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2 DAVID R. DONADIO, ESQ., S.B. #154436
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8
9 Attorneys for Plaintiffs

FILED AND ENTERED

02 FEB -1 PM 12:34

COORDINATOR - CLERK

BY: _____
DEPUTY CLERK

Ednaleen Javier-Lacson



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

BRAYTON ♦ PURCELL
ATTORNEYS AT LAW
222 RUSH LANDING ROAD
P.O. BOX 2109
NOVATO, CALIFORNIA 94945
(415) 898-1555

11 ANN KANANIAN, Individually, and as
12 Successor-in-Interest to HARRY
13 KANANIAN, Deceased; and ANN
14 KANANIAN, JACK KANANIAN,
15 MARY BRUNO, and KAREN
16 KANANIAN, as Legal Heirs of HARRY
17 KANANIAN, Deceased,

No. 311064

BRIEF IN SUPPORT OF ENTRY OF
DEFAULT JUDGMENT AS TO
DEFENDANT WESTERN MacARTHUR
COMPANY

Plaintiffs,

Date:
Room: 218, Commr. Loretta Norris
Default Entered: June 13, 2000

v.

ASBESTOS DEFENDANTS (BHC)

ATTACHED DOCUMENTS:

1. Exhibit A Medical Reports:
Barry Horn, M.D.
James Robb, M.D.
2. Exhibit B Worksite Product Identification
3. Exhibit C Declaration of David R. Donadio Re Offer of Proof
4. Exhibit D Report on Economic Loss by Barry Ben-Zion, Ph.D.
5. Exhibit E Request to Take Judicial Notice
Exhibit 1: Declaration of Francine S. Curtis
Exhibit 2: Excerpts from the Deposition of Harry Kananian
Exhibit 3: Declaration of John T. Purcell
Exhibit 4: Declaration of Edward Costello
6. Exhibit F Proposed Judgment by Court

EXCERPT
THE ANNEXED INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN MY OFFICE.
ATTEST CERTIFIED
NOV 19 2009
GORDON PARKER, Clerk
SUPERIOR COURT
BY: *Dennis To...*
DEPUTY CLERK

1 Plaintiff ANN KANANIAN submits this summary of facts and issues for consideration.

2 Decedent: HARRY KANANIAN

3 Plaintiff(s): ANN KANANIAN, surviving spouse and children heirs: JACK
4 KANANIAN, MARY BRUNO, and KAREN KANANIAN

5 Cause of Action: Complaint alleging Wrongful Death with Survival Allegations with
6 causes of action for Negligence, Strict Liability, Intentional Tort, False Representation, and punitive damages allegations.

7 Date of Death: June 26, 2000

8 Age(s): Decedent - 74 years at death.
9 Surviving Spouse - 73 years.

10 Marriage Date: September 11, 1949.

11 Decedent's Normal Life Expectancy: Approximately 10.1 years, at time of death.

12 Cause of Death: Mesothelioma was a legal cause of decedent's death. See attached
13 **Exhibit A** -- reports of Barry Horn, M.D. and James Robb, M.D.

14 Employment/ Investigated Exposure Opportunities: 1945: Hunters Point Naval Shipyard, San Francisco. Job Title: Private
15 First Class, Rifleman. Plaintiff was stationed on the GENERAL JOHN POPE.

16
17 Product Evidence: See **Exhibit B** for plaintiff's worksite product identification. Defendant
18 WESTERN MacARTHUR COMPANY is the successor-in-interest to Western Asbestos Company. Kaminski v. Western MacArthur Company
19 (1985) 175 Cal.App.3d 445.

20 Damages to Estate:
21 Economic Loss 138,050.00
22 See Economic Loss Report of Barry Ben-Zion, Ph.D.

23 **Total Economic Damages to Estate: \$138,050.00**

24
25
26
27 \\\
28 \\\





1 Damages
 2 to Surviving
 3 Spouse
 4 ANN
 5 KANANIAN: Economic Wrongful Death Damages \$ 200,000.00
 6 See Declaration of Francine S. Curtis.
 7
 8 Loss of Consortium (Pre-Death Non-Economic Damages) See Declaration of Francine S. Curtis. 200,000.00
 9
 10 Loss of Comfort, Society, and Affection 600,000.00
 11 See Declaration of Francine S. Curtis.
 12
 13 **Total Damages to**
 14 **Surviving Spouse ANN KANANIAN: \$1,000,000.00**

15 Damages to
 16 Child Heir
 17 JACK KANANIAN: Economic Wrongful Death Damages \$ 50,000.00
 18 See Declaration of Francine S. Curtis.
 19
 20 Loss of Comfort, Society, and Affection 150,000.00
 21 See Declaration of Francine S. Curtis.
 22
 23 **Total Damages to Child Heir JACK KANANIAN: \$ 200,000.00**

