO. 17:**

26 Had THIS DEFENDANT prior to 1973 received any DOCUMENT(S) containing
27 results or conclusions of any study and/or tests conducted by any laboratory, including
28 but not limited to, the Sarnac Laboratory relating to asbestos exposure in the workplace

1 or the human health consequences of exposure to asbestos? If so:

2 (a) Either (1) attach all DOCUMENT(S) evidencing the information sought in
3 this Interrogatory and its sub parts to YOUR answers to these
4 Interrogatories, or (2) attach disks containing such data, or (3) describe
5 such DOCUMENT(S) with sufficient particularity that they may be made the
6 subject of a request for production of DOCUMENT(S).

7 (b) State the date upon which THIS DEFENDANT first received such
8 DOCUMENT(S);

9 (c) State the IDENTITY of the custodian of records for such DOCUMENT(S).

10 (d) This Interrogatory does not apply to DOCUMENT(S) contained in a library
11 maintained by a DEFENDANT hospital or a DEFENDANT'S library providing
12 access to the general public.

13 **RESPONSE TO INTERROGATORY NO. 17:**

14 After making a reasonable inquiry and conducting a diligent search, Kelly-Moore
15 responds that it is currently unaware that it received any said "DOCUMENTS" prior to
16 1973.

17 **INTERROGATORY NO. 18:**

18 Had THIS DEFENDANT (except for a DEFENDANT that is an educational
19 institution) prior to 1973 ever maintained a library (or libraries) which contained books,
20 articles, periodicals, journals, and/or reference materials related to the subjects of
21 asbestos, industrial hygiene, medicine, safety and or occupational disease. If so, state:

22 (a) The date each such library was established;

23 (b) The location of each such library;

24 (c) The IDENTITY of each librarian or other person in charge of such library.

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

26 No.

27 **INTERROGATORY NO. 19:**

28 With the exception of OSHA compliance, had THIS DEFENDANT (except for a

1 DEFENDANT that is an educational institution) prior to 1980 exchanged DOCUMENT(S)
2 or communicated with any person or other COMPANY expressly regarding the results of
3 tests and/or studies relating to asbestos exposure in the workplace or the human health
4 consequences of exposure to asbestos? If so, state:

- 5 (a) Each person or COMPANY with whom the information was exchanged or
6 to whom it was communicated;
7 (b) The date(s) of any such exchanges or communications;
8 (c) The IDENTITY of the custodian of such DOCUMENT(S).

9 **RESPONSE TO INTERROGATORY NO. 19:**

10 After making a reasonable inquiry and conducting a diligent search, Defendant
11 responds that it is currently unaware that it exchanged said "DOCUMENTS" or
12 communicated with any person or other "COMPANY" regarding the results of said tests
13 and/or studies prior to 1980, other than those tests or studies conducted by Defendant
14 and/or Union Carbide, referenced in response to Interrogatory No.21.

15 **INTERROGATORY NO. 20:**

16 Has any employee or designee of THIS DEFENDANT testified as a representative
17 of THIS DEFENDANT before the Occupational Safety and Health Administration, the
18 National Institute of Occupational Safety and Health, or any committee or subcommittee
19 of the United States Congress relating to asbestos exposure in the workplace or the
20 human health consequences of exposure to asbestos? If so, please state:

- 21 (a) The entity before whom such testimony was given;
22 (b) The date(s) and location(s) of such testimony;
23 (c) The IDENTITY of the individual(s) who so testified;
24 (d) Whether any DOCUMENT(S) were presented to the entity before which
25 testimony was given;
26 (e) Whether copies of DOCUMENT(S) presented were retained by THIS
27 DEFENDANT and, if so, state the IDENTITY of the custodian of such
28 DOCUMENT(S).

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

2 Not to Defendant's knowledge.

3 **INTERROGATORY NO. 21:**

4 Has THIS DEFENDANT (except for a DEFENDANT that is an educational
5 institution) conducted, or caused to be conducted tests, and/or studies of ambient
6 asbestos dust created during the manufacture, processing, and/or assembling for sale of
7 ASBESTOS-CONTAINING PRODUCT(S)? If so, state:

- 8 (a) Each manufacturing facility, including location and address, at which any
9 such test and/or study was conducted;
10 (b) The date of each such test and/or study;
11 (c) The individual(s) or entity conducting each such test and/or study;
12 (d) Whether THIS DEFENDANT has any DOCUMENT(S) containing the results
13 and or conclusions of each such study;
14 (e) The IDENTITY of the custodian of such DOCUMENT(S).

15 **RESPONSE TO INTERROGATORY NO. 21:**

16 Yes. During the 1970's tests were conducted by PACO Textures Corporation,
17 Union Carbide, and by various regulatory agencies at defendant's San Carlos facility and
18 possibly at Defendant's other facilities. To the extent any further information regarding
19 these tests is available, the answer to subparts (a), (b), (c), (d), and (e) of this
20 interrogatory may be derived or ascertained from the approximately 88 boxes of
21 documents currently stored at 987 Commercial Street, San Carlos, California, 94070
22 which have already been produced to and copied by plaintiff's attorneys. The burden of
23 deriving or ascertaining the answers from the documents is substantially the same for
24 plaintiffs as for Defendant.

25 **INTERROGATORY NO. 22:**

26 Has THIS DEFENDANT (except for a DEFENDANT that is an educational
27 institution) conducted or caused to be conducted, any tests and/or studies on the
28 ambient asbestos dust levels at any location or job site where ASBESTOS-CONTAINING

1 PRODUCT(S) were installed, utilized or removed? If so, for the first 5 tests and/or
2 studies, state:

- 3 (a) The location, including name and address, at which any such test and/or
4 study was conducted;
5 (b) The individual(s) or entity conducting each such test and/or study;
6 (c) The date of each such test and/or study;
7 (d) Whether THIS DEFENDANT has any DOCUMENT(S) containing the results
8 and or conclusions of each such study;
9 (e) The IDENTITY of the custodian of such DOCUMENT(S).

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

11 Not to Defendant's knowledge.

12 **INTERROGATORY NO. 23:**

13 Did THIS DEFENDANT (except for a DEFENDANT that is an educational
14 institution) have any laboratory or other similar type facility anywhere in the United States
15 at which it conducted or caused to be conducted, any tests and/or studies of ASBESTOS-
16 CONTAINING PRODUCT(S) or RAW ASBESTOS relating to the health consequences of
17 asbestos or the dust generated by any use of asbestos or asbestos containing products?

