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20 File No. 54,225

21 Attorneys for Plaintiffs
22 JOSEPH GARZA and MARY GARZA

23 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
24 COUNTY OF SAN FRANCISCO
25 UNLIMITED CIVIL JURISDICTION

26 JOSEPH GARZA and MARY GARZA,)
27)
28 Plaintiffs,)
vs.)
ASBESTOS CORPORATION)
LIMITED,)
Defendant.)

ASBESTOS
CASE NO. CGC-05-438144
W
~~[PROPOSED]~~ ORDER GRANTING MOTION
FOR AN ORDER COMPELLING ANSWERS TO
POST-JUDGMENT INTERROGATORIES AND
REQUEST FOR PRODUCTION OF
DOCUMENTS PURSUANT TO C.C.P. § 708.020
AND C.C.P. § 708.030, AND REQUEST FOR
MONETARY SANCTIONS PURSUANT TO
C.C.P. § 2030.300(d) AND C.C.P. § 2031.310(h)

Date: November 23, 2010
Time: 9:00 a.m.
Dept.: 220
Presiding Judge: Harold E. Kahn

ENDORSED
FILED
San Francisco County Superior Court

NOV 23 2010

CLERK OF THE COURT
BY: JHULIE ROQUE Deputy Clerk

1 Said NOTICE OF MOTION AND MOTION FOR AN ORDER COMPELLING ANSWERS
2 TO POST-JUDGMENT INTERROGATORIES AND REQUEST FOR PRODUCTION OF
3 DOCUMENTS PURSUANT TO C.C.P. § 708.020 AND C.C.P. § 708.030, AND REQUEST FOR
4 MONETARY SANCTIONS PURSUANT TO C.C.P. § 2030.300(d) AND C.C.P. § 2031.310
5 having come on regularly for hearing this 23rd day of November, 2010 at the hour of 9:00 am., in the
6 Asbestos Department of the above-entitled court, in Dept. 220, before the Honorable Haroll E. Kahn,
7 Judge of the Superior Court, and David J. Cook, Esq. and Nathaniel L. Dunn, Esq., appearing on
8 behalf of Plaintiffs JOSEPH GARZA and MARY GARZA, and Mary L. Gambino, Esq., appearing
9 on behalf of Defendant ASBESTOS CORPORATION LIMITED ("ACL"), and for good cause
10 appearing, therefore,

11 IT IS HEREBY ORDERED that the MOTION FOR AN ORDER COMPELLING ANSWERS
12 TO POST-JUDGMENT INTERROGATORIES AND REQUEST FOR PRODUCTION OF
13 DOCUMENTS PURSUANT TO C.C.P. § 708.020 AND C.C.P. § 708.030 ~~(AND REQUEST FOR~~
14 ~~MONETARY SANCTIONS PURSUANT TO C.C.P. § 2030.300(d) AND C.C.P. § 2031.310)~~ is
15 hereby granted.

16 IT IS FURTHER ORDERED that ACL shall answer all of those certain post-judgment
17 interrogatories pursuant to C.C.P. § 708.020 within 30 days of the notice of entry of this order, without
18 objection thereto.

19 IT IS FURTHER ORDERED that ACL shall provide an amended statement of compliance in
20 response to the post-judgment request for production of documents and produce all of the books,
21 letters, papers and files as sought by the request for production of documents pursuant to C.C.P. §
22 708.030 within 30 days of the notice of entry of this order, without objection thereto.

23 IT IS FURTHER ORDERED that the objections based upon the "blocking statutes" of Quebec,
24 or any other objection based upon the laws of a foreign state are overruled, and all objections as to
25 form are overruled. *The parties shall meet and confer as to*
26 *Any bona fide objections based on Form, and the Court*
27 *shall keep and retain continuing jurisdiction.*
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DJC

IT IS FURTHER ORDERED that monetary sanctions against ACL and its attorneys, RALPH WELLS ROBINSON and WILSON, ELSER, MOSKOWITZ, EDELMAN AND DICKER, LLP, in the amount of \$ _____ shall be awarded pursuant to C.C.P. § 2030.300(d) AND C.C.P. § 2031.310(h), due 30 days from and after the date of notice of entry of this order.

DJC

IT IS FURTHER ORDERED that Plaintiffs are awarded monetary sanctions in the sum of \$ _____ per day, each day, to be paid and awarded against ACL for the failure and refusal, and continuous failure and refusal to answer the post-judgment interrogatories and respond to the request for production of documents, payable 15 days from and after the date of notice of entry of this order, in the event that ACL fails to comply with the terms of this order herein.

DATED: 11/23/10


HAROLD E. KAHN
JUDGE OF THE SUPERIOR COURT

NOTICE TO JUDGMENT DEBTOR

PLEASE TAKE NOTICE THAT THE COURT HAS ENTERED AN ORDER COMPELLING RESPONSES TO DISCOVERY, A RESTRAINING ORDER, AND OTHER RELIEF. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN CONTEMPT IN WHICH YOU MAY BE INCARCERATED IN THE COUNTY JAIL OF NOT MORE THAN 5 DAYS AND PAYMENT OF NOT MORE THE SUM OF \$1,000 PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1209, ~~but subject~~

~~to the IMPACT~~ subject to the PRACTICALITIES THAT A CORPORATION CANNOT BE INCARCERATED

[Handwritten mark]

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