

SUPREME COURT
FILED
JUN 10 2010
Fredette, Jr. Commission Clerk
Deputy

JACK K. CLAPPER (SBN 83207)
STEVEN J. PATTI (SBN 163773)
CHRISTINE A. RENKEN (SBN 232797)
CLAPPER, PATTI, SCHWEIZER & MASON
2330 Marinship Way, Suite 140
Sausalito, CA 94965
Tel: (415) 332-4262
steve@clapperlaw.com
christine@clapperlaw.com

TED W. PELLETIER (SBN 172938)
LAW OFFICE OF TED W. PELLETIER
22 Skyline Road
San Anselmo, CA 94960
Tel: (415) 454-8783
Fax: (415) 454-1592
tedpelletierlaw@comcast.net

Attorneys for Plaintiffs and Petitioners
Walter Greb, et al.

IN THE
SUPREME COURT OF CALIFORNIA

WALTER GREB, et al.,
Plaintiffs and Petitioners,
v.
DIAMOND INTERNATIONAL
CORPORATION,
Defendant and Respondent.

No. S183365

**PETITIONERS' REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
OPENING BRIEF ON THE MERITS**

Under Evidence Code sections 452, subdivision (d), and 459, petitioners Walter Greb et al. respectfully request that this Court take judicial notice of the following three documents:

Exhibit A: Various official documents issued by the California Secretary of State reflecting the status of respondent Diamond International Corporation ("Diamond") as qualified to transact intrastate business in California pursuant to a Certificate of Qualification (under Corporations Code section 2105).

Exhibit B: The “Third Supplemental Responses of Defendant Diamond International Corporation, Inc., to Plaintiffs’ Standard Interrogatories to All Defendants,” filed in *In re Complex Asbestos Litigation v. Asbestos Defendants*, San Francisco Superior Court No. 828684, pursuant to S.F.S.C. General Order No. 129, thereby applying to all asbestos litigation against Diamond in San Francisco.

Exhibit C: The case docket for the San Francisco Superior Court reflecting all asbestos actions filed against Diamond in that court.

Evidence Code Section 459 allows this Court, as a “reviewing court,” to take judicial notice of “any matter specified in section 452.” And subdivisions (c) and (d) of section 452 allow judicial notice of the “[o]fficial acts of the . . . executive . . . department” of California and the “[r]ecords” of “any court of this state,” respectively.

The attached documents may be judicially noticed under sections 452 and 459: (1) Exhibit A, the certification documents regarding Diamond, was issued by the California Secretary of State and is therefore an “official act” of the executive department; and (2) Exhibits B and C, Diamond’s G.O. 129 interrogatory answers and the S.F.S.C. case docket, are “records” of the San Francisco Superior Court.

Moreover, these documents are relevant to the arguments raised in Petitioners’ Opening Brief on the Merits (“OB”), filed with this RJN (Rule 8.252, subd. (a)2)(A)):

1. The OB argues that Corporations Code section 2010 applies to foreign corporations, like Diamond, that actively transact business in California. Exhibit A shows that Diamond, from 1937 to 1983, was certified by the Secretary of State to transact business in California.

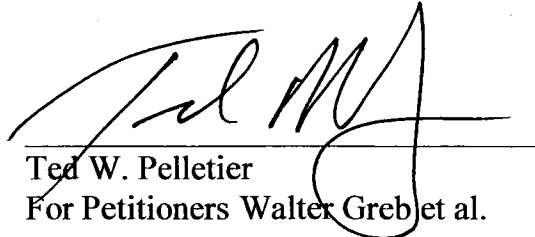
2.. The OB shows that Diamond dissolved itself as a corporation in Delaware two decades after ceasing all business operations, suggesting that the dissolution was not a legitimate business maneuver but rather a calculated attempt to avoid liability for its past misconduct by invoking Delaware’s post-dissolution law. Exhibit B shows that (1) Diamond admits that it conducted no business, having no operating assets or employees, after 1987—18 years before it dissolved

in Delaware; and (2) plaintiffs' claims against Diamond are covered by at least \$10 million in insurance benefits (which California law expressly permits plaintiffs to seek in this action, Corps. Code § 2011). Exhibit C shows that Diamond's sudden dissolution in 2005 came only when Diamond's threatened liability in asbestos cases was growing steadily from the 1990s to the mid-2000s, as more and more workers (like plaintiff) exposed to Diamond's asbestos decades earlier were becoming sick and filing suit.

The attached documents were not presented to the trial court, nor do they relate to proceedings occurring after the judgment on demurrer. Rule 8.252, subd.(a)(2).

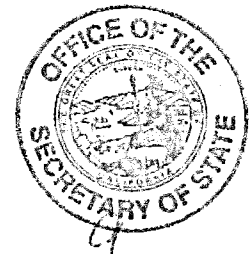
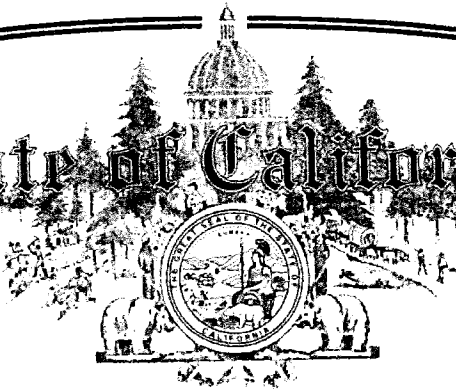
Because the attached acts of the California executive branch and state court records are both the proper subject of judicial notice and relevant to the OB, petitioners respectfully request that this Court take judicial of the attached documents.

Dated: October 1, 2010



Ted W. Pelletier
For Petitioners Walter Greb et al.

State of California



SECRETARY OF STATE

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 16 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of
SEP 17 2002



Bill Jones

Secretary of State

THE CORPORATION WILL BEGIN BUSINESS IN CALIFORNIA ON APRIL 1, 1936
Designation of Representative in the State of California
Upon whom process against THE DIAMOND MATCH COMPANY
Incorporated under the laws of DELAWARE
May be served.

FILED
in the office of the Secretary of State
OF THE STATE OF CALIFORNIA
MAR 31 1936
FRANK C. JORDAN
SECRETARY OF STATE
[Signature]

Know all men by these presents:

That THE DIAMOND MATCH COMPANY
a corporation organized and existing under the laws of Delaware
and whose principal office is located at 30 Church Street, New York, N.Y.
Insert statement of location of home office

and whose principal office in the State
of California will be located at P O BOX 1037
Insert number and name of street, or room number and name of office building
Chico
Insert name of City or Town

has designated, constituted and appointed, and by these presents does designate, constitute and
appoint W. B. Dean

whose residence is 4740 Third Street
Insert number and name of street
Chico, State of California, and whose

place of business is c/o The Diamond Match Company, P O BOX 1037
Insert number and name of street, or room number and name of office building
Chico
Insert name of City or Town

State of California, its true and lawful attorney upon whom process directed to said corporation may
be served;

That said corporation hereby irrevocably consents that such process may be served on the
person above named, and that in the event said person, or his successor, is no longer authorized to act
as the representative of said corporation for the purpose of such service or can not be found at the
address given, service of such process may be made on the Secretary of State of the State of California.

IN WITNESS WHEREOF, Said corporation has caused
its corporate name to be hereunto subscribed and
its corporate seal to be affixed hereto this 21st
day of March 19 36

THE DIAMOND MATCH COMPANY
Name of corporation
By *[Signature]* Vice President
By *[Signature]* Secretary

[CORPORATE SEAL]

NOTE.—The person named must either reside or have his place of business in the county in which the
principal office of the corporation in this state is to be located.

166363

Designation of Representative in the State of California

Upon whom process against THE DIAMOND MATCH COMPANY
Incorporated under the laws of DELAWARE
May be served, and revocation of former designation.

FILED
in the office of the Secretary of State
OF THE STATE OF CALIFORNIA
JUN 18 1937
FRANK C. JORDAN
SECRETARY OF STATE
By *[Signature]*
DEPUTY

Know all men by these presents:

That THE DIAMOND MATCH COMPANY

a corporation organized and existing under the laws of Delaware
and whose principal office is located at 30 Church Street, New York, N.Y.
Insert location and address of home office
and whose principal office in the State
of California is located at Barber, in the Barber Addition,
Insert number and name of street, or room number and name of office building

does hereby revoke the appointment and designation of W. B. Dean
as its representative in the State of California upon whom process directed to it may be served, and by
these presents does designate, constitute and appoint M. G. Atchison

whose residence is 1805 Broadway
Insert number and name of street
Chico, State of California, and whose
Insert name of city or town
place of business is c/o The Diamond Match Company
Insert number and name of street, or room number and name of office building

State of California, its true and lawful attorney upon whom process so directed may be served;

That said corporation hereby irrevocably consents that such process may be served on the
person last above named, and that in the event said person, or his successor, is no longer authorized to
act as the representative of said corporation for the purpose of such service or can not be found at the
address given, service of such process may be made on the Secretary of State of the State of California.

IN WITNESS WHEREOF, Said corporation has caused
its corporate name to be hereunto subscribed and
its corporate seal to be affixed hereto this 8th
day of June 19 37

THE DIAMOND MATCH COMPANY

Name of corporation

By

[Signature]

Vice

President

[CORPORATE SEAL]

By

[Signature]

Secretary

NOTE.—The person named must either reside or have his place of business in the county in which the
principal office of the corporation in this State is to be located.

166363 FILED
in the office of the Secretary of State
of the State of California

MAY 11 1953

FRANK W. JORDAN, Secretary of State
By *[Signature]*
a corporation

THE DIAMOND MATCH COMPANY
(NAME OF CORPORATION)

STATEMENT OF FOREIGN CORPORATION

THE DIAMOND MATCH COMPANY
(Name of corporation)

organized and existing under the laws of Delaware
(Name of place or state of incorporation)

makes the following statements:

1. The location and address of its main office is 122 East 42nd Street, New York,
N. Y.
(Insert complete address of principal business office wherever located)

2. The location and address of its principal office in the State of California is Chico
(Insert complete address of principal business office in California)

3. C T CORPORATION SYSTEM, a corporation, is
designated as its agent upon whom process directed to the said THE DIAMOND MATCH COMPANY
(Insert name of corporation making statement)
may be served within the State of California, in the manner
provided by law.

(a) The said C T CORPORATION SYSTEM is a corporation
(Name of corporate agent)
organized and existing under the laws of DELAWARE
(Insert place or state of incorporation)
which has filed the certificate provided for in Section 6403.5 of the Corporations Code of California.

(b) The name of the city, town or village wherein said C T CORPORATION SYSTEM
(Name of corporate agent)
has the office at which the said THE DIAMOND MATCH COMPANY
(Name of corporation filing statement)
may be served, as set forth in the certificate filed by said
C T CORPORATION SYSTEM pursuant to Section 6403.5 or Section 6403.6 of the
(Name of corporate agent)
Corporations Code of California, is San Francisco
(See NOTE at end of statement for instructions before filling in)

4. The said THE DIAMOND MATCH COMPANY hereby
(Name of corporation filing statement)
irrevocably consents to service of process directed to it upon the agent designated above, and to service
of process on the Secretary of State of California if the agent so designated or the agent's successor is no
longer authorized to act or cannot be found at the address given.

THE DIAMOND MATCH COMPANY
(Name of corporation)

Date May 4, 1953

By *[Signature]*
(Title) Secretary

NOTE: In answering paragraph 3(b) if a corporate agent is designated state out the name of the city or the town
or the village wherein the corporate agent will maintain the office where service of process may be made. Do not give the street
address of such office. The corporate agent in a certificate filed by it is required to give the complete address of its office therein
where service of process may be made. See Sections 3301.5, 3301.6, 6403.5 and 6403.6 of the Corporations Code.