24 Damages to
 25 Child Heir
 26 MARY BRUNO: Economic Wrongful Death Damages \$ 50,000.00
 27 See Declaration of Francine S. Curtis.
 28
 Loss of Comfort, Society, and Affection 150,000.00
 See Declaration of Francine S. Curtis.
Total Damages to Child Heir MARY BRUNO: \$ 200,000.00

19 Damages to
 20 Child Heir
 21 KAREN KANANIAN: Economic Wrongful Death Damages \$ 50,000.00
 22 See Declaration of Francine S. Curtis.
 23
 24 Loss of Comfort, Society, and Affection 150,000.00
 25 See Declaration of Francine S. Curtis.
 26
 27 **Total Damages to Child Heir KAREN KANANIAN: \$ 200,000.00**

25 Dated: 11/29/18

BRAYTON ♦ PURCELL

26 By: [Signature]
 27 David R. Donadio
 28 Attorney for Plaintiffs

EXHIBIT B
WORKSITE PRODUCT IDENTIFICATION



Product ID Report: Ann (WA) Kananian

Witness	Depo Date	Start	End
WESTERN MACARTHUR COMPANY			
HUNTERS POINT NAVAL SHIPYARD--SAN FRANCISCO, CA			
CLARK, LEON, , AUBURN, CA 95603, 885-916-4704	//	01/01/45	12/31/73
KELLEY, JOHN, , SAN FRANCISCO, CA, 566-415-3563	//	01/01/42	12/31/75
KELLY, JOHN, , SAN FRANCISCO, CA, 566-415-3563	//	01/01/42	01/01/75
KELLY, JOSEPH, ADDRESS AND TELEPHONE PRESENTLY UNAVAILABLE.	02/29/84	01/01/40	01/01/65
KISH, JACK, , EL SOBRANTE, CA, 222-510-	04/03/85	01/01/42	12/31/45
LUND, EVERETT, , SANTA CLARA, CA, 247-408-1149	//	01/01/43	12/31/73
OSTBERG, ROGER, , SAN PABLO, CA 94806, 724-510-9456	//	01/01/45	12/31/49
PATO, WILLIAM, , CLEARLAKE OAKS, CA 95423, 998-707-1347	//	01/01/43	12/31/73
PRIETO, GEORGE, ADDRESS AND TELEPHONE PRESENTLY UNAVAILABLE.	//	01/01/45	12/31/73
SMART, BERNICE, , SAN FRANCISCO, CA	04/24/86	01/01/40	01/01/60
SPRAU, GEORGE, , PLEASANT HILL, CA, 939-415-5747	//	01/01/40	01/01/80
STRABA, JOHN, , SAN FRANCISCO, CA, 564-415-1606	05/08/89	01/01/42	01/01/75
SULLIVAN, JOSEPH, , SAN FRANCISCO, CA, 334-415-4413	08/03/84	01/01/45	12/31/67
THOMPSON, ROSE, ADDRESS AND TELEPHONE PRESENTLY UNAVAILABLE.	//	//	//





EXHIBIT C

1 ALAN R. BRAYTON, ESQ., S.B. #73685
2 DAVID R. DONADIO, ESQ., S.B. #154436
3 BRAYTON ♦ PURCELL
4 Attorneys at Law
222 Rush Landing Road
Novato, California 94948
(415) 898-1555

5 Attorneys for Plaintiffs



8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO

11 ANN KANANIAN, Individually, and as
12 Successor-in-Interest to HARRY
KANANIAN, Deceased; and ANN
13 KANANIAN, JACK KANANIAN,
MARY BRUNO, and KAREN
14 KANANIAN, as Legal Heirs of HARRY
KANANIAN, Deceased,

No. 311064

DECLARATION OF DAVID R.
DONADIO RE OFFER OF PROOF IN
SUPPORT OF ENTRY OF DEFAULT
JUDGMENT AGAINST WESTERN
MACARTHUR COMPANY

15 Plaintiffs,

16 v.

17 ASBESTOS DEFENDANTS (BHC)

18 I, David R. Donadio, declare:

19 1. I am an attorney at law duly licensed to practice before all the courts in the State of
20 California, and am a principal in the law firm of BRAYTON ♦ PURCELL, attorneys of record for
21 plaintiffs, heirs of decedent HARRY KANANIAN.

