

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

IN RE: NEW YORK CITY
ASBESTOS LITIGATION

KERI LOGIUDICE AND JOSEPH LOGIUDICE,

Plaintiffs,

-against-

AMERICAN TALC CO. (individually and as
successor to Suzorite Mineral Products Inc., f/k/a
Pioneer Talc Co., a wholly-owned subsidiary of World
Companies), *et al.*,

Defendants.

NYCAL
I.A.S. Part 50
(Moulton, J.)

Index No. 190253/2014

**COLGATE-PALMOLIVE
COMPANY RESPONSE TO
PLAINTIFF'S FIRST STANDARD
SET OF LIABILITY
INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF
DOCUMENTS (ALTERED
PURSUANT TO CMO SECTIONS
VIII(A)(2)(A) AND VIII(B)(3)(A))**

Defendant, Colgate-Palmolive Company (hereinafter "Colgate-Palmolive") responds to Plaintiff's First Standard Set of Liability Interrogatories and Requests for Production of Documents (Altered Pursuant to CMO Sections VIII(A)(2)(a) and VIII(B)(3)(a)) as follows:

GENERAL OBJECTIONS

1. Colgate-Palmolive objects to the Interrogatories to the extent they seek to impose an obligation to respond that is different from or greater than the obligations to respond to Interrogatories set forth in the Amended Case Management Order dated September 20, 1996 or in Article 31 of the Civil Practice Law and Rules.

2. Colgate-Palmolive objects to the Interrogatories to the extent they seek privileged information, proprietary information, confidential trade information or other information and materials which have been generated or gathered in the course of litigation, and as such are protected from disclosure and discovery by privilege.

PLAINTIFF'S
EXHIBIT
WCD-147

3. Colgate-Palmolive objects to the Interrogatories on the grounds that they are unlimited in time, scope and geographic boundary. Further, Colgate-Palmolive is sued as a manufacturer of a specific consumer product in two individual cases and Colgate-Palmolive's responses are limited to such product.

4. Colgate-Palmolive objects to the Interrogatories on the grounds that they seek information that is neither relevant nor calculated to lead to the discovery of admissible evidence, in the context of this phase of the litigation, and specifically objects to providing any such information, and its answers to Interrogatories are specifically limited to the issues in consideration for this phase of the litigation.

5. Colgate-Palmolive objects to the Interrogatories on the grounds that literal adherence to the instructions, definitions and Interrogatories would pose an undue burden, unreasonable expense and constitute annoyance and oppression, as to Colgate-Palmolive.

6. Colgate-Palmolive objects to the form and design of the Interrogatories on the grounds that they seek information that is not relevant to this defendant in that they are requesting information that is specific to manufacturers or producers of asbestos products and not manufacturers of consumer products.

7. Colgate-Palmolive objects to definition of “asbestos product” and “asbestos-containing” product as including Colgate-Palmolive Co.’s “Cashmere Bouquet” brand talcum powder products and all talc (raw, processed or otherwise) sold, distributed or otherwise delivered to Colgate-Palmolive Co. or any of its agents that processed, manufactured, packaged, sold or distributed talc products, including, without limitation, talc for “Cashmere Bouquet” brand talcum powder products. Colgate’s Cashmere Bouquet talcum powder products have never included asbestos as an ingredient.

8. Colgate-Palmolive specifically reserves the right to revise, correct, supplement, make objections to and amends its responses to these Interrogatories and does not concede that any of its responses to the Interrogatories are or will be admissible evidence at trial in this matter. Further, Colgate Palmolive does not waive any objections, on any grounds, whether or not asserted in these responses, to the use of any of these responses to Interrogatories at trial of this matter.

Subject to the above General Objections, Colgate-Palmolive responds to plaintiffs Interrogatories and document requests as follows:

- 1) State the full name, address, telephone number and position of *all* corporate officer(s) or other person(s) representing, providing information or otherwise assisting defendant in answering these interrogatories.

ANSWER:

The person verifying these interrogatory responses does so to satisfy the requirements of New York Rules of Court. This person does not necessarily have direct knowledge regarding any specific answer and is unaware of the identities of all persons who may have knowledge of facts that may be responsive to these interrogatories. Rather, this person is informed that a review of documentary materials and other sources of information reasonably available to Colgate-Palmolive support its answers as of the date of signature. Colgate-Palmolive objects to the disclosure of this person's present residence address in that such information is irrelevant and not likely to lead to the discovery of admissible evidence. Without waiver of the objection, Colgate-Palmolive states that these responses represent the responses of Colgate-Palmolive and are verified by:

Marie Capdevielle, Ph.D., D.A.B.T.
WW Director of Product Sustainability and Occupational Health
Colgate-Palmolive Company

909 River Road
Piscataway, New Jersey 08855-1343

- 2) Have any documents or records been used or referred to in connection with the preparation of or answers to these interrogatories? If so, for each document referred to, referenced or otherwise relied upon, state the following:
- a. The number of the interrogatory and its subpart(s) to which the document relates, if applicable;
 - b. The identity and title of the document;
 - c. The name and location (including address) of the file in which the document was found;
 - d. The name and location (including address) of the file in which the document is
 - e. presently located;
 - f. The originator or creator of the document.

ANSWER:

Objection, overbroad, compound and not designed to lead to discoverable evidence.

Without waiving the objection, Colgate-Palmolive referred to corporate and historical documents in preparation of responses to these interrogatories.

- 3) State the name of each person who was spoken to or who provided information to assist in answering these interrogatories, and for each such person state the following:
- a. The number of each interrogatory and its subpart(s), *if applicable*, for which such *person(s)* provided information;
 - b. For each *interrogatory* identified in subpart (a), state the name, title and position of the *person(s)* supplying information;
 - c. The present business or other address of the person(s) supplying information;
 - d. The contents *and details* of the information provided.

ANSWER:

Objection, overbroad in that these interrogatories inquire as to circumstances, products and events covering many decades. Without waiving the objection Colgate-Palmolive responds

that many individuals were interviewed in the process of preparing these responses all of which are verified by Marie Capdevielle, Ph.D., D.A.B.T.

- 4) Please state *(i)* in which *state(s)* of the United States *and/or* foreign countries *in which your company has been* incorporated *between 1930 and the present*; *and (ii)* where its principal place's of business *has/have been* located *between 1930 and the present*.

ANSWER:

Objection, overbroad in that these interrogatories inquire as locations that are not relevant to this case. The Colgate-Palmolive Company is a corporation of the State of Delaware and is licensed to do business in all 50 of the United States and many other countries. Colgate-Palmolive's principal place of business is 300 Park Avenue, New York, NY 10022.

- 5) Please state whether:

1. Your company is authorized to do business in:
 1. New York
 2. New Jersey
 3. Connecticut
2. Your company does business in:
 1. New York
 2. New Jersey
 3. Connecticut

ANSWER:

Colgate-Palmolive responds it is authorized to do business and conducts business in New York, New Jersey and Connecticut.

- 6) State the full legal name under which your company *(and any subsidiary, predecessor, division or successor thereof)* is now doing business *or has done business at any time* from the date it began mining, processing, *designing*, manufacturing, *assembling*, *marketing*, *distributing*, selling, *and/or transporting* asbestos-containing materials, products or equipment *from 1970 through* the present.

ANSWER:

Colgate-Palmolive objects to this interrogatory because it has never mined, processed, manufactured or sold asbestos-containing materials, products or equipment. Without waiving the objection, at all relevant times herein the company was known as Colgate-Palmolive Company.

- 7) Have you ever acquired—by way of a consolidation, merger, purchase of assets or otherwise—any company which *mined, processed, designed, manufactured, assembled, marketed, distributed, sold, transported or installed* any asbestos-containing *materials or products*? If so, as to each such acquisition:
- a. State the name and state of incorporation of the company that was acquired;
 - b. State the reasons for the acquisition;
 - c. State the date of the acquisition;
 - d. State the terms of the acquisition, including, but not limited, to the consideration paid (e.g., amount of stock, cash, etc.), if any;
 - e. Identify all of the company's assets which were acquired (e.g., plants, machinery, stock in trade, trademarks, patents, goodwill, accounts receivable, etc.);
 - f. Identify all of the company's liabilities which were assumed by you in the acquisition;
 - g. Identify each of the company's asbestos-containing *materials, products and equipment it mined, processed, designed, manufactured, assembled, marketed, distributed, sold, and/or transported*;
 - h. Identify each *product line (regardless of whether said product contained asbestos) of the acquired company which you continued to mine, process, design, manufacture, assemble, market, distribute, sell, transport and/or install after the acquisition, and state whether such product line contained asbestos or was otherwise designed or intended for use with, commonly used in conjunction with, or otherwise used in connection with asbestos-containing components, materials, products or equipment*;
 - i. State the number of employees of the acquired company which were retained by you after the acquisition;
 - j. State the names of the directors, officers and major stockholders of your company and the acquired company *immediately preceding and following the acquisition*;
 - k. State the total number of shares of the acquired company which you held before and after the acquisition;

1. Identify and produce a copy of the agreement(s) between you and the acquired company, the pertinent minutes of your board of directors, and all other documents *relating to the acquisition, including any asset or other purchase agreements*.

ANSWER:

Objection, overbroad, compound and not designed to lead to discoverable evidence.

Without waiving the objection, to the best of Colgate-Palmolive's knowledge, information and belief, Colgate-Palmolive has never acquired any company that manufactured, distributed or sold any asbestos containing products.

- 8) State the names and positions of all corporate officers or officials having responsibility for creating, directing or setting policy of *your company (and any subsidiary, division, predecessor, successor or parent thereof)* with regard to the *mining, processing, design, manufacture, assembly, marketing, distribution, sale, transportation, installation and/or packaging of asbestos-containing materials, products or equipment (including all "Cashmere Bouquet" branded products and ingredients/components thereof)* since 1930.

ANSWER:

Objection, see Response to Interrogatory No. 6 above. Without waiving the objection, Colgate-Palmolive offers as a further response that it did not mine, manufacture, process, sell and/or package any asbestos-containing materials, products of equipment.

- 9) Have you or any of your predecessors, *successors, divisions, subsidiaries or parents* ever mined, processed, refined, *designed, manufactured (including the use of components or materials not manufactured by you but utilized in your manufacturing process), assembled, marketed, distributed, sold, transported or installed, or contracted for the operation, maintenance or repair of, asbestos-containing materials, products or equipment?* If so, complete an "Asbestos Product Information Sheet" (Attachment I) *for each asbestos-containing material, product and/or equipment*.