18 If so, state:

- 19 (a) The location, including name and address, at which any such test and/or
20 study was conducted;
21 (b) The individual(s) or entity conducting each such test and/or study;
22 (c) The date of each such test and/or study;
23 (d) Whether THIS DEFENDANT has any DOCUMENT(S) containing the results
24 and or conclusions of each such study;
25 (e) The IDENTITY of the custodian of such DOCUMENT(S).

26 **RESPONSE TO INTERROGATORY NO. 23:**

27 See response to Interrogatory No. 21.

28 ///

1 **INTERROGATORY NO. 24:**

2 Has THIS DEFENDANT made available to its employees a medical examination
3 program to determine the absence or presence of asbestos-related disease? If so, state:

- 4 (a) Whether chest x-rays or pulmonary function tests were part of such
5 program(s);
6 (b) Whether participation in any such program was a mandatory condition of
7 employment or was voluntary;
8 (c) Whether THIS DEFENDANT has DOCUMENT(S) of such program(s);
9 (d) the IDENTITY of the custodian of such DOCUMENT(S).

10 **RESPONSE TO INTERROGATORY NO. 24:**

11 Yes.

12 (A) Yes.

13 (B) Mandatory, initially;

14 (c) Documents exist related to the medical examination program and are protected
15 by attorney-client, attorney work product or third party privacy privileges. To the extent
16 any further documents are available, documents may be derived or ascertained from the
17 approximately 88 boxes of documents currently stored at 987 Commercial Street, San
18 Carlos, California, 94070 which have already been produced to and copied by plaintiff's
19 attorneys. The burden of deriving or ascertaining the answers from the documents is
20 substantially the same for plaintiffs as for Defendant;

21 (D) Douglas Wayne Merrill

22 **INTERROGATORY NO. 25:**

23 Prior to 1973, did any person file a Workers' compensation claim for
24 asbestos-related injury against THIS DEFENDANT or against any Workers' Compensation
25 insurance carrier which provided coverage for THIS DEFENDANT? If so, state the total
26 number of such claims and for the first 20 such claims state:

- 27 (a) The date of such claim;
28 (b) The name of the claimant;

- 1 (c) The case number;
2 (d) The court in which the claim was filed;
3 (e) The IDENTITY of THIS DEFENDANT'S custodian of DOCUMENT(S)
4 evidencing such claim.

5 **RESPONSE TO INTERROGATORY NO. 25:**

6 Not to defendant's knowledge.

7 **INTERROGATORY NO. 26:**

8 Does THIS DEFENDANT have insurance available to cover judgement(s) entered
9 against it in asbestos-related personal injury lawsuits? If so, state:

- 10 (a) The name and principle place of business of any insurance carrier who has
11 issued such policy of insurance:
12 (b) The effective date of each policy;
13 (c) The amount(s) of coverage of each policy;
14 (d) The applicable dates of coverage.

15 **RESPONSE TO INTERROGATORY NO. 26:**

16 Yes. See the attached Exhibit A.

17 **INTERROGATORY NO. 27:**

18 State whether YOU have controlled, purchased, or in any way acquired any interest
19 in any corporation or business entity which has mined, manufactured, produced,
20 processed, compounded, sold, supplied, distributed and/or otherwise placed asbestos or
21 asbestos-containing products in the stream of commerce, and if so, state:

- 22 (a) The name and address of said corporation or business entity;
23 (b) The dates YOU controlled, purchased or acquired any interest; and
24 (c) The nature of the business as it pertained to asbestos.

25 **RESPONSE TO INTERROGATORY NO. 27:**

26 Yes.

- 27 (a) PACO Textures Corporation, Berkeley, California;
28

1 (b) 12/19/60

2 (c) Manufacture of taping compound, joint compound, ceiling textures.

3 **INTERROGATORY NO. 28:**

4 State whether THIS DEFENDANT, between 1930 and 1985, has ever engaged in
5 the following activities with regard to RAW ASBESTOS, and if so, please state the inclusive
6 dates of such activity:

7 (a) Mining;

8 (b) Milling;

9 (c) Supply;

10 (d) Importing;

11 (e) Processing;

12 (f) Distribution;

13 (g) Marketing;

14 (h) Sale.

15 (i) Brokering

16 **RESPONSE TO INTERROGATORY NO. 28:**

17 No.

18 **INTERROGATORY NO. 29:**

19 If YOUR answer to any of subparts of Interrogatory 28 regarding RAW ASBESTOS
20 is in the affirmative, state:

21 (a) The trade, brand name, and/or generic name of such RAW ASBESTOS milled
22 or marketed in any form or quantity between 1930 and 1985;

23 (b) The date(s) such RAW ASBESTOS was first placed on the market, including
24 the date(s) such RAW ASBESTOS was first marketed;

25 (1) On an experimental basis;

26 (2) On a test basis;

27 (3) For sale.

28 (c) The date(s) such RAW ASBESTOS:

1 (1) Ceased to be produced; or

2 (2) Was recalled from the market, if ever.

3 (d) A description of the chemical composition of such RAW ASBESTOS
4 including the type and/or grade of asbestos;

5 (e) A description of the physical appearance and nature of such RAW
6 ASBESTOS, including any color coding, distinctive marking and/or logo on
7 the packaging or container;

8 (f) A detailed description of the intended use of such RAW ASBESTOS,
9 including any temperature limits for each such use;

10 (g) Whether such RAW ASBESTOS was on the U.S. Government's "Qualified
11 Products List," and if so, the inclusive dates it was on such list;

12 (h) IDENTIFY to whom such RAW ASBESTOS has, at any time, been sold. As
13 to each such, state:

14 (I) Whether any of THIS DEFENDANT'S RAW ASBESTOS has at any time, been
15 sold shipped, or otherwise distributed, used or installed to or at any
16 COMPANY (including power company or utility), governmental agency or
17 entity, shipyard, distributor, refinery, contractor, supplier, premise owner
18 or occupant, ship owner, or other premise or site in the GEOGRAPHIC
19 AREA and whether any of THIS DEFENDANT's RAW ASBESTOS has at any
20 time, been sold to any manufacturer, or manufacturing facility, of
21 ASBESTOS-CONTAINING PRODUCT(S). If so, state:

22 (1) The names of each such COMPANY, governmental agency or entity,
23 shipyard, distributor, supplier, manufacturer or refinery;

24 (2) The inclusive dates of each such sale and the amount (quantity) and
25 the trade brand name of such RAW ASBESTOS sold;

26 (3) The manner of shipment (e.g. boat, rail, etc.)

27 (4) Whether YOU have any records indicating such sale or shipment and,
28 is so, the name, address and job classification of each person who

1 currently has possession of such records.

