

FILE NAME: American Cyanamid (AMCY)

DATE: 2011

DOC#: AMCY023

DOCUMENT DESCRIPTION: 2nd Supplemental Objections and Responses to Plaintiff's Interrogatories

American Cyanamid

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

ROBERT WILLIAM BRENNAN and
MARCELLA F. BRENNAN, his wife,

Plaintiffs,

vs.

AMERICAN BILTRITE and its
division AMTICO, et al.,

Defendants.

CIVIL DIVISION

No. GD 10-016088

Code 012: Asbestos

**DEFENDANT WYETH LLC'S SECOND
SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO PLAINTIFFS'
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

Filed on Behalf of Defendant:
WYETH LLC

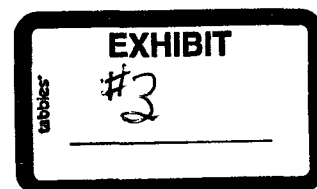
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) G.D. No. 10-016088

**DEFENDANT WYETH LLC'S SECOND SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO PLAINTIFFS'**

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

Defendant Wyeth LLC ("Wyeth"), by the undersigned attorneys, hereby supplements its responses to selected Plaintiffs' Interrogatories and Request for Production of Documents as follows:

PRELIMINARY STATEMENT

After diligent inquiry and investigation, Wyeth has made a good faith effort to respond to Plaintiffs' Interrogatories and Request for Production of Documents (hereafter "discovery requests," collectively) based upon information that is presently known and available to Wyeth. Wyeth believes that these responses are accurate as of the date upon which they were made. The matters inquired about herein, however, took place decades ago, and consequently, responsive information may be incomplete or no longer available due to the passage of time. Furthermore, many, if not all, of the persons who may have had knowledge of the particular matters inquired into in these requests are unknown or cannot be located. No single employee, officer, or agent of the company has direct knowledge of the information necessary to supply each and every response.

Wyeth provides the information in these responses solely for the purpose of and related only to the litigation in *Robert William Brennan and Marcella F. Brennan v. American Bilrite, et al.*, G.D. No. 10-016088, Court of Common Pleas of Allegheny County, Pennsylvania. Wyeth reserves all objections to the admissibility at trial of any information provided herein, including, without limitation, all objections on the grounds that such information is not reasonably calculated to lead to the discovery of admissible evidence.

In order to respond to these requests, counsel for Wyeth have engaged in a diligent and reasonable investigation in an effort to obtain responsive, non-privileged information concerning the Wyeth facility at issue, which is located at 401 North Middletown Road, Pearl River, New York (hereinafter the "Lederle Laboratories facility"). Counsel for Wyeth continues to engage in a good faith search, in accordance with the applicable provisions of the Pennsylvania Rules of Civil Procedure, to determine whether Wyeth may be able to provide further responsive, non-privileged information or documents as to which no objection has been made as a basis for not producing. Consequently, Wyeth specifically reserves the right to further supplement or amend these responses if at any time it later obtains or becomes aware of additional documents or information.

GENERAL LIMITATIONS AND OBJECTIONS

1. Nothing herein shall be construed as an admission by Wyeth regarding the admissibility or relevance of any fact or document, or the truth or accuracy of any characterization or statement of any kind contained in plaintiffs' discovery requests.

2. Wyeth objects to each discovery request to the extent that it seeks discovery of information or documents protected from disclosure by the attorney-client privilege and/or the work product doctrine.

3. Each and every discovery request is answered subject to the General Limitations and Objections set forth herein. These General Limitations and Objections form a part of the answer to each and every request, and are set forth here to avoid the duplication and repetition of restating them for each answer. These General Limitations and Objections may specifically be referred to in answers for the purpose of clarity. The failure to specifically incorporate a General Limitation or Objection should not, however, be construed as a waiver of any objection.

4. Wyeth reserves the right to amend these responses and to introduce additional evidence (before or at the time of trial) gathered through ongoing investigation and discovery.

5. Wyeth objects to each discovery request to the extent that it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth.

6. Wyeth objects to each discovery request to the extent that it is so overbroad, vague, ambiguous, and unintelligible as to make a response impossible without speculation. In particular, Wyeth objects to the use in these requests of the words "all," "every," "any," and "each" as overbroad and beyond the scope of this case.

7. Wyeth objects to those requests that are not limited to the type(s) and/or brand(s) of products on or around which Plaintiff Robert Brennan claims that he or his father worked, and/or not limited to any specific location(s) or departments within the Lederle Laboratories facility at which plaintiff claims that he or his father worked, as such requests are also overbroad and not reasonably calculated to lead to the discovery of admissible evidence.

8. Wyeth objects to those requests seeking information or documents beyond the time period relevant to this action, i.e., prior to December 14, 1948, and/or beyond September, 26, 1964, as overbroad and not reasonably calculated to lead to the discovery of admissible

evidence. Plaintiff Robert Brennan claims that he was exposed to asbestos during the months of June, July, and August, 1960, when he worked at the Lederle Laboratories facility. Plaintiff Robert Brennan also claims that he was secondarily exposed to asbestos from the Lederle Laboratories facility through his father, George Brennan, at their family home. George Brennan began his employment at the Lederle Laboratories facility on December 14, 1948. Plaintiff Robert Brennan testified that he moved out of the family home on September 26, 1964. Thus, Plaintiff has no claim of exposure through his father after that time. Consequently, the relevant time period at issue for Wyeth is December 14, 1948 through September 26, 1964.