ANSWER:

No. By way of further response, Colgate-Palmolive is and has been a manufacturer of consumer personal products for over 100 years, including the product in question which contained talc, a mineral distinct from asbestos. Colgate-Palmolive purchased talc used in the

product in question in this matter from suppliers who, to the best of Colgate-Palmolive's knowledge obtained the talc from mines suitable for personal care consumer products.

- 10) *If you ever mined, milled, processed, designed, manufactured (including the use of component parts or materials not manufactured by you but utilized in your manufacturing process), marketed, assembled, distributed, sold, transported or installed any of the following types of products, materials or equipment (regardless of whether you acknowledge such products or materials contained asbestos), please identify each product and describe how it was cut, shaped, mixed, applied, utilized (known and/or common uses) by purchasers and/or end users, giving particular reference to whether or not the product was for any reason known to you spread, applied to the human body, mixed with water or other liquid, or otherwise altered in any way:*
- a. Talc (in any form, including ground)*
 - b. Talcum powder*
 - c. Any other products or materials containing talc or talcum powder.*

ANSWER:

Based on diligent investigation, to the best of Colgate's knowledge, there was only one cosmetic talcum product, Cashmere Bouquet powder, which was marketed in different containers. To the best of Colgate's knowledge, it manufactured, sold or distributed the subject product from approximately 1872 through the sale of the brand to the Stephan Company in 1995.

- 11) *Please state if there is any way known to you that the products listed in questions 9 and 10 can be used, applied or installed without the user or consumer inhaling any asbestos dust or fibers.*

ANSWER:

Objection, calls for a medical opinion. Without waiving the objection, Colgate states that Cashmere Bouquet talcum powder was not formulated to contain asbestos. Moreover, Colgate is not aware of asbestos contamination being found in factory condition Cashmere Bouquet in any test done and reported pursuant to a reliable test method for identifying asbestos in cosmetic talcum powder. In addition, the only pre-litigation testing conducted by an independent governmental agency, the FDA, tested 195 samples of cosmetic talcum powders, including 3

samples of Cashmere Bouquet. Such testing found no asbestos in all three samples of Cashmere Bouquet tested. Additional testing of Cashmere Bouquet conducted by the FDA during the 1970s yielded the same result.

- 12) *Is it possible to distinguish the products listed by you in interrogatories 9 and 10 from those designed, manufactured, processed, mined, milled, marketed, sold, or distributed by a competitor or other company?*
- a. *If so, please describe how you contend the product can be distinguished and identify each product by trade, brand and generic name.*
 - b. *If there are products which, in your opinion, cannot be distinguished from products of a similar kind designed, manufactured, processed, mined, milled, marketed, sold, or distributed by a competitor or other company, please state the name of each such similar product, who designed, manufactured, marketed, distributed, installed and/or sold it, as well as the trade or brand name of the product.*

ANSWER:

Colgate-Palmolive states that it was the exclusive supplier of Cashmere Bouquet and further responds that it does not and did not manufacture asbestos products.

- 13) *For each product listed in your answers to interrogatories 9 and 10, state whether the product could be used interchangeably with products of other miners, millers, processors, manufacturers, distributors or sellers, and, if so, please identify such products and the respective miner, miller, processor, manufacturer, distributor or seller.*

ANSWER:

Objection, this is interrogatory is vague, ambiguous and unintelligible as the phrase “could be used interchangeably” is not defined or explained.

- 14) *For each product listed by you in your answers to interrogatories 9 and 10, [] complete the Worksite/Purchase Sales Information Sheet (Attachment II) for Colgate-Palmolive Co. Liggett’s Pharmacy (a/k/a Liggett Drug Co.); Grand Union Supermarkets (a/k/a Grand Union Family Markets, Grand Union, Jones Brothers Tea Co.); Bohack Supermarket (a/k/a Bohack’s); A&P (a/k/a Great Atlantic & Pacific Tea Co.); any pharmacies in Holbrook, New York, and within 20 miles thereof; and co-defendants named in this lawsuit.*

ANSWER:

Objection, overbroad as it is not limited in timeframe and is not designed to lead to discoverable evidence. Colgate states that after a reasonable search it does not have any records showing the sales of Cashmere Bouquet Talcum Powder to Liggett's Pharmacy (a/k/a Liggett Drug Co.); Grand Union Supermarkets (a/k/a Grand Union Family Markets, Grand Union, Jones Brothers Tea Co.); Bohack Supermarket (a/k/a Bohack's); A&P (a/k/a Great Atlantic & Pacific Tea Co.); any pharmacies in Holbrook, New York, and within 20 miles thereof; and co-defendants named in this lawsuit.

- 15) *For each produce listed by you in your answers to interrogatories 9 and 10, the total dollar, linear feet, number of pounds or other standard measurement of the product:*
- a. *Sold in New York State;*
 - b. *Sold in the United States;*
 - c. *Sold to Colgate-Palmolive Co.; Liggett's Pharmacy (a/k/a Liggett Drug Co.); Grand Union Supermarkets (a/k/a Grand Union Family Markets, Grand Union, Jones Brothers Tea Co.); Bohack Supermarket (a/k/a Bohack's); A&P (a/k/a Great Atlantic & Pacific Tea Co.); any pharmacies in Holbrook, New York, and within 20 miles thereof; and co-defendants named in this lawsuit.*

ANSWER:

Objection, overbroad as it is not limited in timeframe and is not designed to lead to discoverable evidence. Without waiving the objection, Colgate has sold Cashmere Bouquet talcum powder in New York and in the United States. To the extent that Colgate has documents concerning the amount of Cashmere Bouquet talcum powder sold within New York, such documents will be produced.

- 16) *Identify for the period from 1970 through the present each distributor, dealer, wholesaler, contractor, company or other entity (including, but not limited to, the defendants named in this lawsuit) that marketed, sold, supplied, distributed, installed, purchased or otherwise utilized each product listed by you in your answers to interrogatories 9 and 10. For each such distributor, dealer, wholesaler, contractor, company or other entity, state:*
- e. *The entity name, last known address and person with whom you did business;*

- b. *The years of your relationship with the distributor, dealer, wholesaler, contractor, company or other entity;*
- c. *Whether there was a written agreement, and, if so, identify it (or them) by date, title, signatories and present location and custodian;*
- d. *Whether the relationship was exclusive (i.e., whether the entity was not allowed to carry or otherwise deal in competing brands of some or all of the relevant products). If the agreement was exclusive as to any particular product(s), identify such product(s);*
- e. *The annual volume in pounds, linear feet or other standard measurement and dollar value of each type of product sold, distributed, purchased or otherwise utilized by the entity;*
- f. *The names and ultimate recipients of the products sold to or through each dealer, distributor, wholesaler, sales agent, contractor, company or other entity.*

ANSWER:

Objection, overbroad and is not designed to lead to discoverable evidence. Without waiving the objection, to the extent that Colgate can locate after a reasonable search documents concerning distributors of Cashmere Bouquet talcum powder, such documents will be produced.

- 17) Identify each of your sales personnel responsible from 1970 through the present for sales of *each product listed by you in your answers to interrogatories 9 and 10 in New York (including, regardless of location, sales to Colgate-Palmolive Co.)*. For each such person, state the years of such employment, his or her job title, his *or her* last known address and whether he or she is still your employee.

ANSWER:

Objection, overbroad and not designed to lead to discoverable evidence.

- 18) Did you at any time *mine, mill, process, design, manufacture, market, distribute or sell* asbestos-containing products (including, but not limited to, those listed in interrogatory 10) which were sold to another *manufacturer, seller, distributor or other entity* for resale *or redistribution by that entity under its own or other name*? If so:
- a. Identify each manufacturer, *seller, distributor or other entity* to which such sales were made *and the date(s) of such transaction(s) or agreement(s)*;
 - b. Identify the product or products involved in each such *transaction or agreement*;
 - c. If such sales were made pursuant to an agreement, identify the dates that each such agreement was in effect and produce a copy of the agreement.

ANSWER:

Objection, see Response to Interrogatory No. 6. Without waiving the objection, Colgate-Palmolive never manufactured, distributed or sold asbestos, or asbestos containing products.

The product listed in response to Interrogatory No 10 is not an asbestos-containing product.

19) Did you ever purchase any asbestos or asbestos-containing products, materials or equipment (including, but not limited to, those listed in interrogatory 10) of any other manufacturer *or supplier* for distribution or sale under your name or trademark? If so:

- a. Identify each manufacturer *and supplier* from which products were purchased;
- b. Identify the *trade name and generic name* of each product purchased;
- c. Identify the dates of each such purchase and distribution;
- d. Produce a copy of each purchase agreement.

ANSWER:

Objection, see Response to Interrogatory No. 6. Without waiving the objection, Colgate-Palmolive never manufactured, distributed or sold asbestos, or asbestos containing products.

The product listed in response to Interrogatory No 10 is not an asbestos-containing product.

20) Did you ever enter into distribution or licensing agreements with any manufacturer, *miner, miller, processor, marketer, seller or distributor of asbestos-containing materials, products or equipment (including, but not limited to, those listed in interrogatory 10)*? If so:

- a. Identify each manufacturer, *seller and distributor* with which such an agreement was entered into;
- b. State the dates, *terms, materials, products, equipment* and geographical areas involved *in the agreement*;
- c. Produce a copy of each such agreement.

ANSWER:

Objection, see Response to Interrogatory No. 6. Without waiving the objection, Colgate-Palmolive never manufactured, distributed or sold asbestos, or asbestos containing products.

The product listed in response to Interrogatory No 10 is not an asbestos-containing product.

- 21) For the period 1970 through the present, state the address of each miner, manufacturer, processor, *distributor and seller* of asbestos or *talc* used in your products (including, but not limited to, those listed in *interrogatories 9 and 10*), and for each such entity state:
- a. The date, amounts and delivery point for each shipment of asbestos or *talc* you received;
 - b. Your products in which the asbestos or *talc* was used or otherwise incorporated;
 - c. *The name and precise location(s) (e.g., longitude/latitude, region, etc.) of the mines from which the asbestos or talc was obtained (including dates, amounts and delivery points).*

ANSWER:

Objection, see Response to Interrogatory No. 6. Without waiving the objection, Colgate-Palmolive never manufactured, distributed or sold asbestos, or asbestos containing products. The product listed in response to Interrogatory No 10 is not an asbestos-containing product and Colgate never purchased or obtained asbestos.