2 (5) Either (1) attach all DOCUMENT(S) evidencing the information
3 sought in this Interrogatory and its subparts to YOUR answers to
4 these Interrogatories, or (2) attach disks containing such data, or (3)
5 describe such DOCUMENT(S) with sufficient particularity that they
6 may be made the subject of a request for production of
7 DOCUMENT(S).

8 **RESPONSE TO INTERROGATORY NO. 29:**

9 N/A.

10 **INTERROGATORY NO. 30:**

11 Between 1930 and 1985, did YOU ever engage in the following activities with
12 regard to ASBESTOS-CONTAINING PRODUCT(S)? If so, please state the inclusive dates
13 of such activity:

- 14 (a) Supply;
15 (b) Importing;
16 (c) Distribution;
17 (d) Marketing;
18 (e) Sale;
19 (f) Labeling;
20 (g) Manufacturing;
21 (h) Brokering.

22 **RESPONSE TO INTERROGATORY NO. 30:**

- 23 (a) Yes;
24 (b) No;
25 (c) Yes;
26 (d) Yes;
27 (e) Yes;
28 (f) Yes;

1 (g) Yes;

2 (h) No.

3 **INTERROGATORY NO. 31:**

4 If YOUR answer to any subpart of Interrogatory No. 30 regarding
5 "ASBESTOS-CONTAINING PRODUCT(S)" is in the affirmative, please state the following:

6 (a) The trade, brand name, and/or generic name of each such
7 ASBESTOS-CONTAINING PRODUCT(S) marketed in any form or quantity
8 between 1930 and 1985;

9 (b) The date(s) each such ASBESTOS-CONTAINING PRODUCT(S) was first
10 placed on the market, including the date(s) each such
11 ASBESTOS-CONTAINING PRODUCT(S) was first marketed:

12 (1) on an experimental basis;

13 (2) on a test basis; or

14 (3) for sale.

15 (c) The date(s) each such asbestos-containing product:

16 (1) ceased to be produced; or

17 (2) was recalled from the market, if ever.

18 (d) A detailed description of the chemical composition of each such
19 asbestos-containing product, including the type and/or grade of asbestos
20 and/or asbestos fiber contained in each such product and the quantitative
21 percentage of asbestos or asbestos fiber in each such product, and all non
22 asbestos components of the ASBESTOS-CONTAINING PRODUCT(S), and if
23 the chemical composition changed over time, the inclusive dates of each
24 formulation;

25 (e) A description of the physical appearance and nature of each
26 asbestos-containing product, including any color coding, distinctive marking
27 and/or logo, either on the product or on the packaging;

28 (f) A detailed description of the intended use of each such asbestos-containing

product, including any temperature limits for each such use;

(g) Whether any such asbestos-containing product was on the U.S. Government's "Qualified Products List", and if so, the inclusive dates it was on such list;

(h) The name and address of the suppliers of the RAW ASBESTOS fiber used in each such product and the time period of such supply;

(I) Whether any of THIS DEFENDANT's RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCT(S) have, at any time, been sold to any companies (including power company or utility), governmental agency or entity, shipyard, distributor, refinery, contractor, supplier manufacturer, premise owner or occupant, ship owner, premise or site in the GEOGRAPHIC AREA. If so, please state:

(1) The names of each such COMPANY, governmental agency or entity, shipyard, distributor, supplier, manufacturer or refinery, contractor premise owner or occupant, ship owner, premise or site;

(2) The inclusive dates of each such sale, shipment, distribution, use or installation and the amount (volume) and the trade or brand name of each such asbestos-containing product sold;

(3) Whether YOU have any records indicating any such sale, shipment, distribution, use or installation and, if so, the name, address and job classification of each individual who currently has possession of such records.

(j) Either (1) attach all DOCUMENT(S) evidencing the information sought in this Interrogatory and its subparts to YOUR answers to these Interrogatories, or (2) attach disks containing such data, or (3) describe such DOCUMENT(S) with sufficient particularity that they may be made the subject of a request for production of DOCUMENT(S).

///

RESPONSE TO INTERROGATORY NO. 31:

a) Bedding cement; b) 12/60; c) 1970; d) dry powder chrysotile 6.0%; e) grayish-white powder; f) embedding tape over interior gypsum board joints; between 50°F and 100°F; g) Not to defendant's knowledge; h, i) See below; a) Taping Compound; b) 1970; c) use of asbestos discontinued December 15, 1977; d) dry powder chrysotile 0-8.3%; e) grayish-white powder; f) embedding tape over interior gypsum board joints; between 50°F and 100°F; g) Not to defendant's knowledge; h, i) See below; a) Finishing compound b) 12/60; c) use of asbestos discontinued December 20, 1977; d) dry powder chrysotile 0-7.5%; e) yellow or gray powder; f) conceal joints and nail holes with interior gypsum board joints; between 50°F and 100°F; g) Not to defendant's knowledge; h, i) See below; a) Quick-set joint compound; b) 1963; c) use of asbestos discontinued January 8, 1978; d) dry powder chrysotile 0-6.0%; e) off-white powder; f) fast setting joint compound; between 45°F and 80°F; g) Not to defendant's knowledge; h, i) See below; a) All purpose; b) 12/60; c) Use of asbestos discontinued January 10, 1978; d) dry powder chrysotile 0-8.3%; e) grayish-white powder; f) taping, topping and texturing; between 50°F and 100°F; g) Not to defendant's knowledge; h, i) See below; a) Triple duty; b) 1969; c) 1971; d) dry powder chrysotile 0-8.3%; e) grayish-white powder; f) taping, topping and texturing; between 50°F and 100°F; g) Not to defendant's knowledge; h, i) See below; a) Ready Mix Taping Compound; b) limited to customer request; c) withdrawn from market April 1976; d) pre-mix chrysotile 2.0-2.6%; e) off-white paste; embedding tape over interior gypsum board joints; between 50°F and 100°F; g) Not to defendant's knowledge; h, i) See below; a) Ready Mix All Purpose; b) 12/60; c) use of asbestos discontinued January 13, 1978; d) pre-mix chrysotile 0-2.6%; e) off-white paste; f) taping, topping and texturing interiors; between 50°F and 100°F; g) Not to defendant's knowledge; h, i) See below; a) Ready Mix Topping Compound; b) 1963; c) use of asbestos discontinued January 14, 1978; d) pre-mix chrysotile 0-2.65; e) off-white or yellow paste; f) conceal joints for interior gypsum board; between 50°F and 100°F; g) Not to defendant's knowledge; h, i) See below; a) Wall texture; b) 12/60; c) use of