Name changed to DIAMOND GARDNER CORPORATION

166363

OK
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FILED

In the office of the Secretary of State
of the State of California

A 8786

NOV 19 1957

CERTIFICATE OF AMENDMENT *FRANK M. JORDAN, Secretary of State*
 OF
 By *W. H. [Signature]*
 Deputy
 CERTIFICATE OF INCORPORATION
 OF
 THE DIAMOND MATCH COMPANY

The Diamond Match Company, a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware, DOES HEREBY CERTIFY:

FIRST: That at a meeting of the Board of Directors of said The Diamond Match Company duly held and convened, a resolution was duly adopted setting forth a proposed amendment to the Certificate of Incorporation of said corporation and declaring said amendment advisable and calling a meeting of the holders of common stock of said corporation entitled to vote in respect thereof to consider and vote upon said proposed amendment. The resolution setting forth the proposed amendment is as follows:

RESOLVED, That the following amendment of the Certificate of Incorporation of this Corporation be and the same hereby is declared advisable:

Article FIRST of the Certificate of Incorporation of The Diamond Match Company is hereby amended so that in its entirety said Article FIRST shall read as follows:

FIRST: The name of the Corporation (hereinafter called the Corporation) is
DIAMOND GARDNER CORPORATION.

SECOND: That thereafter, pursuant to resolution of its board of directors, a special meeting of the stockholders of said corporation

entitled to vote on said proposed amendment was duly called and held, at which meeting the necessary number of stockholders as required by statute voted in favor of said amendment.

THIRD: That said amendment was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, said The Diamond Match Company has caused its corporate seal to be hereunto affixed and this certificate to be signed by Robert G. Fairburn, its President and Perry S. Woodbury, its Secretary, this 1st day of November, 1957.

THE DIAMOND MATCH COMPANY

By ROBERT G. FAIRBURN
President

PERRY S. WOODBURY
Secretary



STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.

BE IT REMEMBERED that on this 1st day of November, 1957, personally came before me, a notary public in and for the County and State aforesaid, ROBERT G. FAIRBURN, President of THE DIAMOND MATCH COMPANY, a corporation of the State of Delaware, the corporation described in and which executed the foregoing certificate, known to me personally to be such, and he, the said ROBERT G. FAIRBURN as such President, duly executed said certificate before me and acknowledged the said certificate to be his act and deed and the act and deed of said Corporation; that the signatures of the said President and of the Secretary of said Corporation to said foregoing certificate are in the handwriting of the said President and Secretary of said Corporation respectively, and that the seal affixed to said certificate is the common or corporate seal of said Corporation, and that his act of sealing, executing, acknowledging and delivering the said Certificate was duly authorized by the Board of Directors and stockholders of said Corporation.

In WITNESS WHEREOF, I have hereunto set my hand and seal of office the day and year aforesaid.

DORIS L. WARD

Notary Public, State of New York
No. 41-4153025
Qual. in Queens Co., Certs. filed with
N. Y. and Queens Co. Clks.
Term Expires March 30, 1959

DORIS L. WARD
Notary Public
State of New York

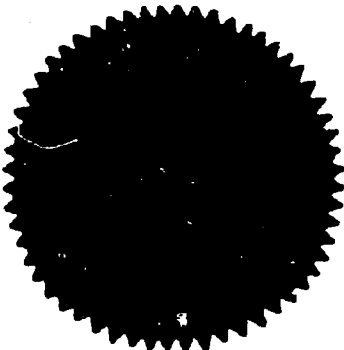
State of Delaware



Office of Secretary of State

J. John N. McDowell, Secretary of State of the State of Delaware,
do hereby certify that the above and foregoing is a true and correct copy of
Certificate of Amendment of "THE DIAMOND MATCH COMPANY", as received
and filed in this office the fourth day of November, A.D. 1957, at
8 o'clock A.M.

In Testimony Whereof, I have hereunto set my hand
and official seal at Dover this thirteenth day
of November in the year of our Lord
one thousand nine hundred and fifty-seven.



John N. McDowell
Secretary of State

M. D. Johnson
Asst. Secretary of State

H. B

Chg. to DIAMOND INTERNATIONAL CORPORATION.

166363
FILED
 In the Office of the Secretary of State
 of the State of California
 151690 JAN 27 1965
 JOHN H. JOHNS, Secretary of State
 Deputy
 12-4-59

Amended

Statement and Designation by Foreign Corporation

DIAMOND INTERNATIONAL CORPORATION, a corporation
 organized and existing under the laws of Delaware
 _____, and which is presently qualified for the
 transaction of intrastate business in the State of California, makes the following
 statements and/or designation:

1. That the name of the corporation has been changed to that hereinabove set
 forth and that the name relinquished at the time of such change was _____

DIAMOND NATIONAL CORPORATION

2. That the location and address of its main office has been changed and the
 new location and address of its main office is _____

3. That the location and address of its principal office in the State of California
 has been changed to no change

4. The specific business it proposes to transact in the State of California has been
 changed and the specific business it now proposes to transact in the State of Cali-
 fornia is no change

5. The address of the agent designated for the service of process in the State of California has been changed to no change

6. (Use this paragraph if the new process agent designated hereby is a natural person.)

_____, a natural person residing in the State of California, whose complete business residence address is

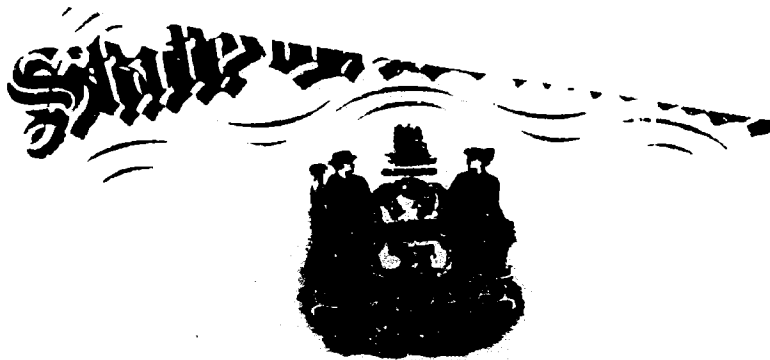
is hereby designated as its new agent upon whom process directed to the corporation may be served within the State of California, in the manner provided by law.

(Note: Either the business address or the residence address must be given. Indicate which by check mark in proper box.)

7. (Use this paragraph if the new process agent designated hereby is a corporation. See instructions.)

(a) _____, a corporation organized and existing under the laws of _____ is hereby designated as new agent upon whom process directed to _____ may be served within the State of California, in the manner provided by law.

(b) The name of the city, town or village wherein said corporate agent has an office, as set forth in the Certificate filed by said corporate agent pursuant to

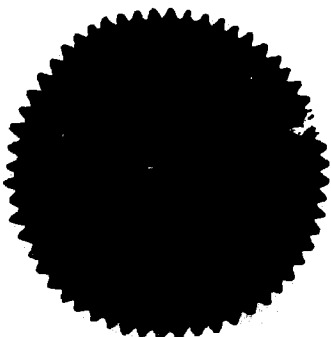


Office of Secretary of State

J. Elisha C. Duker, Secretary of State of the State of Delaware.
do hereby certify that the "DIAMOND NATIONAL CORPORATION", filed a
Certificate of Amendment changing its corporate title to "DIAMOND
INTERNATIONAL CORPORATION", on the twenty-ninth day of October, A.D.
1964, at 10 o'clock A.M.

In Testimony Whereof, I have hereunto set my hand

and official seal at Dover this sixth day of
November in the year of our Lord one thousand
nine hundred and sixty-four.



Elisha C. Duker

Secretary of State


J. Folsom

Asst. Secretary of State

AFFIDAVIT

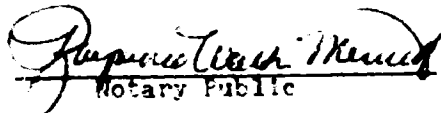
STATE OF NEW YORK }
COUNTY OF NEW YORK } SS:

H. BUTTFIELD, being by me first duly sworn,
deposes and says that he is Secretary and Treasurer of
DIAMOND INTERNATIONAL CORPORATION (formerly DIAMOND NATIONAL
CORPORATION), a corporation organized and existing under
the laws of the State of Delaware and heretofore authorized
to do business in the State of California, that a diligent
search has been made in order to find the certificate of
qualification to transact intrastate business in California,
but that said certificate of qualification has been lost
and cannot be found.



H. Buttfeld

Subscribed and sworn to
before me this *13th*
day of *January*
A. D. 1955.



Notary Public

166363

Name chgd to: DIAMOND NATIONAL CORPORATION

A19979

FILED
 in the Office of the Secretary of State
 of the State of California
 DEC 4-1959
 THOMAS M. JORDAN, Secretary of State
 By Ralph A. Martin
 Deputy

Amended

Statement and Designation by Foreign Corporation

DIAMOND NATIONAL CORPORATION, a corporation
 organized and existing under the laws of Delaware
 _____, and which is presently qualified for the
 transaction of intrastate business in the State of California, makes the following
 statements and/or designation:

1. That the name of the corporation has been changed to that hereinafter set
 forth and that the name relinquished at the time of such change was _____

Diamond Gardner Corporation

2. That the location and address of its main office has been changed and the
 new location and address of its main office is no change

3. That the location and address of its principal office in the State of California
 has been changed to no change

4. The specific business it proposes to transact in the State of California has been
 changed and the specific business it now proposes to transact in the State of Cali-
 fornia is Manufacture and sale of paperboard, cartons, pulp products,
lumber, building materials, matches, woodware and printing
and lithograph products.

5. The address of the agent designated for the service of process in the State of California has been changed to no change

6. (Use this paragraph if the new process agent designated hereby is a natural person.)

_____, a natural person residing in the State of California, whose complete business residence address is

is hereby designated as its new agent upon whom process directed to the corporation may be served within the State of California, in the manner provided by law.

(Note: Either the business address or the residence address must be given. Indicate which by check mark in proper box.)

7. (Use this paragraph if the new process agent designated hereby is a corporation. See instructions.)

(a) _____, a corporation organized and existing under the laws of _____ is hereby designated as new agent upon whom process directed to _____ may be served within the State of California, in the manner provided by law.

(b) The name of the city, town or village wherein said corporate agent has an office, as set forth in the Certificate filed by said corporate agent pursuant to Section 3301.5 or 3301.6 (if a domestic corporation) or pursuant to Section 6403.5 or 6403.6 (if a foreign corporation), California Corporations Code, at which the said _____

_____ may be served is _____

(State name of city, town or village only)

DIAMOND NATIONAL CORPORATION

(Name of Corporation)

By _____

Stallman Rubin

(Title)

Vice President

FILED

FILED

FILED

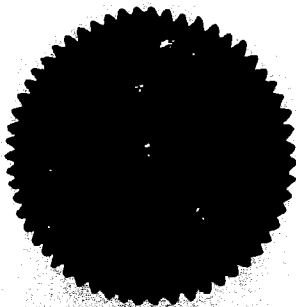
State of Delaware



Office of Secretary of State

J. George J. Schulz, Secretary of State of the State of Delaware,
do hereby certify that the "DIAMOND GARDNER CORPORATION", filed a
Certificate of Amendment changing its corporate title to "DIAMOND
NATIONAL CORPORATION" on the twenty-eighth day of September, A.D.
1959, at 10 o'clock A.M.

In Testimony Whereof. I have hereunto set my hand
and official seal at Dover this second
day of October in the year of our Lord
one thousand nine hundred and fifty-nine.