22 2. Were I to appear at a hearing before this Court on plaintiff's behalf to Request a
23 Default Judgment against WESTERN MacARTHUR COMPANY, the following Offer of Proof
24 would be presented thereby establishing entitlement of entry of a default judgment in favor of
25 plaintiff ANN KANANIAN and against defendant WESTERN MacARTHUR COMPANY.

26 3. Attached hereto and marked Exhibit 2 are excerpts from the deposition of decedent,
27 HARRY KANANIAN, taken June 8, 2000, in the case of Harry Kananian and Ann Kananian vs
28

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ATTORNEYS AT LAW
222 RUSH LANDING ROAD
P.O. BOX 2109
NOVATO, CALIFORNIA 94945
(415) 898-1555

1 Abestos defendants, (BHC), San Francisco Superior Court Action No. 311064 wherein HARRY
2 KANANIAN describes his exposure to asbestos-containing insulation products in 1945 while
3 serving in the Navy and stationed on board the GENERAL JOHN POPE at Hunter's Point Naval
4 Shipyard, San Francisco, California.

5 4. Former WESTERN MACARTHUR COMPANY employees, John T. Purcell, and
6 Edward Costello, state in their declarations of which the Court is requested to take judicial
7 notice, that WESTERN MACARTHUR COMPANY was the exclusive supplier of Johns-
8 Manville asbestos-containing products in Northern California from 1939-1975, including to
9 Hunter's Point Naval Shipyard.

10 5. HARRY KANANIAN'S deposition excerpts, together with the Purcell, and Costello
11 declarations, show that decedent was exposed to asbestos-containing products supplied by
12 WESTERN MACARTHUR COMPANY.

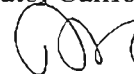
13 6. Defendant WESTERN MacARTHUR COMPANY is the Successor-in-Interest to
14 Western Asbestos Company. Kaminsky v. Western MacArthur Company (1985) 175 Cal.App.3d
15 445.

16 7. As evidenced by the reports of Dr. Barry Horn, a board-certified pulmonologist and
17 Dr. James Robb, a board-certified pathologist, submitted herewith and collectively marked
18 Exhibit A to plaintiff's Brief in Support of Default Judgment, HARRY KANANIAN'S cause of
19 death was asbestos-related mesothelioma.

20 8. Attached and marked Exhibit D to plaintiff's Brief in Support of Entry of Default
21 Judgment is a true and correct copy of Dr. Barry Ben-Zion's summary of the economic loss
22 sustained by HARRY KANANIAN'S heirs as a result of his premature death, in the sum of
23 \$138,050.00.

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

26 Executed on 11/21/12, at Novato, California.

27 

28 David R. Donadio





EXHIBIT E

1 ALAN R. BRAYTON, ESQ., S.B. #73685
2 DAVID R. DONADIO, ESQ., S.B. #154436
3 BRAYTON ♦ PURCELL
4 Attorneys at Law
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6 Novato, California 94948
7 (415) 898-1555

8 Attorneys for Plaintiffs

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO

11 ANN KANANIAN, Individually, and as
12 Successor-in-Interest to HARRY
13 KANANIAN, Deceased; and ANN
14 KANANIAN, JACK KANANIAN, MARY
15 BRUNO, and KAREN KANANIAN, as
16 Legal Heirs of HARRY KANANIAN,
17 Deceased,

No. 311064

REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF ENTRY OF DEFAULT
JUDGMENT AS TO DEFENDANT
WESTERN MacARTHUR COMPANY

[Cal.Evid.Code § 452]

Plaintiffs,

vs.

ASBESTOS DEFENDANTS (BHC)

Plaintiff ANN KANANIAN requests this Court take judicial notice, pursuant to the provisions of California Evidence Code § 452(d)(1), of the following:

1. Declaration of Francine S. Curtis, Re: WESTERN MacARTHUR COMPANY, filed with this Court in TAPUNI AFO (Lead Case), et al., v. ASBESTOS DEFENDANTS (BHC), San Francisco Superior Court Case No. 303033, on November 8, 1999 (True and correct copy attached hereto as **Exhibit 1.**)

///

///



BRAYTON ♦ PURCELL
ATTORNEYS AT LAW
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P.O. BOX 2109
NOVATO, CALIFORNIA 94945
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1 2. Excerpts from the Deposition of decedent HARRY KANANIAN in Harry Kananian
2 and Ann Kananian vs. Asbestos Defendants (BHC) , San Francisco Superior Court Case No.
3 311064 (true and correct copy attached hereto as **Exhibit 2**):


4 June 8, 2000 Page 21: 2-24.
5 Page 23: 10-25.
6 Page 25: 16-20.
7 Page 26: 1-25.

8 3. Declaration of John T. Purcell, Re: WESTERN ASBESTOS COMPANY, filed
9 with this Court in WALTER AMMANN (Lead Case), et al., v. ASBESTOS DEFENDANTS
10 (BHC), San Francisco Superior Court Case No. 999316, on July 8, 1999. (True and correct copy
11 attached hereto as **Exhibit 3**.)