1 asbestos discontinued February 11, 1978; d) dry powder chrysotile 0-8.8%; e) off-white;
2 f) wall texture on interiors; between 50°F and 100°F; g) Not to defendant's knowledge;
3 h, i) See below; a) Bestex A; b) 1969; c) withdrawn September 1971; d) dry powder
4 chrysotile 0-8.8%; e) off-white paste; f) wall texture on interiors; between 50°F and
5 100°F; g) Not to defendant's knowledge; h, i) See below; a) Ceiling texture; b) 1964; c)
6 use of asbestos discontinued March 9, 1978; d) dry powder chrysotile 0-10%; e) off-white
7 or white powder; f) texture for interior ceilings; between 50°F and 100°F; g) Not to
8 defendant's knowledge; h, i) See below; a) Bestex D; b) 1969; c) withdrawn September
9 1971; d) dry powder chrysotile 0-10%; e) off-white or white powder; f) texture for interior
10 ceilings; between 50°F and 100°F; g) Not to defendant's knowledge; h, i) See below; a)
11 Bestex D-40; b) 1964; c) use of asbestos discontinued March 9, 1978; d) dry powder
12 chrysotile 0-10%; e) off-white or white powder; f) texture for interior ceilings; between
13 50°F and 100°F; g) Not to defendant's knowledge; h, i) See below; a) Product 225; b)
14 1963; c) use of asbestos discontinued 1968; d) paint chrysotile 0-6.1%; e) paint; f) surface
15 conditioner; g) Not to defendant's knowledge; h, i) See below; a) Product 235; b) 1972;
16 c) use of asbestos discontinued 1978; d) paint chrysotile 0-7.5%; e) paint; f) Tex-bond;
17 g) Not to defendant's knowledge; h, i) See below; a) Product 521; b) 1974; c) use of
18 asbestos discontinued 1978; d) paint chrysotile 0-3.9%; e) paint; f) block filler; g) Not to
19 defendant's knowledge; h, i) See below; a) Radiant heat fill; b) 1974; c) use of asbestos
20 discontinued by 1978; d) dry powder chrysotile; e) powder; f) radiant heat fill; g) Not to
21 defendant's knowledge; h, i) See below; a) Product 1111; b) 10/70; c) use of asbestos
22 discontinued 1974; d) paint chrysotile 0-2.74%; e) paint; f) texture coating; g) Not to
23 defendant's knowledge; h, i) See below; a) Ready Mix Joint Cement; b) 12/60; c) use of
24 asbestos discontinued January 13, 1978; d) pre-mix chrysotile 0-2.6%; e) off-white paste;
25 f) taping, topping and texturing interiors; between 50°F and 100°F; g) Not to
26 defendant's knowledge; h, i) See below; a) Ready mix wall texture; b) short period only;
27 c) unknown but prior to 1978; d) unknown, discovery is continuing; e) off-white; f)
28 texture walls; g) Not to defendant's knowledge; h, i) See below; a) Paco crete; b) 1970;

1 c) use of asbestos discontinued October 1977; d) unknown, discovery is continuing; e)
2 off-white; concrete wall void filler; g) Not to defendant's knowledge; h, i) See below; a)
3 Product 1112; b) 9/70; c) use of asbestos discontinued 1974; d) paint chrysotile 0-4.54%;
4 e) paint; f) texture coating; g) Not to defendant's knowledge; h, i) See below; a) Product
5 1133; b) unknown; c) use of asbestos discontinued 1974; d) paint chrysotile 0-3%; e)
6 paint; f) texture coating; g) Not to defendant's knowledge; h, i) See below; a) Shur-hide;
7 b) est. 1964; c) use of asbestos discontinued 1977 or prior; d) dry powder chrysotile 0-
8 8.8%; e) off-white paste; f) wall texture on interiors; between 50°F and 100°F; g) Not
9 to defendant's knowledge; h, i) See below.

10 (h) Asbestos was purchased from Johns-Manville, Union Carbide and Carey
11 Canada, and from distributors who resold these manufacturer's products.
12 Further answer to this interrogatory may be derived or ascertained from the
13 approximately 88 boxes of documents currently stored at 987 Commercial
14 Street, San Carlos, California, 94070, which have already been produced to
15 and copied by plaintiff's attorneys. The burden of deriving or ascertaining
16 the answers from the documents is substantially the same for plaintiffs as
17 for Defendant.

18 (i) A response to this interrogatory may be derived or ascertained from the
19 approximately 88 boxes of documents currently stored at 987 Commercial
20 Street, San Carlos, California, 94070, which have already been produced to
21 and copied by plaintiff's attorneys. The burden of deriving or ascertaining
22 the answers from the documents is substantially the same for plaintiffs as
23 for Defendant.

24 **INTERROGATORY NO. 32:**

25 Did YOU install, remove, or handle or contract to have others install, remove or
26 handle RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCT(S) at any premises in the
27 GEOGRAPHIC AREA which premises is at issue as to YOU in the San Francisco Superior
28 Court asbestos litigation as of the date of YOUR answers to these interrogatories? If so:

- 1 (a) IDENTIFY the premises;
- 2 (b) For each premises:
- 3 (1) State the nature of YOUR ownership or possessory interest;
- 4 (2) State the inclusive dates of that interest;
- 5 (3) IDENTIFY the party from whom that interest was acquired;
- 6 (4) IDENTIFY the party, if any, to whom that interest was transferred;
- 7 (c) IDENTIFY every contract to which YOU were a party or of which YOU have
- 8 knowledge wherein the performance of such contract involved the
- 9 installation, removal, disturbing or handling of any RAW ASBESTOS or
- 10 ASBESTOS-CONTAINING PRODUCT(S) at YOUR premises. For each such
- 11 contract;
- 12 (1) IDENTIFY the parties to the contract;
- 13 (2) Provide a general description and specific location of the work to be
- 14 performed by each party to the contract;
- 15 (3) IDENTIFY and describe the nature of the RAW ASBESTOS or
- 16 ASBESTOS-CONTAINING PRODUCT(S) installed, removed, disturbed or
- 17 handled in the performance of the contract;
- 18 (4) State the dates of the contract and the dates of performance;
- 19 (d) Except as provided in response to subpart (c), has any work other than
- 20 routine maintenance been done on or to the premises that involved the
- 21 installation, removal, disturbing or handling of RAW ASBESTOS or
- 22 ASBESTOS-CONTAINING PRODUCT(S)? If so, for each such instance:
- 23 (1) State the inclusive dates of the work;
- 24 (2) Provide a general description and specific location of the work;
- 25 (3) State whether the work was done by YOU and/or YOUR employees;
- 26 (4) IDENTIFY and describe the nature of the RAW ASBESTOS or
- 27 ASBESTOS-CONTAINING PRODUCT(S) installed, removed, handled or
- 28 disturbed;

1 (5) IDENTIFY from whom the RAW ASBESTOS or ASBESTOS-CONTAINING
2 PRODUCT(S) were acquired.