George J. Schulz
Secretary of State

M. D. Tomlinson

Asst. Secretary of State

166363

**CERTIFICATE OF SURRENDER OF RIGHT TO TRANACT
INTRASTATE BUSINESS**

DO NOT WRITE IN THIS SPACE
D149685
FILED
In the office of the Secretary of State
of the State of California
DEC 28 1983
MARCH FONG EU, Secretary of State
[Signature]
Deputy

On behalf and by authority of DIAMOND INTERNATIONAL CORPORATION
_____, a corporation organized and
existing under the laws of Delaware, the
undersigned, Victor Stronski Vice-President
(Corporate Officer) (Title),
_____, of said corporation,
does hereby certify and declare:

1. Said corporation hereby surrenders its right and authority to transact intrastate business in the State of California.
2. Said corporation hereby revokes its designation of agent for the service of process in California.
3. Said corporation consents that process against it in any action upon any liability or obligation incurred within the State of California prior to the filing of this Certificate of Surrender of Right to Transact Intrastate Business may be served upon the Secretary of State of the State of California.
4. The post office address to which the Secretary of State may mail copies of any process against the corporation that is served upon him is c/o Victor Stronski, Diamond International Corporation,
733 Third Avenue, New York, NY 10017

Dated: 5 December, 1983

[Signature]

(Corporate Officer) (Title)
Victor Stronski, Vice-President



STATE OF CALIFORNIA
FRANCHISE TAX BOARD
SACRAMENTO, CALIFORNIA 95857
TELEPHONE (916) 355-0895

DEC 19 1983
**TAX CLEARANCE
CERTIFICATE**

December 22, 1983

C T Corporation System
Attention: David W. Nickelsen
1633 Broadway
New York, NY 10019

ISSUED TO: Diamond International Corporation
Corporate Number 1766363

This certificate expires on March 15, 1984.

THIS IS TO CERTIFY THAT all taxes imposed on the above corporation under the Bank and Corporation Tax Law have been paid or are secured by bond, deposit or other security.

Every corporation qualified to do business in this state is required to file a return and pay at least the minimum tax until its existence is terminated or its right to transact intrastate business is surrendered with the office of the California Secretary of State.

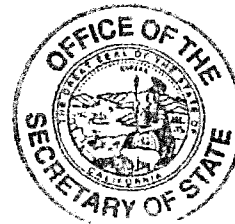
This certificate does not eliminate the requirements for filing any return or the payment of any tax, penalty or interest due for the period prior to the effective date of dissolution, merger or withdrawal as recorded by the office of the California Secretary of State.

A copy of this Tax Clearance Certificate has been sent to the Office of the Secretary of State at Sacramento, California. The original of this certificate may be retained for the files of the corporation.

IT IS THE RESPONSIBILITY OF THE CORPORATION TO FILE APPROPRIATE DOCUMENTS WITH THE OFFICE OF THE SECRETARY OF STATE, 1230 J STREET, SACRAMENTO, CA 95814.

FRANCHISE TAX BOARD

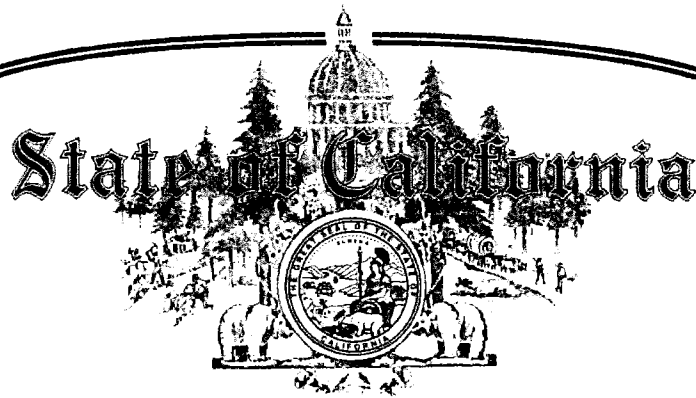
By Ron Noxton
Tax Clearance Unit
Corporation Audit
Telephone (916) 355-0873



JS:jl

FTB 2570-ATS (REV. 5-82)

SECRETARY OF STATE



PLAINTIFF'S
EXHIBIT
3
Strouski 11-10-02

SECRETARY OF STATE

CERTIFICATE OF FILING

I, BILL JONES, Secretary of State of the State of California, hereby certify:

That on the **28th day of December, 1983**, there was filed, in accordance with the statutory provisions of the California Corporations Code, a Certificate of Surrender of Right to Transact Intrastate Business by **DIAMOND INTERNATIONAL CORPORATION**, a Delaware corporation.

That attached to said Certificate of Surrender is a certificate of tax satisfaction issued by the Franchise Tax Board of the State of California.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of September 17, 2002.



Bill Jones
BILL JONES
Secretary of State

ch



Sep 23 2008
3:56PM

1 Scott L. Hengesbach (SBN 146731)
Marilyn Reyes Bustonera (SBN 203581)
2 **MURCHISON & CUMMING, LLP**
801 South Grand Avenue, 9th Floor
3 Los Angeles, California 90017-4613
Telephone: (213) 623-7400
4 Facsimile: (213) 623-6336

5 Attorneys for Defendant
DIAMOND INTERNATIONAL CORPORATION
6

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO

10
11 IN RE:

12
13 COMPLEX ASBESTOS LITIGATION

14 v.

15 ASBESTOS DEFENDANTS,
16
17

CASE NO. 828684

**THIRD SUPPLEMENTAL RESPONSES
OF DEFENDANT, DIAMOND
INTERNATIONAL CORPORATION, INC.,
TO PLAINTIFFS' STANDARD
INTERROGATORIES TO ALL
DEFENDANTS**

18
19 DEMANDING PARTY: PLAINTIFFS

20 RESPONDING PARTY: DIAMOND INTERNATIONAL CORPORATION

21 SET NUMBER: GENERAL ORDER NO. 129 INTERROGATORIES

22 COMES NOW defendant, Diamond International, and submits its Third Supplemental
23 Responses to plaintiffs' Standard Interrogatories to All Defendants Pursuant to General
24 Order No. 129 (the "Interrogatories") as follows:

25 **PRELIMINARY STATEMENT**

26 Defendant DIAMOND INTERNATIONAL was the successor to Diamond Match
27 Company. In 1982, DIAMOND INTERNATIONAL commenced the sale of its operations. By
28 1987, the final operating assets of DIAMOND INTERNATIONAL were sold. At that time,

1 DIAMOND INTERNATIONAL had no employees and has had no employees or operating
2 assets since 1987.

3 These Interrogatories seek information concerning activities over a 57-year period.
4 Many of the individuals involved with the operation since that time are deceased or do not
5 have reliable current recollection of these remote facts.

6 Despite these limitations, and after a reasonable search and diligent inquiry, and a
7 good faith effort to obtain the information sought in these Interrogatories, defendant
8 DIAMOND INTERNATIONAL offers responses to these Interrogatories in good faith based
9 on the information available to it. The responses set forth herein are given without prejudice
10 to defendant DIAMOND INTERNATIONAL's right to produce evidence of any subsequently
11 discovered facts, writings, or interpretations thereof, or to modify or amend the responses.
12 The information herein set forth is true and correct to the best knowledge and information of
13 defendant as of this date after diligent inquiry, and is subject to corrections for errors,
14 mistakes or omissions.

15 Subject to and without waiving the foregoing statements, all of which are incorporated
16 by reference into each and every response herein below, DIAMOND INTERNATIONAL
17 responds as follows:

18 **INTERROGATORIES**

19 **INTERROGATORY NO. 1:**

20 IDENTIFY the person verifying these answers on YOUR behalf.

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

22 Victor Stronski. Victor Stronski is a consultant, and as such, consults with Diamond
23 International on various matters, including claims.

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.

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

2 Victor Stronski was first employed by Diamond National Corporation as Assistant
3 Counsel in 1963. Mr. Stronski became Corporate Counsel of DIAMOND INTERNATIONAL
4 CORPORATION in 1969, Vice President and General Counsel of DIAMOND
5 INTERNATIONAL CORPORATION in 1971, and in 1992 became Secretary and General
6 Counsel of DIAMOND INTERNATIONAL CORPORATION until resignation from his
7 positions with DIAMOND INTERNATIONAL CORPORATION in 1997.

8 **INTERROGATORY NO. 3:**

9 State whether or not YOU are a corporation, and if so, state:

- 10 A. YOUR correct corporate name;
- 11 B. YOUR state of incorporation;
- 12 C. The date of YOUR incorporation
- 13 D. The address of YOUR principal place of business;
- 14 E. Whether or not YOU have ever held a certificate of authority to do business in
15 the State of California, and if so, the inclusive dates of any certificate;
- 16 F. If YOU are wholly owned or the majority interest of YOUR company is owned
17 by another business entity, state the entity's name and the principal place of business;
- 18 G. Whether YOU have any business offices in California, and, if so, YOUR
19 principal place of business in California.

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

21 Yes.

- 22 A. DIAMOND INTERNATIONAL CORPORATION;
- 23 B. Delaware;
- 24 C. April 2, 1982;
- 25 D. Defendant DIAMOND INTERNATIONAL has had no employees and no
26 operating assets since 1987. DIAMOND INTERNATIONAL conducts no business, and
27 therefore has no principal place of business.

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1 E. Yes. This responding defendant has no personal knowledge of the exact dates
2 that it held a certificate of authority to do business in California. However, after diligent
3 inquiry including a review of any available documents and the inquiry of appropriate
4 individuals, and based thereon, DIAMOND INTERNATIONAL responds that it had such
5 authority from approximately July 1983 until approximately March 1986. Further responding
6 based on this inquiry, DIAMOND INTERNATIONAL's predecessors had such authority
7 commencing sometime between 1930 and 1983.

8 F. Alcatel Lucent Holdings, Inc., 3400 West Plano Pkwy., Plano, TX 75075.

9 G. No.

10 **INTERROGATORY NO. 4:**

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

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

14 Yes.

15 **INTERROGATORY NO. 5:**

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

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

19 Diamond Match Company, from approximately 1930 to 1957; Diamond Gardner
20 Corporation, from 1957 to 1959; Diamond National Corporation, from 1959 to 1964;
21 DIAMOND INTERNATIONAL CORPORATION, from 1964 to date.

22 **INTERROGATORY NO. 6:**

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

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

26 Not applicable.

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1 **INTERROGATORY NO. 7:**

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

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

5 Not applicable.

6 **INTERROGATORY NO. 8:**

7 If you are not a corporation, please state the following:

8 A. The address where the HISTORICAL RECORDS of THIS DEFENDANT are
9 currently located; and

10 B. The name, job title and current address of the Custodian for THIS
11 DEFENDANT'S HISTORICAL RECORDS. As used herein, "HISTORICAL RECORDS" shall
12 include all DOCUMENTS relating to the formulation of THIS DEFENDANT, all minutes of
13 partners', general partners', or other owners' meetings, and all DOCUMENTS relating to
14 THIS DEFENDANT's merger with, acquisition of or purchase, or sale of or by any other
15 COMPANY.

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

17 Not applicable.

18 **INTERROGATORY NO. 9:**

19 IDENTIFY YOUR custodian of Business Records.

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

21 Victor Stronski, Consultant, to be contacted c/o Scott L. Hengesbach, Murchison &
22 Cumming, LLP, 801 South Grand Avenue, 9th Floor, Los Angeles, CA 90017, (213) 623-
23 7400.

24 **INTERROGATORY NO. 10:**

25 IDENTIFY the person or persons most knowledgeable about:

26 A. YOUR acquisition of RAW ASBESTOS and/or ASBESTOS CONTAINING
27 PRODUCTS;

28 ///

1 B. YOUR use of RAW ASBESTOS and/or ASBESTOS CONTAINING
2 PRODUCTS;

3 C. YOUR contracting with others to do work involving use or handling of RAW
4 ASBESTOS or ASBESTOS CONTAINING PRODUCTS.

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

6 A. After diligent inquiry including a review of any available documents and the
7 inquiry of appropriate individuals, and based on personal knowledge and information,
8 defendant DIAMOND INTERNATIONAL has no knowledge that it ever acquired RAW
9 ASBESTOS and/or ASBESTOS CONTAINING PRODUCTS. Therefore, there is no person
10 most knowledgeable for DIAMOND INTERNATIONAL to identify regarding the matters
11 stated in this interrogatory. As to the fact that DIAMOND INTERNATIONAL has no
12 knowledge that it ever acquired RAW ASBESTOS and/or ASBESTOS-CONTAINING
13 PRODUCTS, this defendant identifies Victor Stronski as a person most knowledgeable.