12 4. Declaration of Edward Costello, Re: WESTERN ASBESTOS COMPANY AND
13 WESTERN MacARTHUR COMPANY, filed with this Court in WALTER AMMANN (Lead
14 Case), et al., v. ASBESTOS DEFENDANTS (BHC), San Francisco Superior Court Case No.
15 828684, on July 7, 1999. (True and correct copy attached hereto as **Exhibit 4**.)

16 Dated: 1/29/02

BRAYTON ♦ PURCELL

17
18 By: 
19 David R. Donadio
20 Attorneys for Plaintiffs





ENDORSED
FILED
San Francisco County Superior Court

NOV 8 - 1999

ALAN CARLSON, Clerk
BY: STEVEN DOUGLAS
Deputy Clerk

1 ALAN R. BRAYTON, ESQ., S.B. #73685
2 FRANCINE S. CURTIS, ESQ., S.B. #104338
3 BRAYTON, PURCELL, CURTIS & GEAGAN
Attorneys at Law
4 222 Rush Landing Road
P.O. Box 2109
5 Novato, California 94948
(415) 898-1555

6 Attorneys for Plaintiffs

7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO

10
11 TAPUNI AFO [Lead Case], et al.,

No. 303033

12 Plaintiffs,

DECLARATION OF FRANCINE S.
CURTIS IN SUPPORT OF WESTERN
MacARTHUR DEFAULT JUDGMENT

13 vs.

14 ASBESTOS DEFENDANTS (BHC)

15
16
17 I, Francine S. Curtis, declare that:

18 1. I am an attorney duly licensed to practice before all the Courts in the State of
19 California, and am a principal with Brayton, Purcell, Curtis & Geagan, attorneys for various
20 plaintiffs in asbestos personal injury litigation.

21 2. I have been involved in asbestos-related disease litigation in Northern California since
22 1989. Our firm has tried in excess of 75 asbestos cases to verdict. Many of the verdicts were
23 achieved in cases alleging wrongful death caused by or contributed to by previous exposure to
24 asbestos and asbestos-containing products.

25 ///

26 ///

27 ///

28



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1 m. Therese Petrini v. Abex Corporation (1998) San Francisco Superior Court
2 Case No. 961525. Verdict of \$995,432.15, non-economic damages totaling \$850,000.00,
3 economic damages totaling \$145,432.15. Decedent John Petrini was a 69-year-old male at the
4 time of his death. Plaintiffs were decedent's estate, his surviving spouse and two adult children.

5 n. Luz Stevenson v. Abex Corporation (1998) San Francisco Superior Court
6 Case No. 963023. Verdict of \$1,784,000.00, non-economic damages totaling \$1,500,000.00,
7 economic damages totaling \$284,000.00. Decedent Donald Stevenson was a 68-year-old male at
8 the time of his death. Plaintiffs were decedent's estate, his surviving spouse and three adult
9 children.

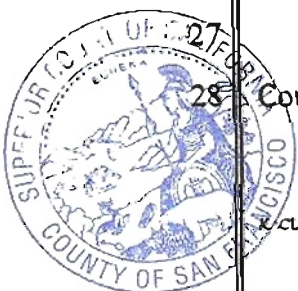
10 o. Doris Thompson v. Abex Corporation (1998) San Francisco Superior Court
11 Case No. 969059. Verdict of \$1,361,500.00, non-economic damages totaling \$800,000.00,
12 economic damages totaling \$211,500.00. Decedent Donald Thompson was 72 years old at the
13 time of his death. Plaintiffs were decedent's estate, his surviving spouse and four adult children.

14 p. Milo Walker v. Abex Corporation (1998) Solano County Superior Court Case
15 No. V14609. Verdict of \$650,223.00, non-economic damages totaling \$468,864.00, economic
16 damages totaling \$181,359.00. Decedent Hubert Walker was a 47-year-old male at the time of
17 his death. Plaintiffs were decedent's estate and two adult children.

18 q. Elsie Wallace v. Abex Corporation (1998) Solano County Superior Court Case
19 No. V12988. Verdict of \$798,816.00, non-economic damages totaling \$497,376.00, economic
20 damages totaling \$301,440.00. Decedent Louis Wallace was a 61-year-old male at the time of
21 his death. Plaintiffs were decedent's estate and three adult children.