3 (e) Has any asbestos abatement effort been made at the premises? If so, for
4 each such effort:

5 (1) IDENTIFY who did the work;

6 (2) State the inclusive dates thereof;

7 (3) State whether samples were taken, and, if the samples still exist,
8 IDENTIFY the custodian of the samples;

9 (4) State whether any material was tested, and if so, what were the results
10 of each test;

11 (5) IDENTIFY each test result with sufficient particularity for purposes of
12 a request for production of DOCUMENT(S), or, in the alternative, attach a
13 copy to YOUR answers to these interrogatories;

14 (f) Except for insurance coverage litigation, have YOU filed suit against, or
15 otherwise sought to recover from, any person or entity for some or all of the
16 cost of asbestos abatement for the property damage allegedly caused by the
17 presence of RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCT(S) on
18 the premises identified in response to subpart (a) above? If so:

19 (1) IDENTIFY the person or entity against whom YOU have filled suit or
20 otherwise sought to recover;

21 (2) If YOU have filled suit, state the court in which the action was filed,
22 the date on which it was filed, IDENTIFY all plaintiffs and
23 DEFENDANTS and their counsel of record;

24 (3) State whether or not the case has been resolved, and, if so, what was
25 the status or disposition.

26 (g) Either (1) attach all DOCUMENT(S) evidencing the information sought in
27 this Interrogatory and its subparts to YOUR answers to these
28 Interrogatories, or (2) attach disks containing such data, or (3) describe

1 such DOCUMENT(S) with sufficient particularity that they may be made the
2 subject of a request for production of DOCUMENT(S).

3 (h) IDENTIFY the person(s) presently most knowledgeable about the
4 information sought in this Interrogatory or its subparts.

5 **RESPONSE TO INTERROGATORY NO. 32:**

6 Not to Defendant's knowledge.

7 **INTERROGATORY NO. 33:**

8 At any time between 1930 and 1955, did YOU hold a contractors' license in the
9 State of California? If so:

10 (a) IDENTIFY each license by type, date and number.

11 (b) If on the date of YOUR answers YOU are a DEFENDANT in four or more
12 asbestos actions in San Francisco Superior Court, IDENTIFY each job or
13 contract that YOU performed (directly or through one or more
14 subcontractors) during the this time period for work in any premises which
15 is at issue as to YOU on such date, and in any premises of 50,000 square
16 feet or more in the GEOGRAPHIC AREA which job or contract involved
17 installation, removal, distributing or handling RAW ASBESTOS or
18 asbestos-containing products. (Alternatively, at YOUR option, YOU may
19 IDENTIFY each job contract YOU performed (directly or through one or
20 more subcontractors) during this time frame for all work, or for all work on
21 premises of 50,000 square feet or more, in GEOGRAPHIC AREA.) As to
22 each such job or contract:

23 (1) IDENTIFY the location (including name of ship, if applicable) where
24 the job or work was performed;

25 (2) State the date of the contract or the inclusive dates of the work;

26 (3) IDENTIFY the person or entity with whom YOU contracted;

27 (4) State YOUR job or contract number.

28 (c) If on the date of YOUR answers YOU are not a DEFENDANT in four or

1 more asbestos actions in San Francisco Superior Court, IDENTIFY each job
2 or contract that YOU performed (directly or through subcontractors) during
3 this time period for work in any premises which is at issue as to YOU on
4 such date. As to each such job contract:

- 5 (1) IDENTIFY the location (including name of ship, if applicable) where
6 the job or work was performed;
7 (2) State the date of the contract or the inclusive dates of the work;
8 (3) IDENTIFY the person or entity with whom YOU contracted;
9 (4) State YOUR job or contract number.

10 **RESPONSE TO INTERROGATORY NO. 33:**

11 No.

12 **INTERROGATORY NO. 34:**

13 Did any of the distributors identified in YOUR Answer to Interrogatory Nos. 29 and
14 31 have an exclusive distributorship? If so, state the relevant time period.

15 **RESPONSE TO INTERROGATORY NO. 34:**

16 N/A.

17 **INTERROGATORY NO. 35:**

18 If THIS DEFENDANT entered into any agreements for the rebranding of any
19 ASBESTOS-CONTAINING PRODUCTS by THIS DEFENDANT for resale or distribution by
20 another person or entity, describe each agreement's terms and the parties to said
21 agreement, the duration of the agreement, and name of each product(s) and/or
22 material(s) covered by each such agreement.

23 **RESPONSE TO INTERROGATORY NO. 35:**

24 A rebranding agreement was entered into by Defendant with Georgia-Pacific to
25 have a small quantity of products sold under the Georgia-Pacific label. This agreement
26 was in effect from 1969-1971. See Exhibit B.

27 Further answer to this interrogatory may be derived or ascertained from the
28 approximately 88 boxes of documents currently stored at 987 Commercial Street, San

1 Carlos, California, 94070, which have already been produced to and copied by plaintiff's
2 attorneys. The burden of deriving or ascertaining the answers from the documents is
3 substantially the same for plaintiffs as for Defendant.

4 **INTERROGATORY NO. 36:**

5 If THIS DEFENDANT entered into any agreements for the rebranding of
6 ASBESTOS-CONTAINING PRODUCTS manufactured, sold, supplied or distributed by
7 another person or entity for resale or distribution by YOU, describe each of the
8 agreements and the parties to said agreement, the terms, the duration, and the names of
9 each product(s) and/or material(s) covered by each such agreement.

10 **RESPONSE TO INTERROGATORY NO. 36:**

11 N/A.

12 **INTERROGATORY NO. 37:**

13 As to RAW ASBESTOS and to each such ASBESTOS-CONTAINING PRODUCT listed
14 in YOU responses to Interrogatories Nos. 29 and 31, did DEFENDANT warn of the health
15 hazards of asbestos? If so, state for each such warning:

16 (a) The content, size, color, and location;; whether the warning appeared on
17 the material and/or on the container, and/or was placed on a tag; whether
18 the warning was included in contracts; whether the warning was included
19 in advertising or other promotional materials.

20 (b) State whether YOU have any photographs thereof;

21 (c) The inclusive dates on which YOU used each such warning;

22 (d) State all changes YOU made in such warnings and the dates of such
23 changes;

24 (e) IDENTIFY the person most knowledgeable about YOUR warnings and
25 warning policy.