Colgate states that it did not purchase talc directly from mines, but from third-party suppliers. Colgate obtained its talc from the Charles Mathieu, Inc. family of companies (“Charles Mathieu”) from at least 1940 to 1979. Until at least 1968, Charles Mathieu exclusively supplied cosmetic-grade talc sourced from Societa Talco E Grafite Val which mined the talc in the Pinerolo region of Italy. Between 1968 and 1979, Charles Mathieu continued to supply Colgate with Italian talc from the Pinerolo region, but may have also supplied Colgate with talc from the Regal Mine in North Carolina and mines in the Dillon-Ennis district of Montana as early as 1968 and 1970, respectively. The Charles Mathieu family of companies included a sales agent, Whittaker, Clark & Daniels, Inc. (“Whittaker, Clark & Daniels”). Charles Mathieu and/or its assets were acquired by Cyprus Industrial Minerals Co. (“Cyprus”) as early as 1979 and at least by 1981. Cyprus began supplying Colgate with talc that Colgate used to produce Cashmere Bouquet talcum powder in the U.S. in 1979. Cyprus appears to have supplied talc from the

Beaverhead mine in the Dillon-Ennis district of Montana in addition to the same source(s) in Italy used by Charles Mathieu.

- 22) With respect to each asbestos-containing *material or* product you *mined*, processed, *designed*, manufactured, *assembled*, refined, *marketed*, *distributed*, sold, delivered, *transported* or *installed* (including, but not limited to, those listed in *interrogatories 9 and 10*), state whether you claim any caution, warning, caveat or other statement about health involved in using *or otherwise working with* the product and/or dust generated by the product was ever given to purchasers of the product or directed to the end users of the product. If so, state separately for each product:
- a. The precise wording of each caution or set of instructions;
 - b. For each such product, the exact date you claim each caution was first used on *or in relation to* that product;
 - c. The inclusive dates you contend any alleged warning was affixed to *that product*;
 - d. Whether the wording of the alleged warning has been altered since its first appearance, and if so, when and how it was amended;
 - e. Specifically what prompted you to first affix such caution, warning, caveat, statement or explanation, and what prompted the amendments (*e.g.*, if medical reports were relied upon, identify such reports);
 - f. The name, title and present address of the author of each such warning and/or instruction;
 - g. Whether the warning *or* instructions were physically attached to the product itself when sold and/or delivered by you, and if so, the method of attachment;
 - h. Whether you have a copy of the warning and/or instructions in your possession at the present time, and if so, *its location and custodian*;
 - i. Whether any studies, evaluations or analyses of any potential hazards of your product were conducted by you prior to your use of each warning and/or instruction. If so, identify the study by date, author, title and file number and state its present location *and custodian*.

ANSWER:

Objection, see Response to Interrogatory No. 6. Without waiving the objection, Colgate-Palmolive never manufactured, distributed or sold asbestos, or asbestos containing products. The product listed in response to Interrogatory No 10 is not an asbestos-containing product.

Because Colgate-Palmolive does not and did not manufacture, process sell or deliver asbestos products, no warning labels have ever been placed on containers of Cashmere Bouquet talcum powder concerning the presence or possible presence of asbestos. Colgate further states that it has produced, or will timely produce, all depictions of packaging or containers of Cashmere Bouquet talcum powder located after a reasonable search, including annual reports dating back to the 1930s, promotional and/or advertising materials, trademark registrations and applications, and media articles.

- 23) State whether any of your distributors, dealers, contractors and/or customers (including, without limitation, *Liggett's Pharmacy (a/k/a Liggett Drug Co.); Grand Union Supermarkets (a/k/a Grand Union Family Markets, Grand Union, Jones Brothers Tea Co.); Bohack Supermarket (a/k/a Bohack's); A&P (a/k/a Great Atlantic & Pacific Tea Co.); any pharmacies in Holbrook, New York, and within 20 miles thereof; and co-defendants named in this lawsuit*) were provided with any warnings, cautions, caveats or instructions regarding the use of your asbestos-containing materials or products (*including, but not limited to, those listed in your response to interrogatories 9 and 10*). If so, please state:
- a. By whom and when these instructions were first made;
 - b. Whether the instructions were written or oral, and if written, provide a copy. If oral, state the contents thereof;
 - c. Whether your company carried out follow-up inspections to ascertain whether such instructions were adhered to and, if so, please state when, where and by whom such inspections were made *and the procedures, details and* results of each such inspection.

ANSWER:

Objection, see Response to Interrogatory No. 6. Without waiving the objection, Colgate-Palmolive does not and did not manufacture or sell asbestos-containing products. The product listed in response to Interrogatory No 10 is not an asbestos-containing product. As a result, Colgate-Palmolive did not place, nor was it necessary to place, an asbestos health warning on the subject product.

- 24) State the first time *(and any subsequent occasions)* any officers or employees of your company discussed utilizing a warning or caution *regarding asbestos on any product (including, without limitation, those listed in interrogatories 9 and 10)*, and as to these discussion(s), state:
- a. The names of the persons who were involved in the discussion(s) and the date(s) and place(s) of the discussion(s);
 - b. The identity and location of all documents memorializing *or otherwise detailing* the discussion(s);
 - c. The alleged substance of the discussion(s);
 - d. What action, if any, *your* company took as a result of the discussion(s).

ANSWER:

Objection, see Response to Interrogatory No. 6. Without waiving the objection, Colgate-Palmolive does not and did not manufacture or sell asbestos-containing products. The product listed in response to Interrogatory No 10 is not an asbestos-containing product. As a result, Colgate-Palmolive did not place, nor was it necessary to place, an asbestos health warning on the subject product.

- 25) Do you know of any facts or documents to support a claim that you provided any warning, instructions or information as to the dangers of asbestos inhalation to any *recipient, user, installer, operator, consumer, maintainer, dealer, distributor or repairer* of your products *(including, without limitation Colgate-Palmolive Co.)* [] *at any time*? If so, for each such alleged warning:
- a. Describe in detail each such warning, instruction or information given;
 - b. State the exact date of each such warning;
 - c. State whether such warning, instruction or information was oral or written;
 - d. If oral, identify the substance of the warning, instruction or information given and the date and name of the person to whom given;
 - e. If written or printed, provide a copy of each such warning, instruction or information, identify it by date given, title and reference number, and state the manner *in which it was transmitted or otherwise communicated* to users of the product.

ANSWER:

Objection, see Response to Interrogatory No. 6. Without waiving the objection, Colgate-Palmolive does not and did not manufacture, distribute or sell asbestos-containing products. As a result, Colgate-Palmolive did not place, nor was it necessary to place, an asbestos health warning on the subject product.

- 26) Do you claim that you ever recommended to purchasers or users (*including, without limitation Colgate-Palmolive Co.*) of the asbestos-containing products you manufactured, processed, mined, distributed, sold, *designed, marketed, or transported* that respirators, protective masks and/or *other* protective safeguards *should* be worn while *using, processing, handling, mixing or transportation of* your products? If so, state separately for each product:
- a. The date or dates when each such recommendation was made;
 - b. Who made the recommendation;
 - c. Why the recommendation was made;
 - d. When and precisely to whom the recommendation was made;
 - e. If oral, the manner and substance of the recommendation;
 - f. If written, identify the document by title, date, file designation and author of each such recommendation, and state the location and present custodian of each such recommendation.

ANSWER:

Objection, see Response to Interrogatory No. 6. Without waiving the objection, Colgate-Palmolive does not and did not manufacture, distribute or sell asbestos-containing products. As a result, Colgate-Palmolive did not place, nor was it necessary to place, an asbestos health warning on the subject product.

- 27) Did you at any time recommend that your own employees use respirators, protective masks or other precautionary *equipment or* safeguards when *mining, processing, mixing, using, designing, manufacturing, assembling, marketing, distributing, selling, transporting, installing or otherwise* working with asbestos-containing materials, *including talc(whether or not you acknowledge said talc contained asbestiform materials)*? If so, state:

- a. When and precisely to whom such recommendations were made;
- b. Whether you ever supplied respirators or face masks to your employees, and if so, the date when first supplied *such equipment* and whether you *are presently supplying it*;
- c. From what specific source you obtained such respirators or face masks (state *the name and* address of the *manufacturer or supplier* and dates obtained).

ANSWER:

Objection, overbroad and not designed to lead to discoverable evidence. Without waiving the objection, as indicated above, Colgate-Palmolive is and has been a manufacturer of consumer products none of which contained asbestos. Since the implementation of workplace safety rules and regulations, Colgate undertook to and continues to comply with all such regulations.

- 28) Have you stopped producing, *mining, processing, designing, manufacturing, assembling, marketing*, distributing, selling, *transporting or installing*, or has asbestos been eliminated from any of the products listed in your answers to interrogatories 9 and 10? If so, state for each product:
- a. The reason and date you stopped producing, *mining, processing, designing, manufacturing, assembling, marketing, distributing, selling, transporting or installing* the product or eliminated asbestos therefrom;
 - b. The names and titles of each person who recommended, authorized or directed the action;
 - c. Whether any studies were conducted before you directed that production, *mining, processing, design, manufacture, marketing, distribution, sale, transportation and/or installation* of the product be stopped or asbestos be eliminated from the product, and, if so, identify each study by date, author, title and subject matter and provide a copy.

ANSWER:

Not applicable. Colgate-Palmolive never manufactured, distributed or sold asbestos, or asbestos containing products. The product listed in response to Interrogatory No 10 was never an asbestos-containing product.

- 29) Have any of your officers or employees ever discussed or evaluated whether sales of your asbestos products would *decrease* if the public learned of the health hazards associated with *the asbestos in your products (whether or not an intentional component/ingredient)*

or that your products may contain asbestos, even less than 1% by weight or volume? If so, state the dates and names of participants of each such meeting and identify and provide all documents relating to such meetings.

ANSWER:

Not applicable. Colgate-Palmolive never manufactured, distributed or sold asbestos, or asbestos containing products. The product listed in response to Interrogatory No 10 was never an asbestos-containing product.

- 30) At the time of the development, *design, manufacture, marketing, distribution*, and sale of each of your asbestos products (*including, without limitation, those listed in your responses to interrogatories 9 and 10*), did you attempt to determine whether the product complied with any applicable safety standards, orders, rules, regulations or design requirements promulgated by any professional society, association or government body regarding asbestos?
- a. If you did not, please state the reasons for not conducting such an analysis and identify the name(s) of the person(s) who *contributed to the decision not to conduct the analysis*;
 - b. If you did, identify the safety standards, safety orders, *laws*, rules and regulations which you claim you considered by naming the title, number, page and date of the regulation and identifying the place where a copy of said regulation can be obtained.