22 r. Mary Wiggins v. Abex Corporation (1995) San Francisco Superior Court Case
23 No. 954274. Verdict of \$3,876,000.00, non-economic damages totaling \$2,700,000.00,
24 economic damages totaling \$1,176,000.00. Decedent James Wiggins was a 54-year-old male at
25 the time of his death. Plaintiffs were decedent's estate, his surviving spouse and three adult
26 children.

s. Margaret Yarbrough v. Abex Corporation (1998) Solano County Superior
27 Court Case No. V16321. Verdict of \$652,424.00, non-economic damages totaling \$468,864.00.



1 economic damages totaling \$183,560.00. Decedent Ralph Yarbrough was a 66-year-old male at
2 the time of his death. Plaintiffs were decedent's estate, his surviving spouse and one adult child.

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

5 Executed on November 2, 1999, at Novato, California.

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Francine S. Curtis
Francine S. Curtis





filed

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

211240

HARRY KANANIAN AND)
ANN KANANIAN,)

Plaintiffs,)

vs.)

Case No. 311064

ASBESTOS DEFENDANTS (BHC),)

Defendants.)

- - - - -

THE VIDEOTAPED DEPOSITION OF HARRY KANANIAN
THURSDAY, JUNE 8, 2000

- - - - -

The deposition of Harry Kananian, a Plaintiff herein, called by the Plaintiff for examination pursuant to the Ohio Rules of Civil Procedure, taken before me, the undersigned, Darlene Lowe, a Registered Professional Reporter and Notary Public within and for the State of Ohio, taken at Marymount Hospital, 12300 McCracken Road, Garfield Heights, Ohio, commencing at 10:00 a.m., the day and date above set forth.



CADY & WANOUS REPORTING SERVICES, INC.

55 PUBLIC SQUARE
1225 ILLUMINATING BUILDING
CLEVELAND, OHIO 44113
(216) 861-9270



1 A Yes, it is.

2 Q How long were you at Ft. Ord?

3 A I have to look. One month in '45. March

4 through April.

5 Q So by this point it's 1945?

6 A Right.

7 Q Where did you go in April of 1945, where were

8 you sent?

9 A I was sent to the Phillipines.

10 Q Did you ship directly out of Ft. Ord?

11 A Yeah, we left Ft. Ord and we went to the

12 shipyards in San Fransico, we shipped out from

13 there.

14 Q So you shipped out from a shipyard in San

15 Fransico?

16 A Yes.

17 Q And what ship did you board there in San

18 Fransico, do you recall?

19 A General John Pope.

20 Q And can you tell us what kind of ship the

21 General John Pope was?

22 A It was a troop carrier.

23 Q Was it a Naval vessel?

24 A Yes.

25 Q And where did you travel? You indicated you



1 A No, never.

2 Q Did you take up smoking at that point?

3 A Yes, I did.

4 Q Why did you do that?

5 A At first, I would give them to the other friends
6 that I had, but then one said why don't you try
7 one and I did, and pretty soon I was hooked.

8 Q Did you have to pay for those cigarettes?

9 A No.

10 Q Where did you spend most of your time aboard the
11 General John Pope? In other words, were you
12 above deck or below deck?

13 A During the day, I was above deck. At night,
14 they were below deck because they didn't want
15 anyone throwing cigarettes overboard lit.

16 Q They didn't want people smoking above deck?

17 A That's right, because it could be seen by enemy
18 submarine.

19 Q Did you have sleeping quarters or birthing
20 quarters below deck?

21 A Say that again.

22 Q Did you have sleeping quarters or birthing
23 quarters below deck where you fellows slept at
24 night?

25 A Yeah, we had sleeping quarters.

1 bunked in?

2 A I was on top.

3 Q Was there any particular preference among the
4 men as to which bunk --

5 A Yes.

6 Q -- you got?

7 A Yes.

8 Q What was that?

9 A Everyone wanted to be on top.

10 Q Why was that?

11 A In case anyone else got sick from the top, then
12 the one on the bottom would catch it.

13 Q So a lot of the fellows got seasick on the way
14 over?

15 A Yes, a lot of them did.

16 Q Do you recall, Mr. Kananian, whether there were
17 any pipes that ran through your sleeping
18 quarters?

19 A Yes, there were.

20 Q Could you describe those pipes for us?

21 A They were maybe -- I would be guessing if I gave
22 you a circumference of it.

23 Q I don't want you to guess, but maybe you could
24 show us for the camera. I can describe for the
25 court reporter what you're --



1 A Probably about that big around.

2 Q Maybe six, eight inches in diameter?

3 A Yeah, right.

4 Q Were these pipes insulated?

5 A Yeah, it was like a white coating on it.

6 Q And where did the pipes run? Did they run along

7 the floor or the ceiling in the compartment?