14 B. After diligent inquiry including a review of any available documents and the
15 inquiry of appropriate individuals, and based on personal knowledge and information,
16 defendant DIAMOND INTERNATIONAL has no knowledge that it ever used RAW
17 ASBESTOS and/or ASBESTOS-CONTAINING PRODUCTS. Therefore, there is no person
18 most knowledgeable for DIAMOND INTERNATIONAL to identify regarding the matters
19 stated in this interrogatory. As to the fact that DIAMOND INTERNATIONAL has no
20 knowledge that it ever used RAW ASBESTOS and/or ASBESTOS-CONTAINING
21 PRODUCTS, this defendant identifies Victor Stronski as a person most knowledgeable.

22 C. After diligent inquiry including a review of any available documents and the
23 inquiry of appropriate individuals, and based on personal knowledge and information,
24 defendant DIAMOND INTERNATIONAL has no knowledge that it ever contracted with
25 others to do work involving the use or handling of RAW ASBESTOS and/or ASBESTOS
26 CONTAINING PRODUCTS. Therefore, there is no person most knowledgeable for
27 DIAMOND INTERNATIONAL to identify regarding the matters stated in this interrogatory.
28 As to the fact that DIAMOND INTERNATIONAL has no knowledge that it ever contracted

1 with others to do work involving use or handling of RAW ASBESTOS and/or ASBESTOS-
2 CONTAINING PRODUCTS, this defendant identifies Victor Stronski as a person most
3 knowledgeable.

4 **INTERROGATORY NO. 11:**

5 For DEFENDANTS involved in the MARKETING of ASBESTOS-CONTAINING
6 PRODUCTS, state the IDENTITY of physicians, medical directors and/or industrial
7 hygienists employed by YOU during the time frame or prior to the time YOU discontinued
8 the marketing of such products. All other DEFENDANTS need only respond as to medical
9 directors and/or industrial hygienists or physicians employed in the area of employee health
10 and safety. PREMISES owners and domestic corporations need only respond as to the
11 United States.

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

13 After diligent inquiry including a review of any available documents and the inquiry of
14 appropriate individuals, and based on personal knowledge and information, defendant
15 DIAMOND INTERNATIONAL has no knowledge that it ever marketed any ASBESTOS
16 CONTAINING PRODUCTS or employed physicians, medical directors and/or industrial
17 hygienists.

18 **INTERROGATORY NO. 12:**

19 Has any employee of THIS DEFENDANT testified by deposition or at trial on behalf
20 of THIS DEFENDANT in a third-party case, in which THIS DEFENDANT was a party,
21 wherein the plaintiff has alleged an asbestos-related injury? If so, for each such third-party
22 case (except that Premises Defendants and Contractor Defendants need answer only with
23 respect to cases relating to sites within the GEOGRAPHIC AREA) please state:

- 24 A. The caption and case number;
25 B. The court filing including state and county;
26 C. The date of deposition or trial testimony;
27 D. The name and address of plaintiffs counsel of record;
28 E. The name and address of the court reporter.

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

2 After diligent inquiry including a review of any available documents and the inquiry of
3 appropriate individuals, and based on personal knowledge and information, defendant
4 DIAMOND INTERNATIONAL has no knowledge that any employee of this defendant has
5 ever testified in a third-party case wherein the plaintiff alleged an asbestos-related injury.

6 **INTERROGATORY NO. 13:**

7 For each of the following, please state whether, at any time within the time frame or
8 until such time as any defendant which had been engaged in MARKETING RAW
9 ASBESTOS or ASBESTOS-CONTAINING PRODUCTS discontinued the MARKETING of
10 such products, THIS DEFENDANT was a member or paid dues for any representative of
11 THIS DEFENDANT (excluding faculty members of educational institutions) to be a member
12 of the following:

- 13 A. American Conference of Governmental Industrial Hygienists;
- 14 B. American Industrial Hygiene Association;
- 15 C. American Petroleum Institute;
- 16 D. American Railroad Association;
- 17 E. Asbestos Cement Producers Association;
- 18 F. Asbestos Information Association (AIA) (please answer through date of your
19 answers);
- 20 G. Asbestos Information Association/North America (AIAINA) (please answer
21 through date of your answers);
- 22 H. Asbestos Textile Institute (ATI);
- 23 I. Industrial Hygiene Foundation and/or Industrial Health Foundation (IHF);
- 24 J. Industrial Mineral Insulation Manufacturers Institute;
- 25 K. Magnesia Insulation Manufacturers Institute;
- 26 L. Magnesia Silica Insulation Manufacturers Association;
- 27 M. Mineral Wool Institute;
- 28 N. National Insulation Manufacturers Association (NIMA);

- 1 O. National Safety Council;
- 2 P. New York Academy of Sciences;
- 3 Q. Quebec Asbestos Mining Association (QAMA);
- 4 R. Refractories Institute;
- 5 S. Safe Building Alliance (please answer through date of your answers);
- 6 T. Thermal Insulation Manufacturers Association (TIMA);
- 7 U. U.S. Maritime Commission;
- 8 V. IDENTIFY any other organizations, associations or groups of manufacturers,
- 9 miners, distributors, importers, labelers, suppliers, and/or sellers of ASBESTOS-
- 10 CONTAINING PRODUCTS of which THIS DEFENDANT was a member;
- 11 W. IDENTIFY any such representative of THIS DEFENDANT.

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

13 After diligent inquiry including a review of any available documents and the inquiry of

14 appropriate individuals, and based on personal knowledge and information, defendant

15 DIAMOND INTERNATIONAL has no knowledge that it or any of its former employees were

16 members of the organizations identified in Interrogatory 13, including subparts A through V.

17 Further responding, there is therefore no such representative of this defendant to be

18 identified for subpart W.

19 **INTERROGATORY NO. 14:**

20 For each organization, association or other entity identified in YOUR Response to

21 Interrogatory No. 13, please state:

- 22 A. The dates during which THIS DEFENDANT was a member;
- 23 B. The name(s) of any publication(s) received by THIS DEFENDANT from such
- 24 association or organization;
- 25 C. The name of any committee or subcommittee of which THIS DEFENDANT
- 26 was a member, and the dates of such committee or subcommittee membership.

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

2 This responding defendant did not identify any organization, association or other
3 entity in its response to Interrogatory No. 13. Therefore, this interrogatory, seeking
4 information about such organizations, associations or other entities, is not applicable to this
5 defendant.

6 **INTERROGATORY NO. 15:**

7 Had THIS DEFENDANT prior to 1973 received any DOCUMENTS containing results
8 or conclusions of any studies and/or tests conducted by Bonsib for Standard Oil of New
9 Jersey relating to asbestos exposure in the workplace or the human health consequences
10 of exposure to asbestos? If so:

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

15 B. State the date upon which THIS DEFENDANT first received such
16 DOCUMENTS;

17 C. State the IDENTITY of the custodian of such DOCUMENTS.

18 D. This interrogatory does not apply to DOCUMENTS contained in a library
19 maintained by a DEFENDANT hospital or a DEFENDANT's library providing access to the
20 general public.

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

22 After diligent inquiry including a review of any available documents and the inquiry of
23 appropriate individuals, and based on personal knowledge and information, defendant
24 DIAMOND INTERNATIONAL has no knowledge that prior to 1973 it received any
25 DOCUMENTS containing results or conclusions of any studies and/or tests conducted by
26 Bonsib for Standard Oil of New Jersey relating to asbestos exposure in the workplace or the
27 human health consequences of exposure to asbestos.

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1 **INTERROGATORY NO. 16:**

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

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

10 B. State the date upon which THIS DEFENDANT first received such
11 DOCUMENTS;

12 C. State the IDENTITY of the custodian of such DOCUMENTS.

13 D. This interrogatory does not apply to DOCUMENTS contained in a library
14 maintained by a DEFENDANT hospital or a DEFENDANT's library providing access to the
15 general public.

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

17 After diligent inquiry including a review of any available documents and the inquiry of
18 appropriate individuals, and based on personal knowledge and information, defendant
19 DIAMOND INTERNATIONAL has no knowledge that prior to 1973 it received a copy or any
20 portion of any studies and/or tests conducted by any insurance company, including but not
21 limited to Metropolitan Life Insurance Company and Aetna Insurance relating to asbestos
22 exposure in the workplace or the human health consequences of exposure to asbestos.

23 **INTERROGATORY NO. 17:**

24 Had THIS DEFENDANT prior to 1973 received any DOCUMENTS containing results
25 or conclusions of any studies and/or tests conducted by any laboratory, including but not
26 limited to, the Saranac Laboratory relating to asbestos exposure in the workplace or the
27 human health consequences of exposure to asbestos? If so:

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

5 B. State the date upon which THIS DEFENDANT first received such
6 DOCUMENTS;

7 C. State the IDENTITY of such custodian of such DOCUMENTS.

8 D. This interrogatory does not apply to DOCUMENTS contained in a library
9 maintained by a DEFENDANT hospital or a DEFENDANT's library providing access to the
10 general public.

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

12 After diligent inquiry including a review of any available documents and the inquiry of
13 appropriate individuals, and based on personal knowledge and information, defendant
14 DIAMOND INTERNATIONAL has no knowledge that prior to 1973 it received any
15 DOCUMENTS containing results or conclusions of any studies and/or tests conducted by
16 any laboratory, including but not limited to, the Saranac Laboratory relating to asbestos
17 exposure in, the workplace or the human health consequences of exposure to asbestos.

18 **INTERROGATORY NO. 18:**

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

23 A. The date each such library was established;

24 B. The location of each such library;

25 C. The IDENTITY of each librarian or other person in charge of such library.

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

2 After diligent inquiry including a review of any available documents and the inquiry of
3 appropriate individuals, and based on personal knowledge and information, defendant
4 DIAMOND INTERNATIONAL has no knowledge that prior to 1973 it ever maintained a
5 library or (libraries) which contained books, articles, periodicals, journals, and/or reference
6 materials that related to the subjects of asbestos, industrial hygiene, medicine, safety and/or
7 occupational disease.

8 **INTERROGATORY NO. 19:**

9 With the exception of OSHA compliance, had THIS DEFENDANT (except for a
10 defendant that is an educational institution) prior to 1980 exchanged DOCUMENTS or
11 communicated with any person or other COMPANY expressly regarding the results of tests
12 and/or studies relating to asbestos exposure in the workplace or the human health
13 consequences of exposure to asbestos? If so, state:

14 A. Each person or COMPANY with whom the information was exchanged or to
15 whom it was communicated.

16 B. The date(s) of any such exchanges or communications;

17 C. The IDENTITY of the custodian of such DOCUMENTS.

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

19 After diligent inquiry including a review of any available documents and the inquiry of
20 appropriate individuals. and based on personal knowledge and information, defendant
21 DIAMOND INTERNATIONAL has no knowledge that prior to 1980 it exchanged
22 DOCUMENTS or communicated with any person or other COMPANY expressly regarding
23 the results of tests and/or studies relating to asbestos exposure in the workplace or the
24 human health consequences of exposure to asbestos.

25 **INTERROGATORY NO. 20:**

26 Has any employee or designee of THIS DEFENDANT testified as a representative of
27 THIS DEFENDANT before the Occupational Safety and Health Administration, the National
28 Institute of occupational Safety and Health, or any committee or subcommittee of the United

1 States Congress relating to asbestos exposure in the workplace or the human health
2 consequences of exposure to asbestos? If so, please state:

3 A. The entity before whom such testimony was given;

4 B. The date(s) and location(s) of such testimony;

5 C. The IDENTITY of the individual(s) who so testified;

6 D. Whether any DOCUMENTS were presented to the entity before which
7 testimony was given;

8 E. Whether copies of DOCUMENTS presented were retained by THIS
9 DEFENDANT and, if so, state the IDENTITY of the custodian of such DOCUMENTS.