26 **RESPONSE TO INTERROGATORY NO. 37:**

27 Yes.

28 (a) OSHA specified the size and locations of such warnings. The warnings were

1 not located on the product due to its form. As such, warnings were placed
2 on the product's packaging. The warning size was 1-1/2" x 3 1/2" or larger.
3 The warning read as follows:

4 "Caution- read before using. Contains asbestos fibers. Avoid breathing dust.
5 Breathing asbestos dust may cause bodily harm. "

6 (b) Yes;

7 (c) November of 1972 to removal of asbestos;

8 (d) None;

9 (e) Douglas Wayne Merrill.

10 **INTERROGATORY NO. 38:**

11 With respect to each of YOUR ASBESTOS-CONTAINING PRODUCT(S), state
12 whether THIS DEFENDANT'S name, trademark, logos, color coding, or other
13 IDENTIFYING markings ever appeared on the actual product itself. If so, IDENTIFY each
14 such product, state when the practice to place such identifying markings upon the
15 product was begun and when it ended, if applicable, and describe in detail the pertinent
16 marking(s) and the purpose, if any, of such markings.

17 **RESPONSE TO INTERROGATORY NO. 38:**

18 No.

19 **INTERROGATORY NO. 39:**

20 Between the years 1930 to 1985, did THIS DEFENDANT purchase or otherwise
21 acquire any ASBESTOS-CONTAINING PRODUCT(S) lines from another person or entity?

22 If so, state for each such purchase:

23 (a) Date of purchase or acquisition;

24 (b) Terms of purchase or acquisition agreement;

25 (c) Either (1) attach all DOCUMENT(S) evidencing said acquisition, or (2)
26 attach disks containing such data, or (3) describe such DOCUMENT(S) with
27 sufficient particularity that they may be made the subject of a request for
28 production of DOCUMENT(S).

1 (d) Trade, brand, and/or generic name for each such product line so acquired;

2 (e) Name of the person or entity from whom YOU purchased such ASBESTOS-
3 CONTAINING PRODUCT(S) line;

4 (f) Location of any manufacturing facilities so acquired, and the type of
5 ASBESTOS-CONTAINING PRODUCT(S) manufactured therein.

6 **RESPONSE TO INTERROGATORY NO. 39:**

7 Yes. See response to Interrogatory No. 27 and Exhibit A.

8 **INTERROGATORY NO. 40:**

9 Between the years 1930 to 1985, did THIS DEFENDANT sell any ASBESTOS-
10 CONTAINING PRODUCT(S) lines to another person or entity? If so, state for each such
11 sale:

12 (a) Date of sale;

13 (b) Terms of sales agreement;

14 (c) Either (1) attach all DOCUMENT(S) evidencing said sale, or (2) attach disks
15 containing such data, or (3) describe such DOCUMENT(S) with sufficient
16 particularity that they may be made the subject of a request for production
17 of DOCUMENT(S).

18 (d) Trade, brand, and/or generic name for each such product line sold;

19 (e) Name of the person or entity to whom YOU sold such ASBESTOS-
20 CONTAINING PRODUCT(S) line;

21 (f) Location of any manufacturing facilities so sold, and the type of ASBESTOS-
22 CONTAINING PRODUCT(S) manufactured therein.

23 **RESPONSE TO INTERROGATORY NO. 40:**

24 Not to Defendant's knowledge.

25 **INTERROGATORY NO. 41:**

26 IDENTIFY all brochures, pamphlets, catalogs or other advertising relating to
27 ASBESTOS-CONTAINING PRODUCTS and/or RAW ASBESTOS fibers which THIS
28 DEFENDANT manufactured, sold, distributed or supplied from the year 1930 to 1985.

1 For each such document please state:

- 2 (a) A description of the document;
3 (b) The year it was printed;
4 (c) The period of time in which it was used;
5 (d) The purpose of such document;
6 (e) Whether the DOCUMENT(S) or copies of said DOCUMENT(S) presently
7 exist;
8 (f) If said DOCUMENT(S) or copies still exist, where they are located; and
9 (g) The IDENTITY of the custodian of such DOCUMENT(S).

10 **RESPONSE TO INTERROGATORY NO. 41:**

11 An answer to this interrogatory may be derived or ascertained from the
12 approximately 88 boxes of documents currently stored at 987 Commercial Street, San
13 Carlos, California, 94070, which have already been produced to and copied by plaintiff's
14 attorneys. The burden of deriving or ascertaining the answers from the documents is
15 substantially the same for plaintiffs as for Defendant.

16 **INTERROGATORY NO. 42:**

17 State if YOU have or had within YOUR corporate or other business structure any
18 CONTRACT UNITS.

19 **RESPONSE TO INTERROGATORY NO. 42:**

20 No.

21 **INTERROGATORY NO. 43:**

22 State whether or not any of YOUR CONTRACT UNITS installed and/or removed
23 RAW ASBESTOS fiber and/or ASBESTOS-CONTAINING PRODUCTS in the GEOGRAPHIC
24 AREA at any time between 1930 and 1985. If so:

- 25 (a) State the business addresses and names of the contract unit;
26 (b) The inclusive periods of time the contract units were working in the
27 GEOGRAPHIC AREA;
28 (c) State the name and address of each job site within the GEOGRAPHIC AREA

1 and the dates the contract unit worked at those job sites, and, IDENTIFY
2 the RAW ASBESTOS and/or ASBESTOS-CONTAINING PRODUCT(S) installed
3 or removed on each occasion;

- 4 (d) Either (1) attach all DOCUMENT(S) evidencing the information sought in
5 this Interrogatory and its subparts to YOUR Answers to Interrogatories, or
6 (2) attach disks containing such data, or (3) describe such DOCUMENT(S)
7 with sufficient particularity that they may be made the subject of a request
8 for production of DOCUMENT(S).

9 **RESPONSE TO INTERROGATORY NO. 43:**

10 N/A.

11 **INTERROGATORY NO. 44:**

12 When do YOU contend that THIS DEFENDANT first became aware that there is an
13 association between asbestos exposure and disease in human beings.

14 **RESPONSE TO INTERROGATORY NO. 44:**

15 No individual at Kelly-Moore Paint Company, Inc., has any specific recollection of
16 the date by which Kelly-Moore Paint Company, Inc. obtained such knowledge but it is
17 believed that the information was learned in July of 1972 pursuant to information
18 provided by OSHA. Further answer to this interrogatory may be derived or ascertained
19 from the approximately 88 boxes of documents currently stored at 987 Commercial
20 Street, San Carlos, California, 94070, which have already been produced to and copied
21 by plaintiff's attorneys. The burden of deriving or ascertaining the answers from the
22 documents is substantially the same for plaintiffs as for Defendant.