8 A In the ceiling.

9 Q So when you were on the top bunk, you were

10 pretty close to those pipes?

11 A Yes, I was.

12 Q How far would you estimate that you were away

13 from those pipes, approximately?

14 A Two feet.

15 Q When the General John Pope was underway, out at

16 sea, did it vibrate at all?

17 A Yes, it did. We ran into a storm. Or rough

18 seas, put it that way.

19 Q Would it vibrate in your sleeping quarters?

20 A Yes.

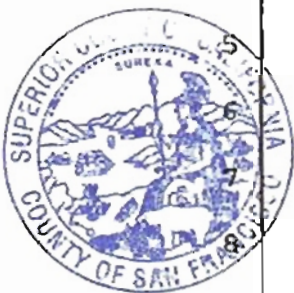
21 Q Would it be fair to say, if I understood your

22 earlier answer, that you spent about 50 percent

23 of your time above deck and 50 percent of your

24 time below deck, would that be roughly correct?

25 A That would be a rough estimate, yes.



LAGER BOARD FORM A PENDING - 1-800-521-6588

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ERIC C. SOLOMON, ESQ., S.B. #119131
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Attorneys at Law
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P.O. Box 2109
Novato, California 94948
(415) 898-1555

JUL -8 99
ALAN CARLSON, CLERK
BY: *[Signature]*
DEPUTY CLERK

Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO



WALTER AMMANN, et al.,
Plaintiffs.

No. 999316

DECLARATION OF JOHN T. PURCELL
RE: WESTERN ASBESTOS COMPANY

v.
ASBESTOS DEFENDANTS (BHC)

BRAYTON, PURCELL, CURTIS & GEAGAN
ATTORNEYS AT LAW
222 RUSH LANDING ROAD
NOVATO, CALIFORNIA 94948
P.O. BOX 2109
(415) 898-1555

I, John T. Purcell, declare:

1. I am over 18 years of age, am a resident of the city of San Rafael, County of Marin, State of California, and am not a party to the above captioned action. I state the succeeding facts from my personal knowledge.

2. Intermittently during 1941, 1942, 1946, and 1947, and full time between 1951 and 1966, I was employed by the Western Asbestos Company. During the summers in 1941 and 1942, I worked as a Western Asbestos Company "helper" or "improver" in shipyards. During the summers in 1946 and 1947, I worked as a Western Asbestos Company helper and truck driver with responsibility for delivery of insulation materials. Between 1951 and 1964, I was employed by the Western Asbestos Company as insulation superintendent, estimator, orderer of insulation material, and coordinator of manpower. Between mid 1964 and 1966, I was a member of a three man Western Asbestos Committee which advised management on all phases of operations of the company, until assumption of control of Western Asbestos Company by the

DECLARATION OF JOHN T. PURCELL RE: WESTERN ASBESTOS COMPANY

3

10. The Contract Insulation arm was itself further divided at Western Asbestos Company into a "Shipyard" or "Marine Insulation" Division, and a Shoreside Division. The Shoreside division was subdivided into a "Buildings" or "Commercial" wing and a "large jobs" or "industrial site" wing.

11. During the 1950s and 1960s, Western Asbestos Company performed "large jobs" at refineries, power plants, and chemical plants" using predominantly (approximately 80%) Johns Manville material. In performing Shipyard work, Western Asbestos used more than 50% Johns Manville material during the 1950s and 1960s. Approximately 10% of the asbestos containing products sold or installed by Western Asbestos Company were "fill in" Kaylo products from Fiberglass Engineering, and PABCO products from Plant Asbestos Company. The remainder of Western Asbestos Company's fill in products came from Phillip Carey, and from a variety of other sources.

12. The Western Asbestos Company supplied the vast majority of material, and performed vast majority of all contract insulation work, at the Bethlehem Shipyard on 20th and Illinois Streets in San Francisco, during the 1940s, 1950s, and 1960s.

