

1 SEDGWICK, DETERT, MORAN & ARNOLD LLP  
 KEITH M. CASTO Bar No. 109237  
 2 EARL L. HAGSTRÖM Bar No. 150958  
 DIANE T. GORCZYCA Bar No. 201203  
 3 One Embarcadero Center, 16th Floor  
 San Francisco, California 94111-3628  
 4 Telephone: (415) 781-7900  
 Facsimile: (415) 781-2635

5 Attorneys for Defendant  
 6 STANDARD FUSEE CORPORATION  
 d/b/a ORION SAFETY PRODUCTS CORPORATION

7  
 8

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA -- SAN JOSE DIVISION

11

12 JAYNE PALMISANO and RICHARD  
 PALMISANO, individuals,

13 Plaintiff,

14 v.

15 OLIN CORPORATION, STANDARD  
 16 FUSEE CORPORATION, doing business  
 as Orion Safety Products, a Delaware  
 17 corporation, and DOES 1 through 50,

18 Defendants.

Case No. C 03-01607 RMW

**DECLARATION OF KEITH M. CASTO IN  
 SUPPORT OF DEFENDANT STANDARD  
 FUSEE CORPORATION'S MOTION FOR  
 SUMMARY JUDGMENT**

Hearing Date: May 6, 2005  
 Hearing Time: 9:00 a.m.  
 Dept.: Courtroom 6  
 Judge: Hon. Ronald M. Whyte

19 AND RELATED CASES.

20

21 I, KEITH M. CASTO, hereby state as follows:

22 1. I am an attorney at law duly licensed to practice before all courts of the State of  
 23 California, and a partner with the law firm of Sedgwick, Detert, Moran & Arnold LLP, attorneys  
 24 of records for Defendant Standard Fusee Corporation ("Standard Fusee") in this matter. I have  
 25 personal knowledge of the facts stated herein, and if called as a witness, could and would testify  
 26 competently thereto.

27 2. Attached hereto as Exhibit A is a true and correct copy of the Complaint of  
 28 Bellwether Plaintiffs, Cindy and Joseph Dalla. Based on my review, the allegations contained in

1 the Complaints of Bellwether Plaintiffs, Teresa and Antonio Pereira, Tracy Templeton Smith and  
2 Craig Smith, and Robert Wess, are essentially identical to those set forth in the Dalla Complaint.

3 3. Attached hereto as Exhibit B is a true and correct copy of the Expert Report of  
4 James B. Cowart, P.E., dated February 7, 2005.

5 4. Attached hereto as Exhibit C is a true and copy of relevant excerpts from the  
6 transcript of the deposition of James Cowart, taken on March 9, 2005.

7 5. Attached hereto as Exhibit D is a true and correct copy of the Expert Report of  
8 Steven P. Larson, dated February 7, 2005.

9 6. Attached hereto as Exhibit E is a true and correct copy of relevant excerpts from  
10 the transcript of the deposition of David Bauer, taken on March 4, 2005.

11 7. Attached hereto as Exhibit F is a true and correct copy of relevant excerpts from  
12 the transcript of the deposition of Neil Shifrin, taken on March 18, 2005.

13 8. Attached hereto as Exhibit G is a true and correct copy of the Expert Report of  
14 David L. Bauer, dated January 21, 2005.

15 9. Attached hereto as Exhibit H is a true and correct copy of relevant excerpts from  
16 the transcript of the deposition of C. Jay McLaughlin, dated March 16, 2005.

17 10. Attached hereto as Exhibit I is a true and correct copy of the Agreement of  
18 Purchase and Sale between Olin Corporation and Standard Fusee Corporation, dated February 5,  
19 1988.

20 11. Attached hereto as Exhibit J is a true and correct copy of the Lease Agreement  
21 between Olin Corporation and Standard Fusee Corporation, dated March 10, 1988.

22 12. Attached hereto as Exhibit K is a true and correct copy of Environmental Site  
23 Assessment, 425 Tennant Avenue, Morgan Hill, California, by Woodward-Clyde Consultants,  
24 dated June 26, 1997, bates labeled Olin/Daniels 000001-000040.

25 13. Attached hereto as Exhibit L is a true and correct copy of Standard Fusee  
26 Corporation's Closure Plan, dated November 7, 1996, bates labeled Olin/Daniels 004893-  
27 004905.

28 14. Attached hereto as Exhibit M is a true and correct copy of Santa Clara County

- 1 Central Fire Protection District's Plan Review Comments, dated November 7, 1996.
- 2 15. Attached hereto as Exhibit N is a true and correct copy of Santa Clara County  
3 Central Fire Protection District's Final Closure Inspection Notice, dated November 22, 1996.
- 4 16. Attached hereto as Exhibit O is a true and correct copy of Olin Morgan Hill Fact  
5 Sheet.
- 6 17. Attached hereto as Exhibit P is a true and correct copy of "Information on Risks  
7 and Safety Precautions" sheet for potassium perchlorate, bates labeled Olin/Daniels 005719.
- 8 18. Attached hereto as Exhibit Q is a true and correct copy of Bay Area Air Quality  
9 Management District's 1988 Permit to Operate.
- 10 19. Attached hereto as Exhibit R is a true and correct copy of Bay Area Air Quality  
11 Management District's Invoice, Number 12776, dated October 30, 1995.
- 12 20. Attached hereto as Exhibit S is a true and correct copy of the CERCLA Screening  
13 Site Inspection by Ecology and Environment, Inc., dated March 8, 1990.
- 14 21. Attached hereto as Exhibit T is a true and correct copy of a letter from Olin  
15 Regulatory Manager, R.W. Cutler, to Standard Fusee President, John Brady, dated September 16,  
16 1988.
- 17 22. Attached hereto as Exhibit U is a true and correct copy of an Olin Inter Office  
18 Memo from David Booth to J.L. Chiolero, dated July 14, 1988, regarding Morgan Hill  
19 Inspection, bates labeled Olin/Daniels 006083-006085.
- 20 23. Attached hereto as Exhibit V is a true and correct copy of a letter from John Brady  
21 at Standard Fusee to J.L. Chiolero at Olin, dated August 3, 1988, bates labeled Olin/Daniels  
22 006146.
- 23 24. Attached hereto as Exhibit W is a true and correct copy of Olin's Regulatory  
24 Compliance Audit Report, dated November 4, 1988.
- 25 25. Attached hereto as Exhibit X is a true and correct copy of Olin's Regulatory  
26 Compliance Audit Report, dated August 9, 1990.
- 27 26. Attached hereto as Exhibit Y is a true and correct copy of Olin's Regulatory  
28 Compliance Audit Report, dated September 20, 1993.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

27. Attached hereto as Exhibit Z is a true and correct copy of Olin's Internal Audit Report, dated April 16, 1996, with attached Regulatory Compliance Audit Report.

28. Attached hereto as Exhibit AA is a true and correct copy of relevant excerpts from the Expert Report of Eric M. Nichols, P.E., dated January 24, 2005.

29. Attached hereto as Exhibit BB is a true and correct copy of relevant excerpts from the transcript of the deposition of Richard M. McClure, taken March 10, 2005.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing statements are true and correct.

Executed this 25th day of March 2005, at San Francisco, California.

s/Keith M. Casto  
Keith M. Casto