

1 Brent M. Karren (State Bar No. 291038)
1 bkarren@mgnl.com
2 Mary Katherine Back (State Bar No. 234021)
2 mback@mgnl.com
3 **MANION GAYNOR & MANNING LLP**
4 201 Spear Street, 18th Floor
4 San Francisco, CA 94105
5 Tel: (415) 512-4381
5 Fax: (415) 512-6791

6 Attorneys for Defendant
MARTIN BROS./MARCOWALL, INC.

ELECTRONICALLY

FILED

FILED

**Superior Court of California
County of San Francisco**

07/06/2016

07/06/2016
Clark of the Court

Clerk of the Court
BY: CAROL BALISTRERI

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

YSIDRO LIMON, SR.:

Case No. CGC-15-276378

Plaintiff,

VS

AMCORD INC., et al.

Defendants.

**DECLARATION OF RICHARD MARTIN
IN SUPPORT OF DEFENDANT MARTIN
BROS./ MARCOWALL, INC.'S MOTION
FOR SUMMARY JUDGMENT**

(Filed Concurrently With Notice of Motion; Memorandum of Points and Authorities; Declaration of Mary Katherine Back; Separate Statement of Undisputed Facts; and [Proposed] Order)

Date: September 22, 2016

Time: 9:30 a.m.

Dent: 503

Judge: Hon. Garrett Wong

Complaint Filed: January 2, 2015

Trial Date: October 24, 2016

J. RICHARD C. MARTIN, declare and state as follows:

1. I am over the age of eighteen (18) and competent in all respects to make this declaration. This declaration is based on my personal knowledge and I am competent to testify to matters stated herein.

111

111

1 2. I began working for Martin Bros./Marcowall, Inc. ("Martin Bros.") on June 15,
2 1953. I worked as an estimator from 1956 to 1960. In 1960, I purchased Martin Bros. with a
3 relative, and served as President of Martin Bros. from 1964 to June 2003.

4 3. My knowledge of the job and work history of Martin Bros. is the result of my
5 work as a former estimator and President, from 1956 to 2003. My knowledge of the job sites,
6 job contracts, and materials installed by Martin Bros. during the 1956 to 2003 time period is
7 thus based on first-hand observation as I have participated in the management of various aspects
8 of the company.

9 4. Since 1956, Martin Bros. has been an installer of construction products, as a
10 subcontractor.

11 5. Since 1956, Martin Bros. purchased construction products in order to install the
12 materials pursuant to construction documents received from the general contractors that hired
13 Martin Bros., including contracts, architectural plans, and specifications.

14 6. Martin Bros. is not, nor has it ever been, engaged in the business of
15 manufacturing or selling asbestos-containing construction products, including drywall or
16 drywall joint taping compound.

17 7. Martin Bros. is not, nor has it ever been, engaged in the business of
18 manufacturing or selling asbestos-containing cement piping.

19 8. I have reviewed Plaintiff Ysidro Limon's deposition testimony. Mr. Limon
20 testified to seeing employees of Martin Bros plastering at two locations during his career as a
21 sprinkler fitter. He recalled Martin Bros. at the construction of the Santa Ana mall in 1958 or
22 1959 and Arco Towers in the late 1960s in Los Angeles. He could only generally recall that
23 Martin Bros. did plastering at the Santa Ana mall and he did not know any other details. He was
24 at this jobsite for two months. As to the Arco Towers, Plaintiff did not see Martin Bros.
25 employees actually working on the jobsite but he saw them at lunch time. He was not sure what
26 they were doing but assumed plastering. He was at this jobsite for two weeks.

27 ///

28 ///

9. Given the positions I held at Martin Bros. I would have known about projects like those listed above. It is from my own personal knowledge that I know Martin Bros. did not perform work at the above-listed locations.

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

Executed this 27 day of June at San Marcos, California.

Richard C. Muller
Richard C. Muller

PROOF OF SERVICE BY ELECTRONIC TRANSMITTAL

I, Abigail Corbly, am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 201 Spear Street, 18th Floor, San Francisco, CA 94105.

On July 6, 2016, I electronically served via File and Serve Xpress the following documents on all parties as set forth in the accompanying transaction report:

**DECLARATION OF RICHARD MARTIN IN SUPPORT OF DEFENDANT MARTIN
BROS./ MARCOWALL, INC.'S MOTION FOR SUMMARY JUDGMENT**

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

Executed on July 6, 2016, at San Francisco, California.

Aug 19

Abigail Corbly