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

11 After diligent inquiry including a review of any available documents and the inquiry of
12 appropriate individuals, and based on personal knowledge and information, defendant
13 DIAMOND INTERNATIONAL has no knowledge that any employee or designee of THIS
14 DEFENDANT testified as a representative of THIS DEFENDANT before the Occupational
15 Safety and Health Administration, the National Institute of occupational Safety and Health,
16 or any committee or subcommittee of the United States Congress relating to asbestos
17 exposure in the workplace or the human health consequences of exposure to asbestos.

18 **INTERROGATORY NO. 21:**

19 Has THIS DEFENDANT (except for a defendant that is an educational institution)
20 conducted, or caused to be conducted, tests, and/or studies of ambient asbestos dust
21 created during the manufacture, processing and/or assembling for sale of ASBESTOS-
22 CONTAINING PRODUCTS? If so, state:

23 A. Each manufacturing facility, including location and address, at which any such
24 test and/or study was conducted;

25 B. The date of each such test and/or study;

26 C. The individual(s) or entity conducting each such test and/or study;

27 D. Whether THIS DEFENDANT has any DOCUMENTS containing the results
28 and/or conclusions of each such study;

1 E. The IDENTITY of the custodian of such DOCUMENTS.

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

3 After diligent inquiry including a review of any available documents and the inquiry of
4 appropriate individuals, and based on personal knowledge and information, defendant
5 DIAMOND INTERNATIONAL has no knowledge that it conducted, or caused to be
6 conducted, tests, and/or studies of ambient asbestos dust created during the manufacture,
7 processing and/or assembling for sale of ASBESTOS-CONTAINING PRODUCTS.

8 **INTERROGATORY NO. 22:**

9 Has THE DEFENDANT (except for a defendant that is an educational institution)
10 conducted, or caused to be conducted, any tests and/or studies on ambient asbestos dust
11 levels at any location or job site where ASBESTOS-CONTAINING PRODUCTS were
12 installed, utilized or removed? If so, for the first 4 tests and/or studies, state:

13 A. The location, including name and address, at which each such test and/or
14 study was conducted;

15 B. The individual(s) or entity conducting each such test and/or study;

16 C. The date of each such test and/or study;

17 D. Whether THIS DEFENDANT has any DOCUMENTS containing the results
18 and/or conclusions of each such test and/or study;

19 E. The IDENTITY of the custodian of such DOCUMENTS.

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

21 After diligent inquiry including a review of any available documents and the inquiry of
22 appropriate individuals, and based on personal knowledge and information, defendant
23 DIAMOND INTERNATIONAL has no knowledge that it conducted, or caused to be
24 conducted, tests, and/or studies of ambient asbestos dust levels at any location or job site
25 where ASBESTOS-CONTAINING PRODUCTS were installed, utilized or removed.

26 **INTERROGATORY NO. 23:**

27 Did THIS DEFENDANT (except for a defendant that is an educational institution)
28 have any laboratory or other similar type of facility anywhere in the United States at which it

1 conducted, or caused to be conducted, any tests and/or studies of ASBESTOS-
2 CONTAINING PRODUCTS or RAW ASBESTOS relating to the health consequences of
3 asbestos or the dust generated by any use of asbestos or ASBESTOS-CONTAINING
4 PRODUCTS. If so, state:

5 A. The location, including name and address, at which each test and/or study
6 was conducted;

7 B. The individual(s) or entity conducting each such test and/or study;

8 C. The date of each such test and/or study;

9 D. Whether THIS DEFENDANT has any DOCUMENTS containing the results
10 and/or conclusions of each such test and/or study;

11 E. The IDENTITY of the custodian of such DOCUMENTS.

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

13 After diligent inquiry including a review of any available documents and the inquiry of
14 appropriate individuals, and based on personal knowledge and information, defendant
15 DIAMOND INTERNATIONAL has no knowledge that it had any laboratory or other similar
16 type of facility anywhere in the United States at which it conducted, or caused to be
17 conducted, any tests and/or studies of ASBESTOS-CONTAINING PRODUCTS or RAW
18 ASBESTOS relating to the health consequences of asbestos or the dust generated by any
19 use of asbestos or ASBESTOS-CONTAINING PRODUCTS.

20 **INTERROGATORY NO. 24:**

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

23 A. Whether chest x-rays or pulmonary function tests were part of such
24 program(s);

25 B. Whether participation in any such program was a mandatory condition of
26 employment or was voluntary;

27 C. Whether THIS DEFENDANT has DOCUMENTS of such program(s);

28 D. The IDENTITY of the custodian of such DOCUMENTS.

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

2 After diligent inquiry including a review of any available documents and the inquiry of
3 appropriate individuals, and based on personal knowledge and information, defendant
4 DIAMOND INTERNATIONAL has no knowledge that it ever made available to its employees
5 a medical examination program to determine the absence or presence of asbestos-related
6 disease.

7 **INTERROGATORY NO. 25:**

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

- 12 A. The date of such claim;
13 B. The name of the claimant;
14 C. The case number;
15 D. The court in which the claim was filed;
16 E. The IDENTITY of THIS DEFENDANT's custodian of DOCUMENTS evidencing
17 such claims.

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

19 After diligent inquiry including a review of any available documents and the inquiry of
20 appropriate individuals, and based on personal knowledge and information, defendant
21 DIAMOND INTERNATIONAL has no knowledge that prior to 1973, anyone filed a Workers'
22 Compensation claim for asbestos-related injury against THIS DEFENDANT or against any
23 Workers' Compensation insurance carrier which provided coverage for THIS DEFENDANT.

24 **INTERROGATORY NO. 26:**

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

- 27 A. The name and principal place of business of any insurance carrier who has
28 issued such policy of insurance;

- 1 B. The number and effective date of each policy;
 2 C. The amount(s) of coverage of each policy;
 3 D. The applicable dates of coverage.

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

5 Allstate Insurance Company with offices then at Northbrook, IL issued the following
 6 policy to DIAMOND INTERNATIONAL:

<u>Policy</u>	<u>Applicable Dates of Coverage</u>	<u>Amount of Coverage</u>
9 05008224	1/1/72 - 1/1/80	\$10,000,000 Individual and in Aggregate

10 National Union Fire Insurance of Pittsburgh with offices at 70 Pine Street, New York,
 11 New York issued the following policies to DIAMOND INTERNATIONAL:

<u>Policy</u>	<u>Applicable Dates of Coverage</u>	<u>Amount of Coverage</u> <u>Individual and in Aggregate</u>
15 GLA 127 0636RA	1/1/80 - 1/1/81	\$10,000,000
16 GLA 127 0636 RA	1/1/81 - 1/1/82	
17 GLA 343 3533 RA	1/1/81 - 1/1/82	
18 GLA 343 3534 RA	1/1/81 - 1/1/82	
19 GLA 343 6664RA	1/1/82 - 1/1/83	\$10,000,000
20 GLA 343 3533RA	1/1/82 - 1/1/83	
21 GLA 343 3534RA	1/1/82 - 1/1/83	
22 GLA 9456664RA	1/1/83 - 1/1/84	\$10,000,000
23 GLA 343 3533RA	1/1/83 - 1/1/84	
24 GLA 343 3534RA	1/1/83 - 1/1/84	
25 GLA 945 7214RA	1/1/84 - 1/1/85	\$10,000,000
26 GLA 194 0242R	1/1/85 - 1/1/86	\$ 1,000,000
27 GLA 180 3184RA	1/1/86 - 1/1/87	\$ 1,000,000
28 GLA 501 0545RA	1/1/87 - 1/1/88	\$ 2,000,000

25 The foregoing Insurance Companies have reserved or are likely to reserve their
 26 rights to deny coverage in full or in part. In addition, the effective date of each policy is the
 27 initial date listed in the "Applicable Dates of Coverage" column for each policy, respectively.

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1 **INTERROGATORY NO. 27:**

2 State whether YOU have controlled, purchased, or in any way acquired any
3 controlling interest in any corporation or business entity which has mined, manufactured,
4 produced, processed, compounded, sold, supplied, distributed and/or otherwise placed
5 RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS in the stream of commerce. If
6 so, state:

- 7 A. The name and address of said corporation or business entity;
8 B. The dates YOU controlled, purchased or acquired any interest; and
9 C. The nature of the business as it pertains to asbestos.

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

11 After diligent inquiry including a review of any available documents and the inquiry of
12 appropriate individuals, and based on personal knowledge and information, defendant
13 DIAMOND INTERNATIONAL has no knowledge that it ever controlled, purchased, or in any
14 way acquired any controlling interest in any corporation or business entity which has mined,
15 manufactured, produced, processed, compounded, sold, supplied, distributed and/or
16 otherwise placed RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS in the
17 stream of commerce.

18 **INTERROGATORY NO. 28:**

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

- 22 A. Mining;
23 B. Milling;
24 C. Supply;
25 D. Importing;
26 E. Processing;
27 F. Distribution;
28 G. Marketing;

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- H. Sale;
- I. Brokering.

RESPONSE TO INTERROGATORY NO. 28:

After diligent inquiry including a review of any available documents and the inquiry of appropriate individuals, and based on personal knowledge and information, defendant DIAMOND INTERNATIONAL has no knowledge that it ever engaged in Mining, Milling, Supply, Importing, Processing, Distribution, Marketing, Sale, or Brokering of RAW ASBESTOS.

INTERROGATORY NO. 29:

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

A. The trade, brand name and/or generic name of such RAW ASBESTOS milled or MARKETED in any form or quantity between 1930 and 1985;

B. The date(s) each such RAW ASBESTOS was placed on the market, including the date(s) each such RAW ASBESTOS was first MARKETED:

- 1. On an experimental basis;
- 2. On a test basis;
- 3. For sale.

C. The date(s) such RAW ASBESTOS:

- 1. Ceased to be produced; or
- 2. Was recalled from the market, if ever.

D. A description of the chemical composition of such RAW ASBESTOS, including the type and/or grade of asbestos;

E. A description of the physical appearance and nature of such RAW ASBESTOS, including any color coding, distinctive marking and/or logo on the packaging or container;

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1 F. A detailed description of the intended use of such RAW ASBESTOS, including
2 any temperature limits for each such use;

3 G. Whether such RAW ASBESTOS was on the U.S. Government's "Qualified
4 Products List," and if so, the inclusive dates it was on such list;

5 H. IDENTIFY to whom such RAW ASBESTOS has, at any time, been sold. As to
6 each such, state:

7 1. Whether any of THIS DEFENDANT's RAW ASBESTOS has, at any
8 time, been sold, shipped, or otherwise distributed, or otherwise distributed, used or installed
9 to or at any COMPANY (including power company or utility), governmental agency or entity,
10 shipyard, distributor, refinery, contractor, supplier, manufacturer, PREMISE owner or
11 occupant, ship owner, or other PREMISE or site in the GEOGRAPHIC AREA and whether
12 any of THIS DEFENDANT's RAW ASBESTOS has at any time, been sold to any
13 manufacturer, or manufacturing facility, of ASBESTOS-CONTAINING PRODUCTS. If so,
14 state:

15 a. The names of each such COMPANY, governmental agency or
16 entity, shipyard, distributor, supplier, manufacturer or refinery;

17 b.. The inclusive dates of each such sale, and the amount (quantity)
18 and the trade or brand name of such RAW ASBESTOS sold;

19 c. The manner of shipment (e.g. boat, rail, etc.);

20 d. Whether you have any records indicating any such sale or
21 shipment and, if so, the name, address and job classification of each person who currently
22 has possession of such records.