23 **INTERROGATORY NO. 45:**

24 How do YOU contend THIS DEFENDANT first became aware that there is an
25 association between asbestos exposure and disease in human beings.

26 **RESPONSE TO INTERROGATORY NO. 45:**

27 No individual at Kelly-Moore Paint Company, Inc., has any specific recollection of
28 the event by which Kelly-Moore Paint Company, Inc. obtained such knowledge but it is

1 believed that the information was learned in July of 1972 pursuant to information
2 provided by OSHA. Further answer to this interrogatory may be derived or ascertained
3 from the approximately 88 boxes of documents currently stored at 987 Commercial
4 Street, San Carlos, California, 94070, which have already been produced to and copied
5 by plaintiff's attorneys. The burden of deriving or ascertaining the answers from the
6 documents is substantially the same for plaintiffs as for Defendant.

7 **INTERROGATORY NO. 46:**

8 Either (1) attach all DOCUMENT(S) evidencing the information upon which YOUR
9 Answers to Interrogatories Nos. 44 and 45 are based, or (2) attach disks containing such
10 data, or (3) describe such DOCUMENT(S) with sufficient particularity that they may be
11 made the subject of a request for production of DOCUMENT(S).

12 **RESPONSE TO INTERROGATORY NO. 46:**

13 An answer to this interrogatory may be derived or ascertained from the
14 approximately 88 boxes of documents currently stored at 987 Commercial Street, San
15 Carlos, California, 94070, which have already been produced to and copied by plaintiff's
16 attorneys. The burden of deriving or ascertaining the answers from the documents is
17 substantially the same for plaintiffs as for Defendant.

18 **INTERROGATORY NO. 47:**

19 When did THIS DEFENDANT first warn its employees that exposure to asbestos
20 could be hazardous to human health? State:

- 21 (a) Whether the first such warnings were written or oral;
22 (b) Whether copies of DOCUMENT(S) containing such warning exist;
23 (c) The IDENTITY of the custodian of such DOCUMENT(S);
24 (d) The content of the warning.

25 **RESPONSE TO INTERROGATORY NO. 47:**

26 No individual at Kelly-Moore Paint Company, Inc., has any specific recollection of
27 the date on which Kelly-Moore Paint Company, Inc. provided such information to its
28 employees, but it is believed to have been in July of 1972 pursuant to information

1 provided by OSHA resulting in the inception of the employee health program. Further
2 answer to this interrogatory may be derived or ascertained from the approximately 88
3 boxes of documents currently stored at 987 Commercial Street, San Carlos, California,
4 94070, which have already been produced to and copied by plaintiff's attorneys. The
5 burden of deriving or ascertaining the answers from the documents is substantially the
6 same for plaintiffs as for Defendant.

7 **INTERROGATORY NO. 48:**

8 Did THIS DEFENDANT ever issue a written COMPANY policy discontinuing
9 warning its employees that exposure to asbestos could be hazardous to human health?

10 If so,

- 11 (a) Provide the date;
12 (b) Describe the circumstances; and
13 (c) Either (1) attach all DOCUMENT(S) evidencing the information sought in
14 this Interrogatory and its subparts to YOUR Answers to Interrogatories, or
15 (2) attach disks containing such data, or (3) describe such DOCUMENT(S)
16 with sufficient particularity that they may be made the subject of a request
17 for production of DOCUMENT(S).

18 **RESPONSE TO INTERROGATORY NO. 48:**

19 Not to Defendant's knowledge.

20 **INTERROGATORY NO. 49:**

21 Did THIS DEFENDANT provide any Independent Contractor or Subcontractor
22 within the GEOGRAPHIC AREA with a written warning that exposure to asbestos could
23 be hazardous to human health.

24 **RESPONSE TO INTERROGATORY NO. 49:**

25 Yes. A warning label was contained on the product packaging. See response to
26 interrogatory No. 37.

27 **INTERROGATORY NO. 50:**

28 Has THIS DEFENDANT been cited for or otherwise charged by a public agency

1 with a violation in the GEOGRAPHIC AREA of any statute, ordinance, safety order,
2 regulation, or law pertaining to asbestos exposure? For each occasion, IDENTIFY:

- 3 (a) The code section, safety order, statute, or regulation for which THIS
4 DEFENDANT had been cited or otherwise charged.
- 5 (b) The date(s) thereof;
- 6 (c) The agency or other governmental unit which issued the citation or
7 otherwise charged YOU.
- 8 (d) All persons known to YOU with information relevant to the incident.
- 9 (e) What was the ultimate resolution.

10 **RESPONSE TO INTERROGATORY NO. 50:**

11 Not to Defendant's knowledge.

12 **INTERROGATORY NO. 51:**

13 If THIS DEFENDANT has ever owned or operated a railroad, state:

- 14 (a) The IDENTITY of each such railroad, including the name(s) of such railroad
15 during the time period of YOUR ownership and/or operation, the principle
16 place of business of such railroad and the dates of YOUR ownership and/or
17 operation;
- 18 (b) The GEOGRAPHIC AREA of operation of such railroad;
- 19 (c) The name(s) of such railroad prior to YOUR ownership and/or operation;
- 20 (d) The IDENTITY of the person or entity from whom YOU purchased YOUR
21 ownership or operating interest, and the date of such purchase;
- 22 (e) The IDENTITY of the person or entity to whom YOU sold YOUR ownership
23 or operating interest, and the date of such sale;
- 24 (f) Whether copies of DOCUMENT(S) evidencing YOUR ownership/operation
25 and/or sale exist;
- 26 (g) The IDENTITY of the custodian of such DOCUMENT(S);
- 27 (h) To the extent that information has not been given in Answers to
28 Interrogatory Nos. 32 and 33, the information requested in Interrogatory

Nos. 32 and 33, for each railroad owned or operated by YOU.

RESPONSE TO INTERROGATORY NO. 51:

N/A.

INTERROGATORY NO. 52:

If THIS DEFENDANT has ever owned or operated a ship yard, state:

- (a) The IDENTITY of each such shipyard, including the name(s) of such shipyard during the time period of YOUR ownership and/or operation, the place of business of such shipyard and the dates of YOUR ownership and/or operation;
- (b) The name(s) of such shipyard prior to YOUR ownership and/or operation;
- (c) The IDENTITY of the person or entity to whom YOU sold YOUR ownership or operating interest, and the date of such sale;
- (d) Whether copies of DOCUMENT(S) evidencing YOUR ownership/operation and/or sale exist;
- (e) Whether any representative of THIS DEFENDANT attended the Maritime Commission Conference in December 1942 in Chicago, Illinois? If so, IDENTIFY any such representative of THIS DEFENDANT;
- (f) The IDENTITY of the custodian of such DOCUMENT(S);
- (h) To the extent that information has not been given in Answers to Interrogatory No. 32, the information requested in Interrogatory No. 32, for each shipyard owned or operated by YOU.