ANSWER:

Not applicable. Colgate-Palmolive never manufactured, distributed or sold asbestos, or asbestos containing products. The product listed in response to Interrogatory No 10 was never an asbestos-containing product.

- 31) For each asbestos-containing product you *mined, processed, designed, manufactured, assembled, marketed, distributed, sold, or transported (from 1970 through 1996)*, identify and produce all informational, instructional, specification, promotional and/or advertising material used, created, supplied or distributed by you or any of your employees or agents with regard to the design, manufacture, quality, health, safety (*including for use on children and in homes*) assembly, marketing, distribution, sale and/or promotion of such product.

ANSWER:

Not applicable. Colgate-Palmolive never manufactured, distributed or sold asbestos, or asbestos containing products.

- 32) Identify and produce pictures and descriptions of each asbestos-containing product you *mined, processed, designed, manufactured, assembled, marketed, distributed, sold, or transported (including, without limitation, those listed in your response to interrogatories 9 and 10 and those identified by the plaintiff and any other fact witnesses in their answers to interrogatories or deposition testimony).*

ANSWER:

Not applicable. Colgate-Palmolive never manufactured, distributed or sold asbestos, or asbestos containing products. The product listed in response to Interrogatory No 10 was never an asbestos-containing product.

- 33) Were any brochures, writings or other materials made available to distributors, dealers, contractors, *purchasers, processors, wholesalers*, ultimate users, *end users* or the general public concerning the design, manufacture, use, quality and/or properties of the asbestos products referred to in your answers to interrogatories 9 and 10? If so, for each such brochure, *writing* or other material:
- a. State the purpose of each *document* and give the name, present address and telephone number of the person responsible for the preparation and/or acceptance of the material for distribution on behalf of the company;
 - b. Identify the *document* by author, date, present location and custodian and attach copies of each.

ANSWER:

Not applicable. Colgate-Palmolive never manufactured, distributed or sold asbestos, or asbestos containing products. The product listed in response to Interrogatory No 10 was never an asbestos-containing product.

- 34) Have you at any time since 1970 bought, *ordered, purchased*, delivered or *supplied* any *talc-containing or asbestos-containing* products from/to any other defendant in this action or from/to any other entity listed in Attachment III? If so:
- a. Identify the products involved by name and description;

- b. List the dates, quantity and price of each sale *or contract* and the names of the persons who placed and/or accepted the order *or contract*;
- c. Were any warnings regarding the health hazards of the product or service given or received? If so, identify the warning by description, date, to whom it was given, and by whom it was received. If oral, state the substance; if written, identify the document and state its present location.

ANSWER:

Colgate-Palmolive never manufactured, distributed or sold asbestos, or asbestos containing products. The product listed in response to Interrogatory No. 10 was never an asbestos-containing product.

The Charles Mathieu family of companies included a sales agent, Whittaker, Clark & Daniels, Inc. ("Whittaker, Clark & Daniels"). Whittaker Clark & Daniels may have been the agent from which Colgate purchased talc when Charles Mathieu was Colgate's sole supplier of cosmetic-grade talc at the latest until 1979.

- 35) With respect to any product *mined, processed, designed, manufactured, assembled, marketed, distributed, sold, transported or installed* by you which *you allege* did not contain asbestos, have you ever included a warning with the product indicating that it may in some way be harmful to human beings? If so, for each such product state:
- a. The name of the product, its intended use or purpose, and the chemical composition or ingredients of the product;
 - b. The manner in which it is thought that the product may cause harm to human beings;
 - c. The size, color and contents of each warning;
 - d. The date the warning was first given to the *purchaser, end user and* public;
 - e. The names, addresses and titles of the people responsible for or participating in the decision to provide the warning; and
 - f. Identify every document which relates to the making of the decision to provide the warning.

ANSWER:

Objection, overbroad and not designed to lead to discoverable evidence. Without waiving the objection, Colgate-Palmolive responds it has manufactured many different consumer products over its corporate lifetime. During the latter half of the 20th century, many products were labeled or supplied with appropriate health and safety warnings, some of which were required by regulation and some of which were not.

36) INTENTIONALLY OMITTED

- 37) Do you claim that you did anything prior to 1996 to notify *purchasers or* users of your asbestos products of the possible dangers of inhalation of asbestos dust or fibers? If so, explain in detail what you did, to whom *you provided notice*, and give the dates *of such notice*.

ANSWER:

Not applicable. Colgate-Palmolive does not and did not manufacture, distribute or sell asbestos-containing products.

- 38) Had you at any time prior to 1996 performed, participated in or financed any tests, studies, investigations or analyses to determine the *amount of asbestos dust produced or generated* when your products were uses, *mined, milled, processed, transported, mixed or otherwise worked with or consumed*?

ANSWER:

Not applicable. Colgate-Palmolive does not and did not manufacture, distribute or sell asbestos-containing products.

- 39) Had you at any time prior to 1996 performed, participated in or financed any tests, studies, investigations or analyses to determine the effects on workers using or otherwise handling your asbestos-containing products?

ANSWER:

Not applicable. Colgate-Palmolive does not and did not manufacture, distribute or sell asbestos-containing products.

- 40) Had you at any time prior to 1996 performed, participated in or financed any tests, studies, investigations or analyses which had the purpose to prevent, minimize or

eliminate inhalation of asbestos dust or fibers by those using or otherwise exposed to your asbestos products?

ANSWER:

Not applicable. Colgate-Palmolive does not and did not manufacture, distribute or sell asbestos-containing products.

- 41) Had you at any time prior to 1996 performed, funded or participated in any investigation, study, test or analysis concerning asbestos-related diseases, *such as* asbestosis, pulmonary diseases or cancers, *including mesothelioma*?

ANSWER:

Objection, overbroad. Without waiving the objection, Colgate did not manufacture, distribute or sell asbestos products. To the best of its knowledge, information and belief, Colgate did not perform, fund or participate in any investigation, study, test or analysis concerning asbestos-related diseases.

- 42) Had you at any time prior to 1996 performed, participated in or financed any tests, studies, investigations or analyses to determine the effects of inhalation of asbestos dust or fibers on anyone using or being exposed to asbestos products manufactured by your company?

ANSWER:

Not applicable. Colgate-Palmolive does not and did not manufacture, distribute or sell asbestos-containing products.

- 43) Have you ever performed, participated in or financed any studies to determine whether any type of respirator and/or protective mask would either eliminate or reduce asbestos inhalation to safe levels?

ANSWER:

To the best of Colgate-Palmolive's knowledge, information and belief Colgate-Palmolive did not perform, participate in or finance any studies responsive to this Interrogatory.

- 44) Have you ever undertaken or financed any tests or studies to determine whether any type of ventilator or ventilating system would eliminate or decrease the number of airborne asbestos fibers in confined spaces?

ANSWER:

See Answer to No. 43 above.

- 45) For each study identified in response to Questions 38-44, state:
- a. The subject matter, title, date and names of the persons who conducted and/or authored the study;
 - b. The reason(s) for the study;
 - c. The date the study was completed;
 - d. If the results were disseminated, where and to whom, and if published, the name and identity of the publication;
 - e. The results of each study and the data and assumptions relied on;
 - f. If in writing, identify it by date, title, identification number, present location and custodian and attach a copy.

ANSWER:

See answers to interrogatory nos. 38-44 above.

- 46) State whether you took any action as a result of any of the studies listed in answers to interrogatories 38-44. If so:
- a. Describe the date and action(s) taken;
 - b. Identify who authorized or directed the action(s);
 - c. Describe why *each* action was taken;
 - d. Identify all documents regarding the study, the action(s) considered, and the action taken, by date, title, subject, author, present custodian and location, and produce the documents;
 - e. If you have not taken any action, state in detail why not;
 - f. If you have not given any consideration to taking action, state in detail the reasons why *not*.

ANSWER:

See answers to interrogatory nos. 38-44 above.

- 47) From the year 1920 to date, have you supported by gift, grant, direct cash or property payment of any kind medical research *pertaining to* asbestos? If so, state:

- a. The date or dates of such support;
- b. The dollar amount paid, *donated or otherwise* contributed;
- c. The identity of the persons and/or organizations carrying out the research study;
- d. The title, name or other identification of each such study;
- e. Identify and produce all documents relating to each such study.

ANSWER:

To the best of Colgate-Palmolive's knowledge, information and belief it did not participate in any asbestos health research projects. Colgate-Palmolive has contributed to numerous medical institutions both directly and through its employee gift matching program.

- 48) Had you at any time prior to 1996 conducted, financed, or had conducted for you any inspection or made any dust count in any facility where your asbestos products were *designed, manufactured, processed, milled, mixed, stored, distributed or used*? If so, state the date, place and people involved in each such inspection or test, *the results of the tests*, and identify all records *and attach copies of same*.

ANSWER:

No. Colgate-Palmolive does not and did not manufacture, distribute or sell asbestos products.

- 49) Had you, at any time prior to 1996 conducted, financed, or had conducted for you any inspection or made any dust count in any of your own plants, *warehouses or other facilities* which are or were engaged in the *design, manufacture, processing, milling, mixing, storage, handling, distribution, sale, or transportation* of asbestos products? If so, state the date, place and people involved in each such inspection or test, *state the results of the tests*, and identify all records *pertaining to said tests and attach copies of same*.

ANSWER:

No. Colgate-Palmolive does not and did not manufacture distribute or sell asbestos products.

- 50) *INTENTIONALLY OMITTED*

ANSWER:

- 51) *INTENTIONALLY OMITTED*

ANSWER:

52) *INTENTIONALLY OMITTED*

ANSWER:

53) *INTENTIONALLY OMITTED*

ANSWER:

- 54) Do you contend that any respirators or other breathing devices would reduce or prevent inhalation of the asbestos dust and fibers released from your products? If so:
- a. State when the respirator was sold;
 - b. Give the detailed description of such respirator or other breathing device;
 - c. State the first date you reached the conclusion;
 - d. State the basis of your claim that use of the respirator will *reduce or* prevent the inhalation of such dust and fibers;
 - e. Identify any relevant tests performed by date, title, author and number.

ANSWER:

Objection, calls for expert opinion. Without waiving the objection, Colgate-Palmolive does not and did not manufacture distribute or sell products that contained asbestos dust or fibers.