9. Wyeth objects to each discovery request to the extent that it assumes particular products and/or equipment present in the Lederle Laboratories facility at any time may have been asbestos-containing or may have incorporated asbestos-containing materials.

10. Wyeth objects to these requests to the extent they seek documents containing confidential commercial, research and development, trade secret and other proprietary information.

11. Wyeth objects to plaintiffs' definitions as vague, ambiguous, overbroad and unduly burdensome given the scope of this particular case.

12. Wyeth objects to plaintiffs' definitions of "this defendant" and plaintiffs' use of the undefined term "you" as vague, ambiguous, overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of admissible information. Wyeth limits its responses to American Cyanamid Company, the company that owned the Lederle Laboratories facility (in Pearl River, New York) during the relevant time period. American Cyanamid Company was acquired by American Home Products Corporation in 1994, and American Home

Products Corporation changed its name to Wyeth in 2002. Pfizer Inc. acquired Wyeth in 2009, and Wyeth then became Wyeth LLC.

13. Wyeth objects to plaintiffs' definition of the term "document" to the extent that plaintiffs seek to impose upon Wyeth obligations that exceed or differ from those set forth in the Pennsylvania Rules of Civil Procedure. Plaintiffs' definition impermissibly seeks from Wyeth documents that are not within its possession, custody, or control.

14. Wyeth objects to plaintiffs' definition of "asbestos-containing product," as overbroad, vague, and ambiguous.

15. Wyeth objects to any other discovery requests, definitions, or instructions that seek to have Wyeth respond beyond the extent required by the Pennsylvania Rules of Civil Procedure.

**WYETH LLC'S SECOND SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO PLAINTIFFS' INTERROGATORIES**

INTERROGATORY NO. 15:

State the names and addresses of all other physicians who were employed, retained or otherwise engaged by the defendant at Lederle Lab or with responsibility for Lederle Lab at which plaintiff and his father worked.

ANSWER:

See General Limitations and Objections. Wyeth objects to the term "with responsibility for Lederle Lab" as vague and ambiguous. Wyeth further objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information concerning persons and time periods not at issue in this case. Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth states that Dr. F.M. Love may have served as the Director of Medical Services at Lederle Laboratories during the relevant time period. Dr. Love passed away on February 12, 1985.

Defendant further responds that Dr. R.M. Clyne and Dr. Norly may have served in the Corporate Medical Department during the relevant time period. Dr. Clyne and Dr. Norly are deceased.

As discovery is ongoing, Wyeth reserves the right to further amend or supplement this response.

INTERROGATORY NO. 16:

State the names and addresses of all persons employed by you or your predecessors who functioned as industrial hygienists. As contemplated by these interrogatories, an industrial hygienist is one who performs engineering or health studies to identify and evaluate potential occupational health hazards and suggest methods of dealing with same. As to each individual, state their complete and precise duties and responsibilities, from whom they received instruction or directives and to whom they reported.

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined term "you" as vague and ambiguous. Wyeth objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, as it is unlimited as to time and is not limited to the facility at issue in this case. Subject to and without waiving these objections, Wyeth states that W.V. Andresen served as an industrial hygienist for American Cyanamid Company at the corporate headquarters during the relevant time period and may have had some responsibility for the Lederle Laboratories facility. Mr. Andresen is 96 years old and resides in Punta Gorda, Florida and is unable to be deposed in this matter due to his failing health.

Defendant further responds that John A. Pendergrass served as an industrial hygienist for American Cyanamid Company at the corporate headquarters in New York City and Wayne, New Jersey. Mr. Pendergrass is 86 years old and resides in Mobile, Alabama. Mr. Pendergrass can be contacted through the undersigned counsel. Defendant also responds that William Bradley, Clifford Hellings, James Rook, Charles McKinnon and Joe Mellor served as industrial hygienists for American Cyanamid Company at the corporate headquarters during the relevant time period. Mr. Hellings started with Cyanamid on July 1, 1964 and had no responsibility for the Lederle Laboratories facility during the relevant time period. Mr. Bradley, Mr. Rook, Mr. McKinnon and Mr. Mellor are deceased. Defendant further responds that David Hobbs, Joseph Pernal, Charles Walters and John Wright may have been employed as industrial hygienists at the Lederle Laboratories facility during the relevant time period. Mr. Hobbs, Mr. Pernal, Mr. Walters and Mr. Wright are deceased.

As discovery is ongoing, Wyeth reserves the right to further amend or supplement this response.

INTERROGATORY NO. 17:

State the names and addresses of you and your predecessors' past corporate safety officers/directors and your present safety officer/director, listing the periods of time each safety officer/director was employed in that capacity, the duties and responsibilities of each safety officer/director, and to whom in the corporate structure each safety officer/director reported.