23 e. Either (1) attach all DOCUMENTS evidencing the information
24 sought in this Interrogatory and its subparts to your answers to these Interrogatories, or (2)
25 attach disks containing such data, or (3) describe such DOCUMENTS with sufficient
26 particularity that they may be made the subject of a request for production of documents.

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

28 Not Applicable.

1 **INTERROGATORY NO. 30:**

2 Between 1930 and 1985, did YOU ever engage in any of the activities listed below
3 with regard to ASBESTOS-CONTAINING PRODUCTS? If so, state the inclusive dates of
4 such activity:

- 5 A. Supply;
6 B. Importing;
7 C. Distribution;
8 D. Marketing;
9 E. Sale;
10 F. Labeling;
11 G. Manufacturing;
12 H. Brokering.

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

14 After diligent inquiry including a review of any available documents and the inquiry of
15 appropriate individuals, and based on personal knowledge and information, defendant
16 DIAMOND INTERNATIONAL has no knowledge that it ever engaged in the Mining, Milling,
17 Supply, Importing, Processing, Distribution, Marketing, Sale, Labeling, Manufacturing or
18 Brokering of ASBESTOS-CONTAINING PRODUCTS, DIAMOND INTERNATIONAL further
19 responds as follows:

20 A - H: No.

21 **INTERROGATORY NO. 31:**

22 If your answer to any subpart of Interrogatory 31 regarding " ASBESTOS-
23 CONTAINING PRODUCTS" is in the affirmative, state:

24 A. The trade, brand name and/or generic name of such ASBESTOS-
25 CONTAINING PRODUCT MARKETED in any form or quantity between 1930 and 1985;

26 B. The date(s) each such ASBESTOS-CONTAINING PRODUCT was placed on
27 the market, including the date(s) each such ASBESTOS-CONTAINING PRODUCT was first
28 MARKETED:

- 1 1. On an experimental basis;
- 2 2. On a test basis;
- 3 3. For sale.
- 4 C. The date(s) each such ASBESTOS-CONTAINING PRODUCT:
- 5 1. Ceased to be produced; or
- 6 2. Was recalled from the market, if ever.
- 7 D. A description of the chemical composition of such ASBESTOS-CONTAINING
- 8 PRODUCT, including the type and/or grade of asbestos and/or asbestos fiber contained in
- 9 each such product and the quantitative percentage of asbestos or asbestos fiber in each
- 10 such product, and all non-asbestos components of the ASBESTOS-CONTAINING
- 11 PRODUCT, and if the chemical composition changed over time, the inclusive dates of each
- 12 formulation;
- 13 E. A description of the physical appearance and nature of such ASBESTOS-
- 14 CONTAINING PRODUCT, including any color coding, distinctive marking and/or logo on the
- 15 product or the packaging;
- 16 F. A detailed description of the intended use of such ASBESTOS-CONTAINING
- 17 PRODUCT, including any temperature limits for each such use;
- 18 G. Whether such ASBESTOS-CONTAINING PRODUCT was on the U.S.
- 19 Government's "Qualified Products List," and if so, the inclusive dates it was on such list;
- 20 H. The name and address of the supplier of the RAW ASBESTOS used in each
- 21 such product and the time period of such supply;
- 22 1. Whether any of THIS DEFENDANT's RAW ASBESTOS OR
- 23 ASBESTOS- CONTAINING PRODUCTS have at any time, been sold, shipped, or otherwise
- 24 distributed, or otherwise distributed to any COMPANY (including power company or utility),
- 25 governmental agency or entity, shipyard, distributor, refinery, contractor, supplier, PREMISE
- 26 owner or occupant, ship owner, or other PREMISE or site in the GEOGRAPHIC AREA. If
- 27 so, state:
- 28 *///*

1 1. The names of each such COMPANY, governmental agency or entity, I
2 shipyard, distributor, supplier, manufacturer refinery, contractor, PREMISE owner or
3 occupant, ship owner, PREMISE or site;

4 2. The inclusive dates of each such sale, shipment, distribution, use or
5 installation and the amount (quantity) and the trade or brand name of each such
6 ASBESTOS-CONTAINING PRODUCT sold;

7 3. Whether you have any records indicating any such sale or shipment and, if so,
8 the name, address and job classification of each person who currently has possession of
9 such records.

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

14 **RESPONSE TO INTERROGATORY NO. 31:**

15 This responding defendant did not answer any subpart of Interrogatory No. 30 in the
16 affirmative. Therefore, this interrogatory is not applicable to this defendant.

17 **INTERROGATORY NO. 32 (PREMISES DEFENDANTS only):**

18 Did YOU install, remove, or handle or contract to have others install, remove, or
19 handle RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS at any PREMISES in
20 the GEOGRAPHIC AREA which PREMISES is at issue as to YOU in San Francisco
21 Superior Court asbestos litigation as of the date of your answers to these Interrogatories? If
22 so:

23 A. IDENTIFY the PREMISES.

24 B. For each of the PREMISES:

25 1. State the nature of your ownership or possessory interest;

26 2. State the inclusive date of that interest;

27 3. IDENTIFY the party from whom that interest was acquired;

28 4. IDENTIFY the party, if any, to whom that interest was transferred.

- 1 5. IDENTIFY every contract to which YOU were a party or of which you
2 have knowledge wherein the performance of such contract involved the installation,
3 removal, disturbing or handling of any RAW ASBESTOS or ASBESTOS-CONTAINING
4 PRODUCTS at YOUR PREMISES. For each such contract:
- 5 1. IDENTIFY the parties to the contract;
 - 6 2. Provide a general description and specific location of the work to
7 be performed by each party to the contract;
 - 8 3. IDENTIFY and describe the NATURE of the RAW ASBESTOS
9 or ASBESTOS-CONTAINING PRODUCTS installed, removed, disturbed or handled in the
10 performance of the contract;
 - 11 4. State the dates of the contract and the dates of performance;
- 12 D. Except as provided in response to subpart (c), has any work other than routine
13 maintenance been done on or to the PREMISES that involved the installation, removal,
14 disturbing or handling of RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS? If
15 so, for each such instance:
- 16 1. State the inclusive dates of the work;
 - 17 2. Provide a general description and specific location of the work;
 - 18 3. State whether the work was done by YOU and/or YOUR employees;
 - 19 4. IDENTIFY and describe the NATURE of the RAW ASBESTOS or
20 ASBESTOS-CONTAINING PRODUCTS installed, removed, handled or disturbed;
 - 21 5. IDENTIFY from whom the RAW ASBESTOS OR ASBESTOS-
22 CONTAINING PRODUCTS were acquired.
- 23 E. Has any asbestos abatement effort been made at the PREMISES? If so, for
24 each such effort:
- 25 1. IDENTIFY who did the work;
 - 26 2. State the inclusive dates thereof;
 - 27 3. State whether samples were taken, and, if the samples still exist,
28 4. IDENTIFY the custodian of the samples;

1 5. State whether any material was tested, and, if so, what were the results
2 of each test;

3 6. IDENTIFY each test result with sufficient particularity for purposes of a
4 request for production of documents, or, in the alternative, attach a copy to YOUR answers
5 to these Interrogatories.

6 F. Except for insurance coverage litigation, have you filed suit against, or
7 otherwise sought to recover from, any person or entity for some or all of the cost of asbestos
8 abatement or for the property damage allegedly caused by the presence of RA W
9 ASBESTOS or ASBESTOS-CONTAINING PRODUCTS on the PREMISES identified in
10 response to subpart (A) above? If so:

11 1. IDENTIFY the person or entity against whom YOU have filed suit or
12 otherwise sought to recover;

13 2. If YOU have filed suit, state the court in which the action was filed, the
14 date on which it was filed, IDENTIFY all Plaintiffs and Defendants and their counsel of
15 record;

16 3. State whether or not the case has been resolved, and, if so, what was
17 the status or disposition.

18 G. Either (1) attach all DOCUMENTS evidencing the information sought in this
19 Interrogatory and its subparts to your answers to these Interrogatories, or (2) attach disks
20 containing such data, or (3) describe such DOCUMENTS with sufficient particularity that
21 they may be made the subject of a request of production of documents.

22 H. IDENTIFY the person(s) presently most knowledgeable about the information
23 sought in this interrogatory or its subparts.

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

25 After a reasonable and good faith effort to obtain the information sought by this
26 interrogatory, including inquiry of natural persons and organizations other than those to
27 which plaintiffs have equal access, and a review of available documents, and based on
28 personal knowledge and information, defendant DIAMOND INTERNATIONAL has no

1 knowledge that it ever installed, removed, or handled or contracted to have others install,
2 remove, or handle RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS at the
3 "Diamond Match" facility in Red Bluff, California.

4 **INTERROGATORY NO. 33 (CONTRACTOR DEFENDANTS ONLY):**

5 At any time between 1930 and 1985, did YOU hold a contractor's license in the State
6 of California? If so:

7 A. IDENTIFY each license by type, date and number.

8 B. If on the date of your answers YOU are a defendant in four or more asbestos
9 action in San Francisco Superior Court, IDENTIFY each job or contract that YOU performed
10 (directly or through one or more subcontractors) during this time period for work in any
11 PREMISES which is at issue as to YOU on such date, and in any PREMISES of 50,000
12 square feet or more in the GEOGRAPHIC AREA which job or contract involved installation,
13 removal, disturbing or handling RAW ASBESTOS or ASBESTOS-CONTAINING
14 PRODUCTS. (Alternatively, at your option, you may IDENTIFY each job or contract YOU
15 performed (directly or through one or more subcontractors) during this time frame for all
16 work, or for all work on PREMISES of 50,000 square feet or more, in the GEOGRAPHIC
17 AREA.) As to each such job or contract:

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

20 2. State the date of the contract or the inclusive dates of the work;

21 3. IDENTIFY the person or entity with whom you contracted;

22 4. State your job or contract number.

23 C. If on the date of your answers you are not a defendant in four or more
24 asbestos actions in San Francisco Superior Court, IDENTIFY each job or contract that YOU
25 performed (directly or through one or more subcontractors) during this time period for work
26 in any PREMISES which is at issue as to YOU on such date. As to each such job or
27 contract:

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

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

7 Not applicable to this defendant.

8 **INTERROGATORY NO. 34:**

9 Did any of the distributors identified in your Answer to Interrogatory Nos. 29 and 31 I.
10 above have an exclusive distributorship? If so, state the relevant time period.

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

12 DIAMOND INTERNATIONAL did not identify any distributors in response to
13 Interrogatory Nos. 29 and 31 and therefore this interrogatory is not applicable to this
14 defendant.

15 **INTERROGATORY NO. 35:**

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

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

22 After diligent inquiry including a review of any available documents and the inquiry of
23 appropriate individuals, and based on personal knowledge and information defendant
24 DIAMOND INTERNATIONAL has no knowledge that it ever entered into any agreements for
25 the rebranding of any ASBESTOS-CONTAINING PRODUCTS for resale or distribution by
26 another person or entity. Consequently, this interrogatory is not applicable to this defendant.

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1 **INTERROGATORY NO. 36:**

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

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

8 After diligent inquiry including a review of any available documents and the inquiry of
9 appropriate individuals, and based on personal knowledge and information, defendant
10 DIAMOND INTERNATIONAL has no knowledge that it ever entered into any agreements for
11 the rebranding of any ASBESTOS-CONTAINING PRODUCTS for resale or distribution by
12 another person or entity. Consequently, this interrogatory is not applicable to this defendant.

13 **INTERROGATORY NO. 37:**

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

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

21 B. State whether you have any photographs thereof;

22 C. The inclusive dates on which you used each such warning;

23 D. State all changes you made in such warnings and the dates of such changes;

24 and

25 E. Identify the person most knowledgeable about your warnings and warning
26 policy.

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

2 Defendant DIAMOND INTERNATIONAL did not identify any product or material in its
3 response to Interrogatory Nos. 29 or 31 and therefore this interrogatory is not applicable to
4 this defendant.