- 55) From the year 1930 through the present, identify:
- a. The name of each physician in your employ and/or the employ of any subdivision, contract unit, *predecessor, successor, subsidiary or parent*¹;
 - b. The current and/or last known address for each such individual;
 - c. The dates of employment of each such individual;
 - d. The job duties and/or responsibilities for each such individual identified;

- e. The duration of each such individual's employment, the office address or duty assignment location held by each such individual, and the dates associated with each such assignment.

ANSWER:

Objection, overbroad and not designed to lead to discoverable evidence. Without waiving the objection, Colgate-Palmolive responds it may have employed health care professionals, including physicians. As indicated above, Colgate-Palmolive is and has been a manufacturer of consumer products none of which contained asbestos. As a result, the privacy interests regarding information such as the current and last known addresses for these individuals and the burden of locating, cataloging and responding to the details of this interrogatory outweighs the plaintiffs' discovery rights.

56) Have you at any time since 1930 maintained any office or department dealing with medical research? If so, state:

- a. The name and location of such department *and the years such department existed*;
- b. The name, address and title of each person who has been in charge of the department.

ANSWER:

Objection, overbroad, not designed to lead to discoverable evidence. Without waiving the objection, Colgate-Palmolive responds it may have employed research professionals. As indicated above, Colgate-Palmolive responds that it is and has been a manufacturer of consumer products none of which contained asbestos. As a result, the burden of locating, cataloging and responding to the details of this interrogatory outweighs the plaintiffs' discovery rights.

57) From the year 1930 through the present, state:

- a. The address of each medical library maintained by you or your subdivisions, contract units, *predecessors, successors, subsidiaries and/or parents*;
- b. When each such library came into existence;

- c. The custodian of each such library facility records, such individual's dates of employment and last known or current address.

ANSWER:

Objection, overbroad and not designed to lead to discoverable evidence. Without waiving the objection, Colgate-Palmolive does not maintain a medical library.

- 58) For each facility identified in response to the two preceding interrogatories, state the name or title of each medical journal or periodical subscribed to and the inclusive dates of each such subscription.

ANSWER:

Objection, overbroad and not designed to lead to discoverable evidence. Without waiving the objection, see response to interrogatory no. 57.

- 59) Other than the medical library facilities referenced in the answers to the immediately preceding three interrogatories, state the identity of each medical library, from 1930 to date, in which you held a membership or funded by way of contribution, gift, grant, or any other direct cash or property payments.

ANSWER:

Objection, overbroad and not designed to lead to discoverable evidence. Without waiving the objection, Colgate-Palmolive is unaware of any medical library in which it held a membership, or funded by way of contribution, gift, grant, or any other direct cash or property payments.

- 60) State the names and addresses of all professional, trade, industrial, safety, hygiene, health associations and research foundations or organizations you have been a member of since 1930, indicating for each association:
 - a. The inclusive dates of your membership;
 - b. The names of your employees who ever attended meetings and the dates and designations of such meetings;
 - c. The positions held by any of your employees in such association;
 - d. The location of all minutes, digests, reports and documents received or concerning such association.

ANSWER:

Objection, overbroad and not designed to lead to discoverable evidence. Without waiving the objection, Colgate-Palmolive has been a member of the Personal Care Products Council (formally known as the CTFA) since 1894.

- 61) When did you first learn that there were health hazards associated with the use and/or fabrication of asbestos-containing *materials and* products? State the date, source, nature and extent of such information.

ANSWER:

Objection, calls for a medical opinion. Without waiving the objection, Colgate-Palmolive does not and did not manufacture, distribute or sell asbestos-containing products. By the 1970's, some individuals at Colgate received information that suggested health hazards could be associated with occupational doses to asbestos in commercial products.

- 62) Do you have knowledge of any deaths or cases of lung disease or lung impairment (*at any time, including the present*) among your *current or former* employees engaged in the *mining, processing, design, manufacture, marketing, distribution, sale, transportation* or use of products, *whether or not you acknowledge that said products contained asbestos*, which are attributable to, or were alleged to be caused by, the inhalation of asbestos dust or fibers? If so, please give the name and address of each such employee, identify all medical records possessed in relation to the employee, and state whether reports of occupational disease were furnished to any bureau, branch or government body and attach copies of the latter. *Please also state the number (without identifying personal information of current or former employees) of such deaths or cases of lung disease or lung impairment.*

ANSWER:

Objection, overbroad. Colgate-Palmolive did not and does not manufacture, distribute or sell asbestos products. Without waiving the objection, and by way of further response, to the best of Colgate- Palmolive's knowledge, information and belief, none.

- 63) If any of your employees or officers have testified at trial or by deposition in any litigation or before any Congressional Committee, *governmental agency* or administrative agency concerning asbestos exposure, pulmonary or asbestos-related diseases, or industrial hygiene relating to asbestos *exposure*, state:

- a. The name, address and title of each person who testified;
- b. The date, location and forum of such testimony;
- c. Whether the defendant has a copy of such testimony;
- d. Whether the defendant will voluntarily produce a copy of such testimony.

ANSWER:

- a) Michael Henry Hubbs, Facilities & Operations Manager
- b) July 14, 2004 and August 3, 2001
- c) Yes
- d) Yes

- a) John Citterbart, Environmental Legal Assistant
- b) February 6, 2007
- c) Yes
- d) Yes

- a) William Montgomery
- b) February 7, 2007
- c) Yes
- d) Yes

- 64) Have you or any employee or agent of yours ever communicated with an agency or department of the United States government concerning specifications, *regulations (actual, proposed, potential or otherwise)* and/or standards for any *asbestos-containing and/or talc-containing* product? If so state separately for each product or set of specifications, *regulations and/or standards*:
- a. Identify each such product and *the specification, regulation and/or standard at issue*;
 - b. The intended purpose or use for the product;

- c. The date, time and place of each communication, including:
- (1) The name of each of your agents or employees who participated in each communication;
 - (2) The names, titles, and agencies of each individual with whom such communication was had;
 - (3) The subject of the communication;
 - (4) Whether any notes, minutes or memoranda in any form were recorded of such communication or of any meetings between you and the agency;
 - (5) Whether any documents were submitted to the agency;
 - (6) If (4) or (5) is answered in the affirmative, state the name and location of the custodian of such records *and produce same*.

ANSWER:

Colgate-Palmolive does not and did not manufacture, distribute or sell asbestos-containing products. Colgate communicated with the Food and Drug Administration, directly or indirectly, concerning Cashmere Bouquet talcum powder on September 6, 1973 and September 28, 1973, by means of written correspondence. The names and titles of the individuals who were senders or recipients of that correspondence, and the subjects of the correspondence, are identified in the correspondence itself, which is attached.

- 65) Does your company recognize that:
- a. Asbestos causes asbestosis?
 - b. Asbestos exposure may lead to an individual contracting asbestosis?
 - c. There is a correlation between exposure to asbestos and the occurrence of asbestosis?
 - d. Asbestos causes lung cancer?
 - e. There is a correlation between asbestos exposure and the occurrence of lung cancer?
 - f. Asbestos exposure can contribute to the development of gastrointestinal cancer?

- g. That a portion of inhaled asbestos fibers remain in the lungs after being inhaled into the human body and are not destroyed?
- h. The symptoms of asbestosis and other asbestos-induced lung diseases or cancers may not manifest themselves until many years after the asbestos was inhaled into the body?
- i. Prolonged use of or exposure to asbestos can cause or contribute to various occupational diseases, including asbestosis, lung cancer, mesothelioma, colon cancer, pharyngeal cancer, laryngeal cancer, esophageal cancer, stomach cancer and respiratory diseases?
- j. The use of asbestos // products listed in answer 9 *and* 10 are dangerous and harmful to human health?
- k. There is a connection between the inhalation of asbestos dust and fibers and the disease mesothelioma?

If your answer to any part of this interrogatory is “yes,” explain when you came to this knowledge and what, if anything, you have done about it to notify the public, *purchasers* or users of your products. If your answer is that your products are not harmful, identify and explain the facts and tests which form the basis of your conclusion.

ANSWER:

Objection, calls for medical and scientific opinion.

- 66) Have any workers’ compensation claims based on asbestosis, mesothelioma, lung cancer, or other asbestos-induced diseases ever been filed against you? If so, for each claim state:
 - a. The date, place filed, reference numbers and outcome of each claim;
 - b. Whether you advised your workers’ compensation carrier of the claims;
 - c. The location and custodian of all records of claims and correspondence with your workers’ compensation carrier.

ANSWER:

Colgate states that no Colgate employee has ever filed a workers' compensation claim for asbestos-related disease from exposure to talc. There are three known Colgate employees who brought workers’ compensation claims in connection with the asbestos-related disease mesothelioma, but none alleged exposure to talc. Specifically, one was an electrician and alleged that he was exposed to asbestos at Colgate's Berkeley, California facility, a plant that did not

manufacture Cashmere Bouquet. The second employee alleged industrial exposure to asbestos in work areas during the course of his employment as a warehouse laborer in Jersey City, New Jersey. The third employee worked in a California facility that did not manufacture Cashmere Bouquet and alleged exposure from insulation around pipes in the warehouse where he worked as a forklift driver. There was no judgment against Colgate in any of these three cases; all were resolved by negotiated settlement. Colgate has also identified eight former employees who filed workers' compensation claims against Colgate Palmolive Company with the State of New Jersey's Division of Worker's Compensation for asbestos-related diseases other than mesothelioma or for other diseases or disabilities allegedly caused by occupational exposure to asbestos: (1) a former employee who worked at a New Jersey Colgate facility that did not manufacture Cashmere Bouquet talcum powder filed a claim alleging pulmonary disease and colon cancer based on exposure to asbestos; (2) a former employee who worked at one of Colgate's New Jersey facilities alleged that exposure to various substances, including carbon tetrachloride, sulfur, dye, lye, various oils and asbestos, caused prostate-bladder carcinoma; (3) a former employee who worked at the Jersey City, New Jersey Colgate plant alleged that exposure to various substances, including asbestos, caused squamous cell cancer of the lung; (4) a former employee who worked at one of Colgate's New Jersey facilities filed a claim alleging that exposure to various substances, including asbestos, caused pulmonary disability, ear, nose and throat disability and colon cancer; (5) a former employee who worked at one of Colgate's New Jersey facilities filed a claim alleging asbestosis; (6) a former employee who worked at the Jersey City, New Jersey Colgate plant alleged pulmonary failure and cancer caused by exposure to asbestos and other chemicals; (7) & (8) two former employees, one of whom worked at one of Colgate's New Jersey facilities and the other of whom worked at the Jersey City, New Jersey

Colgate plant, filed claims for alleged pulmonary disabilities based on exposure to various substances including asbestos. Colgate's workers' compensation carrier at the time of each of the above claims was notified of the of each of the above claims.