13. Based upon estimating jobs, supervising jobs, and seeing purchase orders and other financial records, I can state that the Western Asbestos Company delivered or installed substantial quantities of asbestos containing thermal insulations at the following sites, during the years indicated:

AAA shipyard, pier 64, San Francisco, 1950s and 1960s

Abbott Laboratories, Burlingame, CA, 1950s and 1960s

Aerojet General Corp., Nimbus, CA, 1950s and 1960s

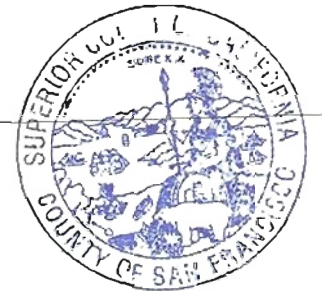
Alta Bates Hospital, Berkeley, CA, 1950s and 1960s

American Can Company, San Francisco, CA, 1950s and 1960s

American President Lines, San Francisco piers, 1950s and 1960s

AMPEX, Redwood City, CA, 1960s

Anchor Brewing Company, San Francisco, CA, 1950s and 1960s



- 1 Fairmont Hotel, Powell and California, San Francisco, CA, 1950s and 1960s
- 2 Federal Building, 450 Golden Gate, San Francisco, CA, 1950s and 1960s
- 3 Fiberboard, Antioch, CA, 1950s and 1960s
- 4 Firestone Tire and Rubber, Salinas, CA, 1960s
- 5 FMC Corporation, Newark, CA, 1950s and 1960s
- 6 Folgers Coffee Building, Howard & 1st, San Francisco, CA, 1950s and 1960s
- 7 Ford Motor Company plant, Milpitas, CA, 1950s and 1960s
- 8 Fort Ord, CA, 1950s and 1960s
- 9 French Hospital, San Francisco, CA, 1950s and 1960s
- 10 Gallo Glass plant and winery, Modesto, CA, 1950s and 1960s
- 11 General Electric Company, San Jose, CA, 1950s and 1960s
- 12 General Motors, Fremont, CA, 1950s and 1960s
- 13 Georgia Pacific Mill, Eureka, CA, 1950s and 1960s
- 14 Grace Brothers Brewery, San Francisco, CA, 1950s and 1960s
- 15 Guittard Chocolate Company, Burlingame, CA, late 1950s and 1960s
- 16 Hamms Brewery, San Francisco, CA, 1950s and 1960s
- 17 Hewlett Packard, Palo Alto, CA, 1960s
- 18 Hewlett Packard, Redwood City, CA, 1960s
- 19 Hills Bros. Coffee, San Francisco, CA, 1950s and 1960s
- 20 HJ Heinz Company, Tracy, CA, 1950s and 1960s
- 21 Holiday Inn, Fisherman's Wharf, San Francisco, CA, 1960s
- 22 Holly Sugar Company, Sacramento, CA, 1950s and 1960s
- 23 Humble Oil Company refinery, Benicia, CA, 1950s and 1960s
- 24 Hunters Point Naval Shipyard, San Francisco, CA, 1940s, 1950s and 1960s
- 25 IBM, Cottle Road, San Jose, CA, 1960s
- 26 Johns Manville plant, Stockton, CA, 1950s and 1960s
- 27 Johns Manville plant, Pittsburg, CA, 1950s and 1960s
- 28 Kaiser Hospital, Geary Street, San Francisco, CA, 1950s and 1960s



- 2 Pacific Bell building, Santa Rosa, CA, 1960s
- 3 Pacific Bell building, New Montgomery, San Francisco, CA 1960s
- 4 Pacific Drydock & Repair Company, Oakland, CA, 1950s and 1960s
- 5 Pacific Far East Lines, pier 42, San Francisco, CA, 1950s and 1960s
- 6 Pacific Presbyterian Medical Center, San Francisco, CA. 1960s
- 7 Pacific Ship Repair, pier 36, San Francisco, CA, 1950s and 1960s
- 8 PG&E, Antioch, CA, 1950s and 1960s
- 9 PG&E, Geysers, CA, 1960s
- 10 PG&E, Humboldt County/Eureka, CA, 1950s and 1960s
- 11 PG&E, Hunters Point, Station P, San Francisco, CA, 1950s and 1960s
- 12 PG&E, Morro Bay, CA, 1950s and 1960s
- 13 PG&E, Moss Landing, CA, 1950s and 1960s
- 14 PG&E, Pittsburg, CA, 1950s and 1960s
- 15 PG&E, Potrero Station, San Francisco, CA, 1950s and 1960s
- 16 PG&E, Santa Rosa, CA, 1960s
- 17 PG&E, Station A, San Francisco, CA, 1950s and 1960s
- 18 Phillips Petroleum refinery, Avon, CA, 1950s and 1960s
- 19 Porterville State Hospital, Porterville, CA, 1950s and 1960s
- 20 Ross General Hospital, Ross, CA, late 1950s and 1960s
- 21 Sacramento Municipal Utilities District, 1950s and 1960s
- 22 San Francisco General Hospital, 1950s and 1960s
- 23 San Francisco International Airport, 1950s and 1960s
- 24 San Francisco City College, 1950s and 1960s
- 25 San Francisco State College, 1950s and 1960s
- 26 San Jose State College, 1960s
- 27 Sequoia Hospital, Millbrae, CA, 1950s and 1960s
- 28 Shell Building, San Francisco, CA, 1950s and 1960s



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Wells Fargo Bank building, 44 Montgomery, San Francisco, CA 1960s

Westinghouse Electric Corp., Sunnyvale, CA, 1950s and 1960s

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

Executed on June 24, 1999, in San Rafael, California.