5 **INTERROGATORY NO. 38:**

6 With respect to each of YOUR ASBESTOS-CONTAINING PRODUCTS, state
7 whether THIS DEFENDANT's name, a trademark, logos, color coding, or other identifying
8 markings ever appeared on the actual product itself. If so, IDENTIFY each such product,
9 state when the practice to place such identifying markings upon the product was begun and
10 when it ended, if applicable, and describe in detail the pertinent marking(s) and the purpose,
11 if any, of such markings.

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

13 After diligent inquiry including a review of any available documents and the inquiry of
14 appropriate individuals, and based on personal knowledge and information, defendant
15 DIAMOND INTERNATIONAL has no knowledge that it ever manufactured, milled, packaged
16 or otherwise processed any ASBESTOS-CONTAINING PRODUCTS. Consequently, this
17 interrogatory is not applicable to this defendant.

18 **INTERROGATORY NO. 39:**

19 Between the years 1930 to 1985, did THIS DEFENDANT purchase or otherwise
20 acquire any ASBESTOS-CONTAINING PRODUCT lines from another person or entity? If
21 so, state for each such purchase:

22 A. Date of purchase or acquisition;

23 B. Terms of purchase or acquisition agreement;

24 C. Either (1) attach all DOCUMENTS evidencing said acquisition, or (2) attach
25 disks containing such data, or (3) describe such DOCUMENTS with sufficient particularity
26 that they may be made the subject of a request for production of documents;

27 D. Trade, brand, and/or generic name of each such product line so acquired;

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1 E. Name of the person or entity from whom YOU purchased or acquired each
2 such ASBESTOS-CONTAINING PRODUCT line; and

3 F. Location of any manufacturing facilities so acquired, and the type of
4 ASBESTOS-CONTAINING PRODUCTS manufactured therein.

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

6 After diligent inquiry including a review of any available documents and the inquiry of
7 appropriate individuals, and based on personal knowledge and information, defendant
8 DIAMOND INTERNATIONAL has no knowledge that it ever purchased or otherwise
9 acquired any ASBESTOS-CONTAINING PRODUCT lines from another person or entity.

10 **INTERROGATORY NO. 40:**

11 Between the years 1930 to 1985, did THIS DEFENDANT sell any ASBESTOS-
12 CONTAINING PRODUCT line to another person or entity? If so, state for each such sale:

13 A. Date of sale;

14 B. Terms of sales agreement;

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

18 D. Trade, brand, and/or generic name of each such product line sold;

19 E. Name of the person or entity to whom YOU sold each such ASBESTOS-
20 CONTAINING PRODUCT lines; and

21 F. Location of any manufacturing facilities so sold, and the type of ASBESTOS-
22 CONTAINING PRODUCTS manufactured therein.

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

24 After diligent inquiry including a review of any available documents and the inquiry of
25 appropriate individuals, and based on personal knowledge and information, defendant
26 DIAMOND INTERNATIONAL has no knowledge that it ever sold any ASBESTOS-
27 CONTAINING PRODUCT lines to another person or entity during the years 1930 to 1985.

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1 **INTERROGATORY NO. 41:**

2 IDENTIFY all brochures, pamphlets, catalogs or other advertising relating to
3 ASBESTOS-CONTAINING PRODUCTS and/or RAW ASBESTOS which THIS
4 DEFENDANT manufactured, sold, distributed or supplied from the year 1930 to 1985. For
5 each such document, state:

- 6 A. A description of the document;
7 B. The year it was printed;
8 C. The period of time in which it was used;
9 D. The purpose of each such document;
10 E. Whether the documents or copies of said documents presently exist;
11 F. If said documents or copies still exist, where they are located; and
12 G. The IDENTITY of the custodian of such documents.

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

14 After diligent inquiry including a review of any available documents and the inquiry of
15 appropriate individuals, and based on personal knowledge and information, defendant
16 DIAMOND INTERNATIONAL has no knowledge that it ever manufactured, sold, distributed
17 or supplied from the year 1930 to 1985 ASBESTOS-CONTAINING PRODUCTS and/or
18 RAW ASBESTOS. Therefore this Interrogatory is not applicable to this defendant.

19 **INTERROGATORY NO. 42:**

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

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

23 No.

24 **INTERROGATORY NO. 43:**

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

- 28 A. State the business addresses and name of the CONTRACT UNIT;

1 B. State the inclusive periods of time the CONTRACT UNITS were working in the
2 GEOGRAPHIC AREA;

3 C. State the name and address of each job site within the GEOGRAPHIC AREA
4 and the dates the CONTRACT UNIT worked at those job sites, and, IDENTIFY the RAW
5 ASBESTOS and/or ASBESTOS-CONTAINING PRODUCTS installed or removed on each
6 occasion;

7 D. Either (1) attach all DOCUMENTS evidencing the information sought in this
8 Interrogatory and its subparts to your answers to these Interrogatories, or (2) attach disks
9 containing such data, or (3) describe such DOCUMENTS with sufficient particularity that
10 they may be made the subject of a request for production of documents.

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

12 Not applicable.

13 **INTERROGATORY NO. 44:**

14 When do YOU contend that THIS DEFENDANT first became aware that there is an
15 association between asbestos exposure and disease in human beings?

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

17 After a reasonable and good faith effort to obtain the information sought by this
18 interrogatory, including inquiry of natural persons and organizations other than those to
19 which plaintiffs have equal access, and a review of available documents, DIAMOND
20 INTERNATIONAL responds that it became aware of such an association at approximately
21 the time that the information became known to the public generally. A specific date is
22 unknown.

23 **INTERROGATORY NO. 45:**

24 How do YOU contend that 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 After a reasonable and good faith effort to obtain the information sought by this
28 interrogatory, including inquiry of natural persons and organizations other than those to

1 which plaintiffs have equal access, and a review of available documents, DIAMOND
2 INTERNATIONAL responds that it first became aware of such an association through the
3 news media. A specific media outlet that provided this information to DIAMOND
4 INTERNATIONAL is unknown.

5 **INTERROGATORY NO. 46:**

6 Either (1) attach all DOCUMENTS evidencing the information upon which YOUR
7 contentions in YOUR answers to Interrogatories Nos. 44 and No. 45 are based, or (2) attach
8 disks containing such data, or (3) describe such DOCUMENTS with sufficient particularity
9 that they may be made the subject of a request for production of documents.

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

11 After a reasonable and good faith effort to obtain the information sought by this
12 interrogatory, including inquiry of natural persons and organizations other than those to
13 which plaintiffs have equal access, and a review of available documents, DIAMOND
14 INTERNATIONAL responds that it is not in possession of any of the media articles which it
15 believes were published or broadcast at the time. Specific media articles or broadcasts
16 which may have provided this information to DIAMOND INTERNATIONAL are unknown to
17 this 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 warning was written or oral;
22 B. Whether copies of DOCUMENTS containing such warning exist;
23 C. The IDENTITY of the custodian of such DOCUMENTS;
24 D. The content of the warning.

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

26 After diligent inquiry including a review of any available documents and the inquiry of
27 appropriate individuals, and based on personal knowledge and information, defendant
28 DIAMOND INTERNATIONAL has no knowledge that it gave any such warnings.

1 **INTERROGATORY NO. 48:**

2 Did THIS DEFENDANT ever issue a written COMPANY policy discontinuing warning
3 its employees that exposure to asbestos could be hazardous to human health? If so,

4 A. Provide the date;

5 B. Describe the circumstances; and

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

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

11 In keeping with defendant's response to Interrogatory No. 47, to the best of
12 defendant's knowledge DIAMOND INTERNATIONAL never made such a warning.
13 Therefore, this Interrogatory regarding discontinuing such a warning is not applicable.

14 **INTERROGATORY NO. 49:**

15 Did this DEFENDANT provide any Independent Contractor or Subcontractor within
16 the GEOGRAPHIC AREA with a written warning that exposure to asbestos could be
17 hazardous to human health.

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

19 After diligent inquiry including a review of any available documents and the inquiry of
20 appropriate individuals, and based on personal knowledge and information, defendant
21 DIAMOND INTERNATIONAL has no knowledge that it gave any such warnings.

22 **INTERROGATORY NO. 50:**

23 Has THIS DEFENDANT been cited for or otherwise charged by a public agency with
24 a violation in the GEOGRAPHIC AREA of any statute, ordinance, safety order, regulation, or
25 law pertaining to asbestos exposure? For each occasion, IDENTIFY:

26 A. The code section, safety order, statute, or regulation for which THIS
27 DEFENDANT had been cited or otherwise charged;

28 B. The date(s) thereof;

1 C. The agency or other governmental unit which issued the citation or otherwise
2 charged YOU;

3 D. All persons known to YOU with information relevant to the incident; and,

4 E. What was the ultimate resolution.

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

6 After diligent inquiry including a review of any available documents and the inquiry of
7 appropriate individuals, and based on personal knowledge and information, defendant
8 DIAMOND INTERNATIONAL has no knowledge that it has ever been cited for or otherwise
9 charged by a public agency with a violation in the GEOGRAPHIC AREA of any statute,
10 ordinance, safety order, regulation, or law pertaining to asbestos exposure.

11 **INTERROGATORY NO. 51:**

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

13 A. The IDENTITY of each such railroad, including the name(s) of such railroad
14 during the time period of YOUR ownership and/or operation, the principal place of business
15 of such railroad and the dates of YOUR ownership and/or operation;

16 B. The geographic area of operation of such railroad;

17 C. The name(s) of such railroad prior to YOUR ownership and/or operation;

18 D. The IDENTITY of the person or entity from whom YOU purchased your
19 ownership or operating interest, and the date of such purchase;

20 E. The IDENTITY of the person or entity to whom YOU sold your ownership or
21 operating interest, and the date of such sale;

22 F. Whether copies of DOCUMENTS evidencing your ownership/occupation
23 and/or sale exist;

24 G. The IDENTITY of the Custodian of such DOCUMENTS.

25 H. To the extent that information has not been given in answers to Interrogatory
26 Nos. 32 and 33, the information requested in Interrogatory Nos. 32 and 33, for each railroad
27 owned or operated by YOU.

28 ///

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

2 After diligent inquiry including a review of any available documents and the inquiry of
3 appropriate individuals, and based on personal knowledge and information, defendant
4 DIAMOND INTERNATIONAL has no knowledge of ever having owned or operated a
5 railroad.

6 **INTERROGATORY NO. 52:**

7 If DEFENDANT has ever owned or operated a shipyard, state:

8 A. The IDENTITY of each such shipyard, including the name(s) of such shipyard
9 during the time period of YOUR ownership and/or operation, the place of business of such
10 shipyard and the dates of YOUR ownership and/or operation;

11 B. The name(s) of such shipyard prior to YOUR ownership and/or operation;

12 C. The IDENTITY of the person or entity to whom YOU sold your ownership or
13 operating interest, and the date of such sale;

14 D. Whether copies of DOCUMENTS evidencing your ownership/operation and/or
15 sale exist;

16 E. Whether any representative of THIS DEFENDANT attended the Maritime
17 Commission conference in December 1942 in Chicago, Illinois? If so, IDENTIFY any such
18 representative of THIS DEFENDANT;

19 F. The IDENTITY of the Custodian of such DOCUMENTS;

20 G. To the extent that information has not been given in answers to Interrogatory
21 No. 32, the information requested in Interrogatory No. 32, for each shipyard owned or
22 operated by YOU.

23 **RESPONSE TO INTERROGATORY NO. 52:**

24 After diligent inquiry including a review of any available documents and the inquiry of
25 appropriate individuals, and based on personal knowledge and information, defendant
26 DIAMOND INTERNATIONAL has no knowledge of ever having owned or operated a
27 shipyard.