67) *INTENTIONALLY OMITTED*

ANSWER:

68) State the total number of employees *[]* receiving benefits under any occupational disease or workers' compensation statute for asbestosis, mesothelioma, bronchogenic carcinoma, and/or cancer of the stomach, colon, *pharynx*, *larynx*, *esophagus*, or rectum, for each year, from the date that you first mined, processed, designed, manufactured, marketed, distributed, sold, transported or installed any asbestos-containing products until the present time.

ANSWER:

None. By way of further response, Colgate-Palmolive does not and did not manufacture, distribute or sell asbestos-containing products.

69) State by year the total dollar amount paid out by you *[]* and/or your insurance carrier as a result of claims under any occupational disease or workers' compensation statute for asbestosis, mesothelioma, bronchogenic carcinoma and/or cancer of the stomach, colon or rectum.

ANSWER:

Objection, overbroad. Colgate is only in possession of information regarding the disposition of two of claims described in Interrogatory No. 66. Records indicate that Colgate resolved the claim of the employee who alleged mesothelioma due to exposure to asbestos from insulation around pipes in a California warehouse by paying \$500 and the claim of the electrician who alleged exposure to asbestos at Colgate's Berkeley, California plant by paying \$90,000.

70) Identify any action, other than workers' compensation claims, brought against you by claimants injured as a result of exposure to "*Cashmere Bouquet*" branded products *[],* stating the court in which the action was brought, the date of filing, case style, and case number.

ANSWER:

No judgment has been entered in any case finding that any plaintiff was injured as a result of exposure to Cashmere Bouquet.

- 71) State separately for each calendar year for the period 1970 to the present:
- a. The total amount of asbestos *and talc* mined by your company;
 - b. The total pound volume of asbestos fibre and *talc* purchased by your company;
 - c. The total pound volume of asbestos *and talc* used by your company in “*Cashmere Bouquet*” branded products;
 - d. The total pound volume of asbestos and talc sold by your company to *Colgate-Palmolive Co. or otherwise for use in Colgate-Palmolive Co. products*;
 - e. The total pound volume of asbestos *and talc* acquired by your company in any manner other than mining or purchase, and identify the manner of acquisition for each year;
 - f. The total dollar value of asbestos *and talc* mined by your company;
 - g. The total dollar value of asbestos *and talc* purchased by your company *for eventual use in “Cashmere Bouquet” branded products*;
 - h. The total dollar value of asbestos *and talc* used by your company in its manufacturing process *for “Cashmere Bouquet” branded products*;
 - i. The total dollar value of asbestos and talc sold by your company to *Colgate-Palmolive Co. or otherwise for use in Colgate-Palmolive Co. products*;
 - j. The total dollar value of all talc sold by you to *Colgate-Palmolive Co. or otherwise for use in Colgate-Palmolive Co. products*;
 - k. The total number of pounds (or other measurement) of *talc* sold by you to *Colgate-Palmolive Co. or otherwise for use in Colgate-Palmolive Co. products* and the dollar value of such sales;
 - l. INTENTIONALLY OMITTED;
 - m. INTENTIONALLY OMITTED;
 - n. *The suppliers (by name, mine, location and address) of talc for your “Cashmere Bouquet” brand talcum powder products*;
 - o. *The portion or percentage each supplier listed in subpart “n” contributed to the total amount of talc you used in your “Cashmere Bouquet” brand talcum powder*

products, including, without limitation, those sold in Nassau and Suffolk Counties in New York.

ANSWER:

Objection, overbroad and burdensome and not designed to lead to discoverable evidence.

See Response to Interrogatory No. 21.

72) Did you in any way finance, assist or participate in:

- a. The Metropolitan Life Insurance Company studies of asbestos conducted from 1929-1950;
- b. The Trudeau Foundation Saranac Lake studies from 1929-1960;
- c. The Quebec Asbestos Mining Association Study of Asbestos and Health between 1940 and 1970.

If so, state what role or action you took and identify all documents relevant to such activities by name, date, title, file number and present location.

ANSWER:

To the best of Colgate-Palmolive's knowledge, information and belief, no.

73) Has your *company* ever been cited or admonished by any government agency (federal, state or local) for dust levels in excess of any threshold limit value (TLV) or other predetermined number? If so, please state:

- a. The date *of the citation or admonition* and the dust and TLV or number involved;
- b. The means of identifying any documents related to such an occurrence;
- c. Any action taken by the agency involved.

ANSWER:

Objection, overbroad and burdensome and neither relevant nor calculated to lead to the discovery of admissible evidence, Without waiving the objection, Colgate-Palmolive is unaware of any citations relating to asbestos.

74) State whether from 1930 to date you promulgated any rules, written, oral *or otherwise*, regarding the handling of asbestos *or talc* products *or materials* by your own employees? If so:

- a. State when such rules were promulgated;
- b. *If oral*, state the substance of the rules and the name, address and title of the person who disseminated them;
- c. If in writing, either attach a copy of the rules or identify the written rules by date, title, identification number, present location and the name and address of the custodian thereof;
- d. *State* whether any such material was provided to any users of your asbestos-containing products, and, if so, when and to whom.

ANSWER:

Objection, overbroad and not designed to lead to discoverable evidence. Without waiving the objection, as indicated above, Colgate-Palmolive is and has been a manufacturer of consumer products none of which contained asbestos. Since the implementation of workplace safety rules and regulations, Colgate undertook to and continues to comply with all such regulations.

- 75) Have any of your employees been reassigned to other duties because of pulmonary or coronary health problems? If so, please state for each such reassignment *state*:
- a. The date and reason for reassignment;
 - b. The jobs prior to and after reassignment;
 - c. The age and health problem of the person reassigned.

ANSWER:

Objection, overbroad and burdensome. Without waiving the objection, Colgate-Palmolive is unaware of any of its employees having been reassigned because of a claim arising from exposure to asbestos.

- 76) Prior to 1996, have any of your employees ever subject to periodic medical examinations? If so, please state:
- a. Whether the examinations were performed by your *company*, its agents or employees, or by outside personnel, *whether* private or governmental;
 - b. Whether the examinations were performed as a result of an internal corporate decision or to comply with some governmental rule;

- c. Whether any person was rejected for employment as a result of such examination. If so, state the date and reason for such rejection;
- d. Whether any employee was reassigned, terminated or pensioned as the result of such examination and the date and reason for each such occurrence.

ANSWER:

Objection, overbroad and burdensome.

- 77) Have you ever removed or had removed any asbestos insulation or other asbestos-containing material from any building, plant or facility which you owned, operated, leased or maintained? If so, identify the building, plant or facility, state the date the asbestos material was removed, who removed the asbestos, and identify all documents relating to or referring to the removal.

ANSWER:

Objection, overbroad and burdensome, not designed to lead to discoverable evidence.

- 78) Was the monitoring of dust levels required of you by any [] regulation or rule of any government, agency or insurance company? If so, state the substance of the rule, the source imposing it and the date it was first imposed.

ANSWER:

Objection, overbroad and not designed to lead to discoverable evidence. Without waiving the objection, Colgate-Palmolive, since the implementation of workplace safety rules and regulations, undertook to and continues to comply with all such regulations.

- 79) *INTENTIONALLY OMITTED*

- 80) Does your company have a record or document retention policy, plan or program? If so, please describe such plan. If the plan is different for separate categories of records, please describe the plan for each category. *If you have altered the plan in any way between 1970 and the present, describe in detail all changes that were made and when they were made.* Please include in the descriptions the following:

- a. The name and title of the custodian of the records;
- b. The length of time for which records are retained;
- c. The titles and names of the personnel responsible for determining the policy or plan from 1935 through the present;

- d. The titles and names of the personnel responsible for the removal and destruction of any records pursuant to any such plans from 1935 through the present.

ANSWER:

Objection, overbroad and burdensome, not designed to lead to discoverable evidence. Without waiving the objection, Colgate-Palmolive will produce, at a mutually convenient time, a copy of its document retention policy.

- 81) Have you destroyed any documents, records, writings *or product samples (e.g., samples of "Cashmere Bouquet" brand talcum products or any component thereof)* pertaining to:
- a. Health hazards of asbestos;
 - b. Workers' compensation claims arising out of asbestosis, lung cancer, mesothelioma, other cancers, cor pulmonale, pneumoconiosis or pulmonary fibrosis;
 - c. *//* Warning labels on your products;
 - d. Hazardous conditions in your plants, factories, *warehouses or other facilities*;
 - e. Funding of studies about health hazards of asbestos;
 - f. Lawsuits arising out of injuries alleged to having been caused by asbestos;
 - g. *Testing of talc for the presence of asbestiform materials*;
 - h. *Testing of "Cashmere Bouquet" talcum powder products (or ingredients thereof) for the presence of asbestiform materials*;
 - i. *Sales of talc to Colgate-Palmolive Co.*;
 - j. *The sources of your talc (e.g., miners, millers, processors, distributors etc.)*;
 - k. *The presence of asbestiform materials in talc?*
 - l. *"Cashmere Bouquet" brand talcum powder products manufactured prior to 1996.*

If so, list every such document destroyed by author, date and subject matter.

ANSWER:

Objection, overbroad and burdensome. Without waiving the objection, to the best of Colgate-Palmolive's knowledge, information and belief, Colgate-Palmolive complies with its document retention policies.

82) *INTENTIONALLY OMITTED*

83) Identify and produce all minutes of each meeting of the board of directors *or company officers or management* at which the hazards of asbestos exposure and/or the possible application of warning labels on asbestos-containing *or talc-containing* products was discussed.

ANSWER:

Upon information and belief, Colgate-Palmolive is unaware of any such document.

84) If there is any person whom the defendant expect to call as an expert witness at trial, please provide a copy of the witness's *curriculum vitae*, or summary of the witness's qualifications if there is no *vitae*, and please state for each such expert witness:

- a. The person's identity, giving name, profession or occupation, and address;
- b. The subject matter on which each such expert is to testify;
- c. The substance of all facts and opinions regarding which each such expert is to testify;
- d. A summary of the grounds for each opinion of each such expert;
- e. Whether the facts and opinions listed in "c" above are contained in a written report, memorandum or transcript, and if they are, produce the same *[/i>;*
- f. If the opinion of any expert listed above is based in whole or in part on any code or regulation, governmental or otherwise, identify said code or regulation and specifically set forth the section relied upon;
- g. Whether each such expert intends to base his or her testimony on any book, treatise, article, study or any other document, and, if so, identify all such documents; and
- h. Whether the witness has testified at trial or by deposition in other asbestos-related personal injury or wrongful death cases, and, if so, state for each such case:
 - i. The name and docket number;
 - ii. The court in which each such case was pending; and

- iii. The part for whom the witness testified.