John T. Purcell
John T. Purcell



ENDORSED
FILED
San Francisco County Superior Court

JUL - 7 1999

ALAN CARLSON, Clerk
BY: KEVIN M. DOUGHERTY
Deputy Clerk

1 ALAN R. RAYTON, ESQ., S.B. #73685
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4 Novato, California 94948
(415) 898-1555

5 Attorneys for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO



11 WALTER AMMANN, et al.,
12 Plaintiffs,
13 v.
14 ASBESTOS DEFENDANTS (BHC)

No. 828684
DECLARATION OF EDWARD
COSTELLO RE: WESTERN ASBESTO
COMPANY AND WESTERN
MacARTHUR COMPANY

BRAYTON, PURCELL, CURTIS & GEAGAN
ATTORNEYS AT LAW
222 RUSH LANDING ROAD
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17 I, Edward Costello, declare:

18 1. I am over 18 years of age, am a resident of the City of Capitola, county of Santa
19 Cruz, State of California, and am not a party to the above-captioned action. I state the
20 succeeding facts from my personal knowledge.

21 2. I was employed by the Western Asbestos Company, in San Francisco, California,
22 from April 1936 through April 1944, and after completing my naval service during World
23 War II, from June 1946 until June 1967, at which time the company became the Western
24 MacArthur Company. I continued to be employed by the Western MacArthur Company from
25 June 1967 until my retirement on July 31, 1978.

26 3. Between 1936 and 1944, the Western Asbestos Company employed me at its
27 premises located at 675 Townsend Street, San Francisco, initially as an "office boy" and later
28 as a stenographer. During that time frame, I performed general office work, typed orders for

1 10. In 1948, Western Asbestos Company acquired the Bay Cities Asbestos Company
2 which was an East Bay distributor and contract installer of Johns Manville thermal insulation
3 materials.

4 11. While the Johns Manville Company was the supplier of the vast majority of the
5 asbestos containing thermal insulation materials sold and installed by both Western Asbestos
6 Company and Western MacArthur Company during my career with those organizations, "fill
7 in" asbestos containing thermal insulation products were acquired, especially during times of
8 shortage, from a variety of other thermal insulation manufacturers and suppliers, especially
9 during World War II.

10 12. During World War II, large quantities of Eagle Picher asbestos containing
11 insulating cements were acquired, and thereafter sold and installed, by Western Asbestos
12 Company. Additionally, asbestos containing textiles manufactured by Raybestos Manhattan
13 Company were acquired by Western Asbestos, and thereafter sold and installed by it during
14 same time frame.

15 13. Throughout my tenure with Western Asbestos Company and Western MacArthur
16 Company, our competitors Plant Asbestos Company and the Owens Fibreglass Company were
17 the most common suppliers of "fill in" asbestos containing thermal insulation products to my
18 employers. Plant Asbestos Company, located in Emeryville California, supplied Pabco
19 Precision Mold pipe covering, block insulation and cements. Owens Corning Fibreglass,
20 located in South San Francisco, supplied Kaylo pipe covering and block insulation.


21 14. Based upon my years of work with Western Asbestos Company and Western
22 MacArthur Company, during which I regularly reviewed and placed customer orders, regularly
23 reviewed and checked invoices, and regularly visited the company warehouses, I became aware
24 not only of my employers' product lines, but also very familiar with the customers and jobsites
25 of Western Asbestos Company and Western MacArthur Company. I can state that the
26 succeeding is only a partial list of the customers and jobsites of these companies, specifically
27 Western Asbestos prior to 1967, and of Western MacArthur from 1967 until my retirement in
28 1978. This list of customers and jobsites provides those specific years prior to 1967 when



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Throughout my years of employment, the Western Asbestos Company, and late the Western MacArthur Company, were, to my knowledge, the only asbestos insulation contractors performing any significant work at the Bethlehem Steel Shipyard, 20th & Illinois San Francisco, California. Western Asbestos Company maintained a warehouse on those premises, as did Western MacArthur Company after 1967. Bethlehem Shipyard, San Francisco was the largest contract insulation jobsite of Western Asbestos and of Western MacArthur throughout my years of employment with those entities.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on June 26, 1999 at Capitola, California.


Edward Costello