28 ///

1 **INTERROGATORY NO. 53:**

2 At any time between 1930 and 1985, did you import, export, ship, transship or
3 otherwise transport RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS into, out
4 of or through any port in the GEOGRAPHIC AREA? If so, for each occasion:

5 A. IDENTIFY and describe the NATURE and amount of RAW ASBESTOS
6 and/or ASBESTOS-CONTAINING PRODUCTS;

7 B. IDENTIFY the ships or ships (including the owners and operators thereof) onto
8 or from which the RAW ASBESTOS and/or ASBESTOS-CONTAINING PRODUCTS were
9 loaded unloaded or transshipped.

10 C. State the dates, port and pier involved for each occasion;


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

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

16 After diligent inquiry including a review of any available documents and the inquiry of
17 appropriate individuals, and based on personal knowledge and information, defendant
18 DIAMOND INTERNATIONAL has no knowledge that it ever imported, exported, shipped, or
19 otherwise transported RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS into,
20 out of or through any port in the GEOGRAPHIC AREA between 1930 and 1985.

21
22 DATED: September 19, 2008

MURCHISON & CUMMING, LLP

23
24 By: 
25 Scott L. Hengesbach
26 Marilou Reyes Bustonera
27 Attorneys for Defendant DIAMOND
28 INTERNATIONAL CORPORATION

J:\SLH\27112\RGSI\3RD SUPP RESPONSES

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

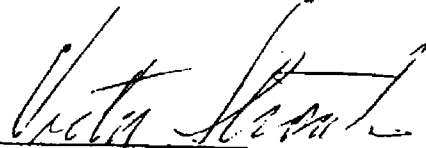
I have read the foregoing **THIRD SUPPLEMENTAL RESPONSES OF DEFENDANT, DIAMOND INTERNATIONAL CORPORATION, INC., TO PLAINTIFFS' STANDARD INTERROGATORIES TO ALL DEFENDANTS** and know its contents.

I make this Verification on behalf of Diamond International Corporation, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. These responses were assembled by our counsel of record and I am informed and believe that the responses are true and complete.

Executed on Sept 18, 2008, at New York, New York.

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

Victor Stronski
Print Name of Signator


Signature

J:\SLM\27112\RGSI\VERIFICATION-3rd supp responses

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 South Grand Avenue, 9th Floor, Los Angeles, California 90017-4613.

On September 23, 2008, I served true copies of the following document(s) described as **THIRD SUPPLEMENTAL RESPONSES OF DEFENDANT, DIAMOND INTERNATIONAL CORPORATION, INC., TO PLAINTIFFS' STANDARD INTERROGATORIES TO ALL DEFENDANTS** on the interested parties in this action as follows:

BY ELECTRONIC SERVICE VIA LEXIS-NEXIS FILE & SERVE through electronic transmission to all parties appearing on the electronic service list. Upon completion of said transmission of said document, a certified receipt is issued to the filing party acknowledging receipt by Lexis-Nexis system. Once Lexis-Nexis has served all designated recipients, proof of electronic service/confirmation will be maintained with the original document in this office.

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

Executed on September 23, 2008, at Los Angeles, California.



Chris Thomas

Case Name Search Results

Party Name : DIAMOND INTERNATIONAL CORPORATION

Click on Selected Case Number to view Register of Actions

Case	Name	Party Type	Case Title	Filing Date
CGC-01-322771	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	PERDONI VS ASBESTOS DEFENDANTS (BHC)*	Jul-10-2001
CGC-02-415753	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	HELMUT JAKEL VS. A.W. CHESTERTON COMPANY	Dec-16-2002
CGC-03-416402	DIAMOND INTERNATIONAL CORPORATION		ERNEST BANGS et al VS. AEROJET-GENERAL CORPORATION	Jan-14-2003
CGC-03-417343	DIAMOND INTERNATIONAL CORPORATION		JESSE MILES VS. ASBESTOS DEFENDANTS (B/P)AS REFLECTED ON EXHIBITS et al	Feb-13-2003
CGC-03-418380	DIAMOND INTERNATIONAL CORPORATION		JANET CORNELL VS. ALLIED PACKING COMPANY & SUPPLY, INC. et al	Mar-14-2003
CGC-03-420243	DIAMOND INTERNATIONAL CORPORATION		ORVILLE MCCLUSKEY VS. ALTA BUILDING MATERIAL CO.	May-08-2003
CGC-04-432880	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	SHARON SALE et al VS. LUCENT TECHNOLOGIES, SUCCESSOR IN INTEREST TO BELL et al	Jul-08-2004
CGC-05-439080	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	WILLIAM SMEJKAL VS. ASBESTOS DEFENDANTS (BP)AS REFLECTED ON EXHIBITS B et al	Mar-01-2005
CGC-05-439920	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	MILTON SIEFKEN VS. ASBESTOS DEFENDANTS(B*P)AS REFLECTED ON EXHIBITS et al	Mar-29-2005
CGC-05-440330	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	CHARLES LOFTIS VS. ASBESTOS DEFENDANTS B*P AS REFLECTED ON EXHIBITS et al	Apr-12-2005
CGC-05-443343	DIAMOND INTERNATIONAL CORPORATION		KENNETH WALTER et al VS. ASBESTOS CORPORATION, LTD. et al	Jul-22-2005
CGC-06-448246	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	NIELS CHRISTIANSEN VS. ASBESTOS DEFENDANTS(B*P)AS REFLECTED ON EXHIBITS et al	Jan-03-2006
CGC-06-449717	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	WILLIAM MCDONALD VS. ASBESTOS DEFENDANTS (B*P)AS REFLECTED ON EXHIBITS et al	Feb-22-2006
CGC-06-450450	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	JESSE MILES VS. ASBESTOS DEFENDANTS (B/P)AS REFLECTED ON EXHIBITS et al	Mar-20-2006

<u>CGC-07-274109</u>	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	ELWOOD EBBINGHAUSEN VS. ASBESTOS DEFENDANTS (B/P)AS REFLECTED ON EXHIBITS et al	Mar-05-2007
<u>CGC-07-274134</u>	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	BETTY UTTERBACK VS. ASBESTOS DEFENDANTS (B/P)AS REFLECTED ON EXHIBITS et al	Mar-28-2007
<u>CGC-07-274269</u>	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	MALVINA COOPER VS. ADOBE LUMBER, INC. et al	Jul-02-2007
<u>CGC-07-274312</u>	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	ARDYCE REISENAUER VS. ADERHOLT SPECIALTY COMPANY INC et al	Jul-19-2007
<u>CGC-07-470099</u>	DIAMOND INTERNATIONAL CORPORATION	CROSS DEFENDANT	THE REDEVELOPMENT AGENCY OF THE CITY OF STOCKTON, VS. COLBERG, INC. et al	Dec-17-2007
<u>CGC-08-274620</u>	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	GEORGE CORDIS et al VS. ASBESTOS CORPORATION, LTD et al	Apr-16-2008
<u>CGC-08-274989</u>	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	WALTER GREB et al VS. ASBESTOS CORPORATION, LTD. et al	Dec-22-2008
<u>CGC-08-275011</u>	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	RICHARD SHARP VS. ASBESTOS DEFENDANTS (B/P) AS REFLECTED ON EXHIBITS et al	Dec-31-2008
<u>CGC-09-275330</u>	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	GARY GRIDER et al VS. ASBESTOS DEFENDANTS (BP) AS REFLECTED ON EXHIBITS et al	Aug-31-2009
<u>CGC-84-828684</u>	DIAMOND INTERNATIONAL CORPORATION	DEFENDANT	COMPLEX ASBESTOS LITIGATION*	Aug-20-1984

Case Name Search Results

Party Name : DIAMOND INTERNATIONAL CORP.

Click on Selected Case Number to view Register of Actions

Case	Name	Party Type	Case Title	Filing Date
CGC-01-402113	DIAMOND INTERNATIONAL CORP.	DEFENDANT	JAMES JORDAN VS. ASBESTOS DEFENDANTS (BHC)	Dec-06-2001
CGC-07-274276	DIAMOND INTERNATIONAL CORP.	DEFENDANT	RUSSELL UTTERBACK VS. ASBESTOS DEFENDANTS (B/P)AS REFLECTED ON EXHIBITS et al	Jul-03-2007
CGC-95-971565	DIAMOND INTERNATIONAL CORP.		HALL VS ABEX CORP*	Aug-07-1995
CGC-96-979595	DIAMOND INTERNATIONAL CORP.		CANTUA VS ASBESTOS DEFENDANTS (BHC)	Jul-11-1996
CGC-97-989406	DIAMOND INTERNATIONAL CORP.	DEFENDANT	MCCLURE VS ASBESTOS DEFENDANTS (BHC)	Sep-08-1997
CGC-97-992073	DIAMOND INTERNATIONAL CORP.		LOGUE VS ASBESTOS DEFENDANTS (BHC)*	Dec-31-1997
CGC-98-300035	DIAMOND INTERNATIONAL CORP.		WILLIS VS ASBESTOS DEFENDANTS (BHC)*	Dec-21-1998
CGC-99-300905	DIAMOND INTERNATIONAL CORP.		DILLARD VS ASBESTOS DEFENDANTS (BHC)	Jan-29-1999
CGC-99-302972	DIAMOND INTERNATIONAL CORP.		HOPPMANN VS ASBESTOS DEFENDANTS (BHC)*	Apr-22-1999
CGC-99-305196	DIAMOND INTERNATIONAL CORP.	DEFENDANT	HAZLETT VS ASBESTOS DEFENDANTS (BHC)*	Jul-27-1999
CGC-99-306874	DIAMOND INTERNATIONAL CORP.	DEFENDANT	JOHNSON VS ASBESTOS DEFENDANTS (BHC)*	Sep-30-1999

JACK K. CLAPPER (SBN 83207)
STEVEN J. PATTI (SBN 163773)
CHRISTINE A. RENKEN (SBN 232797)
CLAPPER, PATTI, SCHWEIZER & MASON
2330 Marinship Way, Suite 140
Sausalito, CA 94965
Tel: (415) 332-4262
steve@clapperlaw.com
christine@clapperlaw.com

TED W. PELLETIER (SBN 172938)
LAW OFFICE OF TED W. PELLETIER
22 Skyline Road
San Anselmo, CA 94960
Tel: (415) 454-8783
Fax: (415) 454-1592
tedpelletierlaw@comcast.net

Attorneys for Plaintiffs and Petitioners
Walter Greb, et al.

IN THE
SUPREME COURT OF CALIFORNIA

WALTER GREB, et al.,
Plaintiffs and Petitioners,
v.
DIAMOND INTERNATIONAL
CORPORATION,
Defendant and Respondent.

No. S183365

**[PROPOSED] ORDER GRANTING
PETITIONERS' REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
OPENING BRIEF ON THE MERITS**

Good cause appearing, Petitioners' Request for Judicial Notice in Support
of Opening Brief on the Merits is GRANTED as to the following documents

- ___ Exhibit A
- ___ Exhibit B
- ___ Exhibit C

PROOF OF SERVICE BY MAIL
(C.C.P. §1013(a), 2015.5)

I, the undersigned, hereby declare under penalty of perjury as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my business address is 22 Skyline Road, San Anselmo, CA 94960.

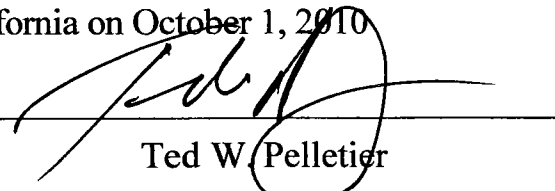
On this date I served on the interested parties in this action the within document:

**PETITIONERS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
OPENING BRIEF ON THE MERITS**

by placing a true copy thereof enclosed in a sealed envelope, postage prepaid, in the United States Mail at San Anselmo, California, addressed as follows:

Maria A. Starn
Scott L. Hengesbach
MURCHISON & CUMMING, LLP
801 South Grand Avenue, 9th Floor
Los Angeles, CA 90017
For Respondent Diamond International Corporation

Executed at San Anselmo, California on October 1, 2010


Ted W. Pelletier