ANSWER:

Discovery is ongoing. To be supplied in compliance with NYCAL procedure.

- 85) Identify the name and address of each non-expert witness whom you intend to call at trial and specifically set forth the nature and substance of the matters to which each such person will testify and summarize the facts to which such person will testify.

ANSWER:

Discovery is ongoing. To be supplied in compliance with NYCAL procedure.

- 86) Identify and produce each exhibit that you intend to rely upon at trial.

ANSWER:

Objection, this interrogatory calls for attorney work product. Without waiving the objection, discovery is ongoing. Exhibits will be produced in compliance with NY CAL procedures.

- 87) Identify all persons, other than your attorneys, who provided you with any information used in answering these interrogatories and state in detail the particular information each person supplied.

ANSWER:

Objection, overbroad and burdensome. In addition, this interrogatory calls for attorney work product and privileged communications.

- 88) At any time prior to 1996, did you learn of any recommended levels of asbestos proposed by the American Conference of Governmental and Industrial Hygienists (ACGIH)? If so, state:
 - a. The exact date you first learned of any ACGIH recommended levels;
 - b. How you first learned of it;
 - c. Which of your employees or agents first learned of it;
 - d. The steps or action you took to advise any of your personnel of the recommendation;

- e. The steps or action you took to advise your customers, dealers, distributors, contractors or users of the ACGIH recommendation;
- f. Any comment you filed or submitted to ACGIH;
- g. Identify all documents *in your possession* related to ACGIH.

ANSWER:

See Responses to Interrogatories 6, 9, and 27.

- 89) Do you contend that there is a minimum safe threshold level of exposure to asbestos below which there is no risk in developing mesothelioma, lung cancer, *or any other asbestos-related disease*? If so, specify the minimum safe threshold level of exposure for each disease, the date you claim the threshold was arrived at, and the precise basis for your contention.

ANSWER:

Objection, calls for a medical and scientific expert opinion.

- 90) Do you contend that there is any difference between chrysotile fiber, amosite fiber, crocidolite fiber, and/or tremolite fiber in the development of mesothelioma, lung cancer, *or other asbestos-related diseases*? If so, explain in detail your contention as to the distinction between or among fiber types in the development of each disease and the medical authority you rely on.

ANSWER:

Objection, calls for medical and scientific opinion.

REQUEST FOR PRODUCTION OF DOCUMENTS

- 1) All documents identified in your answers to these interrogatories.

Response No. 1

To extent that Colgate-Palmolive locates after a reasonable search records responsive to this request, Colgate will produce such records.

- 2) All records of sales and deliveries of your asbestos-containing and *talc-containing products to Colgate-Palmolive Co., Liggett's Pharmacy (a/k/a Liggett Drug Co.), Grand Union Supermarkets (a/k/a Grand Union Family Markets; Grand Union; Jones Brothers Tea Co.), Bohack Supermarket (a/k/a Bohack's), A&P (a/k/a Great Atlantic & Pacific Tea Co.), and any pharmacies in Holbrook, New York, and within 20 miles thereof.*

Response No. 2

Colgate-Palmolive has never been and is not a manufacturer, distributor or seller of asbestos containing products. After a reasonable search Colgate-Palmolive has not located records regarding sales of Cashmere Bouquet talcum powder products to Liggett's Pharmacy (a/k/a Liggett Drug Co.), Grand Union Supermarkets (a/k/a Grand Union Family Markets; Grand Union; Jones Brothers Tea Co.), Bohack Supermarket (a/k/a Bohack's), A&P (a/k/a Great Atlantic & Pacific Tea Co.), and any pharmacies in Holbrook, New York, and within 20 miles thereof.

- 3) *INTENTIONALLY OMITTED*
- 4) All records showing the amount and dollar value each asbestos-containing *and/or talc-containing* product you sold to *Colgate-Palmolive Co.*

Response No. 4

None. Colgate-Palmolive has never purchased asbestos-containing products. Colgate-Palmolive has never sold itself talc-containing products.

- 5) All documents showing your share of the market, by volume and by dollars of *sales, of sales of talc to Colgate-Palmolive Co., including, without limitation, for its "Cashmere Bouquet" brand talcum powder products.*

Response No. 5

To extent that Colgate-Palmolive locates after a reasonable search records responsive to this request, Colgate will produce such records.

- 6) All research reports prepared by or for you or which you received concerning the following aspects of any asbestos-containing *and/or talc-containing* products you manufactured, sold, *mined, milled, processed or distributed:*

- a. The health hazards of the product;
- b. The amount of asbestos released by the product when used;
- c. The capability of the product to comply with industry standards, state or federal regulations or other limits;
- d. Efforts to reduce or eliminate asbestos for the products *or secure sources of talc that were not contaminated with asbestiform materials*;
- e. INTENTIONALLY OMITTED
- f. The friability or durability of the product;
- g. The ability of the product to resist deterioration or water damage.

Response No. 6

To extent that Colgate-Palmolive locates after a reasonable search records responsive to this request, Colgate will produce such records.

- 7) Organizational Charts for the years 1940, 1945, 1950, 1955, 1960, 1965, 1970, 1975, 1980, 1985, 1990, 1995, 2000, 2005, 2010 and the present.

Response No. 7

Objection, overbroad and burdensome.

- 8) All rules, regulations, manuals, standards, procedures and instructions to salesmen *or other employees or agents* and other documents dealing with:
 - a. Sales of asbestos-containing *and talc-containing* products;
 - b. Health hazards of asbestos *and/or talc* products you were selling; and
 - c. Communication with customers re: health hazards of asbestos *and/or the potential presence of asbestiform materials in talc*.

Response No. 8

To extent that Colgate-Palmolive locates after a reasonable search records responsive to this request regarding talc-containing products, Colgate will produce such records. Colgate-Palmolive has never been and is not a manufacturer, distributor or seller of asbestos containing products.

- 9) All licensing, sales, dealer, distributor and contractor agreements with any firm located in New York, New Jersey or Connecticut or which involved the sale of asbestos-containing materials in those states.

Response No. 9

Colgate-Palmolive has never been and is not a manufacturer, distributor or seller of asbestos containing products.

- 10) Photographs of each of your asbestos-containing *and talc-containing* products and other packages in which they were shipped.

Response No. 10

Colgate-Palmolive has never been and is not a manufacturer, distributor or seller of asbestos containing products. To the extent that photographs can be located after a reasonable search, Colgate will produce photographs of containers of Cashmere Bouquet.

- 11) All documents in your possession relating in any way to meetings, correspondence, statements or other communications to or from any manufacturer or supplier of asbestos *or talc*, or from their agents or representatives or trade associations, concerning the health effects of asbestos.

Response No. 11

Colgate-Palmolive has never been and is not a manufacturer, distributor or seller of asbestos containing products. To the extent that they exist and can be located after a reasonable search, Colgate will produce communications with its talcum powder suppliers their agents or representatives or trade associations, concerning the health effects of asbestos.

- 12) All documents in your possession or which you have ever become aware of, relating in any way to meetings, correspondence or other communications of or from any trade association, labor union, employer or governmental agency, of or from any of their agents or representatives, relating to the subjects of occupational health and exposure to asbestos *and/or talc*.

Response No. 12

Colgate-Palmolive has never been and is not a manufacturer, distributor or seller of asbestos containing products. To the extent that they exist and can be located after a reasonable search, Colgate will produce documents concerning meetings and of or from any trade association, labor union, employer or governmental agency relating to the subjects of occupational health and exposure to talc.

- 13) All documents prepared by or on behalf of the defendant, prior to this litigation, in any way relating to the documents requested in item Nos. 11 and 12 above, of this request for production.

Response No. 13

Colgate-Palmolive has never been and is not a manufacturer, distributor or seller of asbestos containing products. To the extent that they exist and can be located after a reasonable search, Colgate will produce documents responsive to this request.

14) INTENTIONALLY OMITTED

15) All documents relating in any way to the health effects of *talc*, asbestos, *talc-containing products*, asbestos-containing products manufactured, distributed, sold and/or supplied by any person or entity or by any of the named defendants herein.

Response No. 15

Objection, overbroad and burdensome.

16) All documents prepared, reviewed, issued or commented on by you relating in any way to warnings, potential health hazards, instructions or precautions regarding the use or handling of, or exposure to, asbestos, *talc*, asbestos-containing products, *talc-containing products*, asbestos-containing materials and/or *talc-containing materials*.

Response No. 16

None. Colgate-Palmolive has never been and is not a manufacturer, distributor or seller of asbestos containing products. Because Cashmere bouquet talcum powder was not a product that contained asbestos and Colgate has never manufactured, processed or sold asbestos containing materials, no warning labels were ever placed on containers of Cashmere Bouquet talcum powder.

17) All statements, recorded interviews, films, videotapes, reports, questionnaires, forms or other documents made, submitted, compiled, prepared or filled out by, on behalf of, or under the direction of defendant relating in any way to exposure or alleged exposure to asbestos, *talc*, asbestos-containing products, *talc-containing products*, asbestos-containing materials and/or *talc-containing materials* or any other issues relating to these lawsuits, except that information prepared by, for, or at the request of defendant's counsel must be identified (including the date made), but need not be produced without an order by the Court, provided that written or recorded communication between *defendant* and counsel, made after an attorney-client relationship has been established need not be produced or identified.

Response No. 17

None.

18) All documents relating to defendant's first knowledge, notice or awareness about the alleged adverse effects of exposure to asbestos, *talc*, asbestos-containing products, *talc-containing products*, asbestos-containing materials and/or *talc-containing materials*.

Response No. 18

Objection, this is request for production is vague, ambiguous and unintelligible as the phrase “alleged adverse effects of exposure to ... *talc*.” is not defined or explained. Colgate-Palmolive has never been and is not a manufacturer, distributor or seller of asbestos containing products.

- 19) All records relating to comments complaints, suggestions, or proposals made by your employees, by your customers, dealers, distributors or contractors or by yourself regarding the health effects of asbestos *or talc* exposure.

Response No. 19

None.