RESPONSE TO INTERROGATORY NO. 52:

N/A.

INTERROGATORY NO. 53:

At any time between 1930 and 1985, did YOU import, export, ship, transship, or otherwise transport RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCT(S) into, out of, or through any port in the GEOGRAPHIC AREA? If so, for each occasion:

- (a) IDENTIFY and describe the nature and amount of RAW ASBESTOS and/or

1 ASBESTOS-CONTAINING PRODUCT(S);

- 2 (b) IDENTIFY the ship or ships (including the owners and operators thereof)
3 onto or from which the RAW ASBESTOS and or ASBESTOS-CONTAINING
4 PRODUCT(S) were loaded, unloaded, or transshipped;
5 (c) State the dates, port and pier involved for each occasion;
6 (d) Either (1) attach all DOCUMENT(S) evidencing the information sought in
7 this Interrogatory and its subparts to YOUR Answers to Interrogatories, or
8 (2) attach disks containing such data, or (3) describe such DOCUMENT(S)
9 with sufficient particularity that they may be made the subject of a request
10 for production of DOCUMENT(S).

11 **RESPONSE TO INTERROGATORY NO. 53:**

12 Not to Defendant's knowledge.

13 DATED: January 23, 1998

JACKSON & WALLACE

14
15 
16 J.E.B. PICKETT
17 Attorney for Defendant
18 KELLY-MOORE PAINT
19 COMPANY, INC.
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28

Zurich (Policies go back to 1956)	01/01/63 - 01/01/64	8424080	Primary	50K/100K
Zurich	01/01/64 - 01/01/65	8427219	Primary	25K/100K
Insurance Company of North America (INA)	01/01/65 - 01/01/66	MLP 089490	Primary	50K/100K
Insurance Company of North America (INA)	01/01/66 - 01/01/67	MLP 104738	Primary	50K/100K
Insurance Company of North America (INA)	01/01/67 - 01/01/68	GAL 31356	Primary	50K/100K
Insurance Company of North America (INA)	01/01/68 - 01/01/71	GAL 48571	Primary	50K/100K
Hartford Insurance Group	01/01/70 - 01/01/71 (approx.)	55 C 308925	Primary	100K/300K
U.S. Fire Insurance	01/15/71 - 01/15/72	GA 283099	Primary	500K/500K
U.S. Fire Insurance	01/15/72 - 01/15/73	GA 620187	Primary	500K/500K
Liberty Mutual	01/15/73 - 01/15/74	LGI 161015355-043	Primary	500K/500K
Liberty Mutual	01/15/74 - 01/15/75	LGI 161015355-044	Primary	500K/500K
Liberty Mutual	05/01/74 - 05/01/75	LGI 161015355-094	Primary	500K/500K
Liberty Mutual	05/01/75 - 05/01/76	LGI 161015355-095	Primary	500K/500K
Liberty Mutual	05/01/76 - 05/01/77	LGI 161015355-096	Primary	500K/500K
Liberty Mutual	05/01/77 - 05/01/78	LGI 161015355-097	Primary	500K/500K
Truck Insurance	05/01/78 - 05/01/82	51200019	Primary	1M

Truck	10/01/82 -	N05030021	Primary	1M
Insurance	10/01/83			
The Home	10/01/83 -	GL 1438601	Primary	500K/500K
Insurance	10/01/84			

EXHIBT B

KELLY MOORE PRODUCT NAME	GEORGIA PACIFIC PRODUCT NAME
1. Bedding Cement	Bedding
2. Topping Cement	Topping
3. All Purpose Joint Cement	All Purpose
4. All Purpose Joint Cement	Triple Duty
5. Ceiling texture K- 300	Bestex D
6. Ceiling texture K- 340	Bestex D
7. Wall Texture 15X	Bestex A
8. Wall Texture	Bestex A
9. Ready- Mix Joint Cement	Ready-Mix

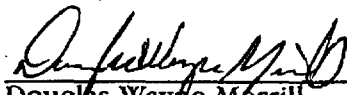
VERIFICATION

I, Douglas Wayne Merrill, the undersigned, declare:

I am an officer, to wit: Vice President of Marketing and Manufacturing of Kelly-Moore Paint Company, Inc., the answering defendant in the above-entitled mater, and I have been authorized to make this verification on its behalf;

I have read the foregoing **RESPONSES OF KELLY-MOORE PAINT COMPANY, INC. TO PLAINTIFF'S STANDARD INTERROGATORIES TO ALL DEFENDANTS (GENERAL ORDER 129)** and know the contents thereof. I am informed and believe that the matters stated therein are true and on that ground I allege that the matters stated therein are true.

Executed at San Carlos, California, this 19th day of January, 1998.



Douglas Wayne Merrill
Vice-President
KELLY-MOORE PAINT
COMPANY, INC.

PROOF OF SERVICE

I, Jill Harvey, hereby declare that I am over the age of eighteen years, not a party to the action, employed in the County of San Francisco, and that my business address is 580 California Street, 15th Floor, San Francisco, California 94104.

I am readily familiar with this office's practice of collection and processing correspondence for mailing with the United States Postal Service.

On the date set forth below I served the following document:

***Defendant Kelly-Moore Patnt Company, Inc.'s
Responses to Plaintiff's Standard Interrogatories to All
Defendants (General Order No. 129)***

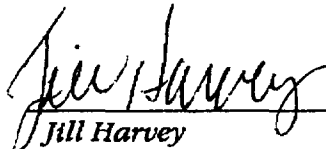
on the interested parties named below, by placing true copies thereof enclosed in a sealed envelope, for collection and mailing with the United States Postal Service where it would be deposited in the United States Postal Service that same day in the ordinary course of business, addressed as follows:

***Ann Brodus, Esq.
Brayton Harley Curtis
P.O. Box 2109
Novato, CA 94948***

and by transmitting a copy thereof on the same date by facsimile transmission to said person as follows, a copy of the confirmation of which is attached hereto:

***Ann Brodus, Esq.
Brayton Harley Curtis
Fax: (415) 898-1247***

I declare under penalty of perjury and the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California on January 23, 1998.


Jill Harvey

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DEFOOC
KELLY