- 20) All written, recorded, filmed, transcribed by videotaped statements of all parties and non-party declarants pertaining to the subject of these lawsuits, except that information prepared by, for, or at the request of *defendant's* counsel must be identified (including the date made), but need not be produced without an order by the Court, provided that written or recorded communication between *defendant* and counsel, made after an attorney-client relationship has been established need not be produced or identified.

Response No. 20

None.

- 21) All photographs of people working with, using or being exposed to your asbestos-containing *and/or talc-containing* materials.

Response No. 21

None.

- 22) Copies of all reports, correspondence and records which relate to the subject matter of these cases from any expert who is expected to testify at trial, either with respect to issues such as state-of-the-art, standardized, threshold limits, government or military specifications, industrial hygiene, ship or railroad design or construction, warnings, friability of defendants' products, health hazards involving defendants' products, general medical issues relating to asbestos disease and their causes or and with respect to any individual plaintiff's case.

Response No. 22

Discovery is ongoing. To be supplied in compliance with NYCAL procedures.

- 23) All documents submitted to any federal, state or local government or agency in connection with that body's efforts to establish standards, specifications or levels of ambient or occupational exposure to asbestos *or talc* from your products.

Response No. 23

See Response to Interrogatory 64.

- 24) Any asbestos and/or asbestos-containing products of the type manufactured by defendant and which the defendant has in *its* possession, custody or control.

Response No. 24

Colgate-Palmolive has never been and is not a manufacturer, distributor or seller of asbestos containing products.

- 25) All boxes, containers or wrappers that defendant used to package or ship its asbestos or asbestos-containing products.

Response No. 25

Colgate-Palmolive has never been and is not a manufacturer, distributor or seller of asbestos containing products.

- 26) All labels, tags, or warnings which defendant alleges it placed on the boxes, containers or wrappers which contained defendants' asbestos or asbestos-containing *or talc-containing* products.

Response No. 26

Colgate-Palmolive has never been and is not a manufacturer, distributor or seller of asbestos containing products. Because Colgate-Palmolive does not and did not manufacture, process sell or deliver asbestos products, no warning labels have ever been placed on containers of Cashmere Bouquet talcum powder concerning the presence or possible presence of asbestos.

- 27) Any customer, contractor, dealer or distributor complaint relating to defendants' *//* products and any incident or accident reports defendant received relating to the *asbestos-related* health hazards of its *//* products.

Response No. 27

None. Colgate-Palmolive has never been and is not a manufacturer, distributor or seller of asbestos containing products.

- 28) Any written statements obtained by the defendant which relate to facts, circumstances, incidents, injuries or damages which form the basis of the complaint of each plaintiff, including, but not limited to, statements made to any police or law officers, insurance company representatives, state or federal agents, or representative of plaintiff's employers or of other companies.

Response No. 28

Objection, privileged attorney work product.

- 29) All records and documents including tax returns, compensation claims, disability claims, social security claims, hospital and medical records, x-rays, pathology material, photographs, statements, reports and other documents relating to the claim of each plaintiff other than documents provided to you by the particular plaintiff's counsel.

Response No. 29

None, other than those obtained through RecordTrack.

- 30) All communications with or concerning the American Conference of Government and Industrial Hygienists.

Response No. 30

None.

- 31) All documents received by you or in your possession relating to or concerning the Quebec Asbestos Mining Association (QAMA).

Response No. 31

None.

- 32) All documents marked as exhibits in any insurance coverage litigation between you and any liability insurance carrier.

Response No. 32

None.

- 33) All documents produced by you in the litigation with your liability insurance carrier.

Response No. 33

None.

- 34) All documents marked as exhibits in any indemnity or liability litigation between you and the U.S. Government.

Response No. 34

None.

- 35) All documents produced by you in the litigation with the U.S. Government.

Response No. 35

None.

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

DATED: New York, New York
August 7, 2015

By: _____

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*Attorneys for Defendant
Colgate-Palmolive Company*

TO:

The Lanier Law Firm PLLC
Darron Berquist
126 E. 56th Street
New York, NY 10022

Attorneys for Plaintiffs

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

MARIE CAPDEVIELLE, being duly sworn, deposes and says that I am the Worldwide Director of Product Sustainability and Occupational Health at Defendant Colgate-Palmolive Co. ("Colgate") and I am authorized to make this verification on behalf of Colgate. I have read the foregoing **COLGATE-PALMOLIVE COMPANY RESPONSE TO PLAINTIFF'S FIRST STANDARD SET OF LIABILITY INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS (ALTERED PURSUANT TO CMO SECTIONS VIII(A)(2)(A) AND VIII(B)(3)(A))** by Colgate and know the contents thereof, and that the same is true and correct to the best of my knowledge.

Dated: New York, New York

7 Aug, 2015



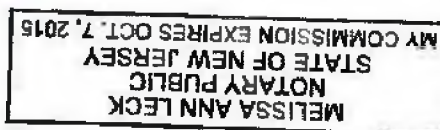
Marie Capdevielle

Subscribed and sworn before me this

7th of August 2015



Notary Public



September 28, 1973

Dr. Christopher H. Costello
Associate Director of Research
Research and Development Department
Colgate - Palmolive Company
909 River Road
Piscataway, New Jersey 08854

Colgate - Palmolive Company
New York, New York
AF# 13-716

(b) (5)

Dear Dr. Costello:

This is in reply to your letter of September 6, 1973 which included a research report on the x-ray diffraction determination of chrysotile asbestos in talc. In reviewing the enclosed research report, it is obvious that Dr. Simko and his associates have devoted a great deal of time and effort in this preparation. I am sure the method will be of valuable assistance to us in the development of our methodology.

We are now in the process of installing an x-ray diffraction unit in the FDA laboratories. When installation is completed, Mr. Stuart will start work using Dr. Simko's method as a reference. He may, as you suggest, wish to discuss some aspects of the method with Dr. Simko. If so, we will contact you to make the necessary arrangements.

In closing, I would like to thank you for the research report and to express my appreciation for the effort that you and your staff have devoted to this problem. Only by cooperation of industry and government can the enormous task of protecting the consumer be accomplished.

Sincerely yours,

Robert M. Schaffner, Ph.D.
Director, Office of Technology
Food

(b) (5)

COLGATE-PALMOLIVE COMPANY
Research and Development Department
909 River Road, Piscataway, N. J. 08854

CHRISTOPHER H. COSTELLO
Associate Director of Research

September 6, 1973

Dr. Robert Schaffner
Deputy Director - Office of Technology
Bureau of Foods - FDA Building 8
Food and Drug Administration
5600 Fishers Lane
Rockville, Maryland 20852

Dear Dr. Schaffner:

Ever since the question of asbestos in talc came up approximately two years ago, our Analytical people at Colgate have been studying the problem in an effort to determine meaningful methods of detection of asbestos.

Our people have had several conferences with Dr. Lewin and other experts in this area prior to launching this program. In addition our company has acquired a step-scanning capability for our X-ray diffraction apparatus. Yesterday I received the final report on the development of a method for the determination of crysotile asbestos in talc which is estimated to have a lower limit of detection of 0.2%.

I note from the PINK SHEET of August 27 that FDA has acquired the services of Dr. John W. Stuart to undertake a program to try to identify asbestos in talc through both differential thermal analysis and X-ray diffraction. It occurs to us that the work of our Dr. Simko and his associates would be most helpful to Dr. Stuart in his work and we are therefore sending several copies of our research report on this subject in the hope that you will find it useful.

We intend to publish this work eventually, but in the interim we would be happy to have Dr. Simko discuss his work with Dr. Stuart, or whomever you might designate. Dr. Simko will be willing to go to Washington for this purpose. We would welcome Dr. Stuart here also.

Until a more sensitive method is determined, it is our intention to use this method as a basis for establishing standards for Colgate talc.

Rec'd OT
SEP 13 1973

Dr. Robert Schaffner

2

September 6, 1973

Please let me hear from you in regard to this matter. I am sending a copy of the research report to Dr. Alfred Weissler as well because of his involvement in this problem in the past. I trust you will both find the report of interest.

Very truly yours,



C. H. Costello

(b) (5)

Colgate-Palmolive Company
Research and Development Department
Piscataway, New Jersey

August 15, 1973

Research Report 2675
(Analytical Method)

DETERMINATION OF CHRYSOTILE ASBESTOS IN TALC BY X-RAY DIFFRACTION

Author: Pasquale Briscese

Analytical Section

PC 47 RPA 62130

Referenced Lab Notebook: 5075

Previous Research Report: None

Pasquale Briscese
Submitted: P. Briscese

J. P. Simko
Approved:

A. Williamson
Section Head:

ABSTRACT

An x-ray diffraction technique for the determination of chrysotile asbestos in talc is described.

Quantitative analysis is made by measuring the area under a selected diffraction peak using the step-scan procedure.

The (002) chrysotile peak $d = 7.3 \text{ \AA}$ is ideal for this measurement; however, the talc (N.C. Regal Talc used in this study) contains Kaolinite (001) line $d = 7.18 \text{ \AA}$ as a contaminant which interferes with this chrysotile line. Therefore, the (004) line, $d = 2.64 \text{ \AA}$, of chrysotile was used. To compensate for its weaker intensity, a longer exposure for each step was used. This was statistically calculated to be 80 seconds.

The method is estimated to have a lower limit of detection of 0.2% chrysotile in talc.

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DIGEST OF REPORT

Introduction

The characteristics of x-ray diffraction patterns provide a specific method for the identification of crystalline compounds. This technique can be applied either qualitatively or quantitatively to the examination of solid materials.

The allegation that commercial samples of talc contain asbestos minerals contaminants which could be hazardous to health when inhaled led to the development of this method.

Major interest is focused on chrysotile asbestos, a fibrous variety of serpentine, which shows major diffraction peaks at $d = 7.3 \text{ \AA}$ and $d = 3.64 \text{ \AA}$ while the amphibole group, another variety of asbestos, shows a maximum at $d = 8.4 \text{ \AA}$. (1,2)

This report presents details for the quantitative analysis by x-ray diffraction of chrysotile asbestos in talc at the (004) line corresponding to the major diffraction peak at $d = 3.64 \text{ \AA}$.

EXPERIMENTAL DETAILS

1. Instrumental Conditions

Apparatus: Philips Electronics Instruments x-ray generator, type No. 12215/0, was used in combination with a high angle vertical goniometer, scintillation counter and step-scanner.

CuK_α radiation, Nickel filtered, generated at 35 kv and 18 Ma.

Slit system:	divergence	1°
	scatter	0.006 inch
	receiving	1°

Signals from the detector were fed through a pulse height discriminator and the integrated counts per step printed out on a teletypewriter.

The step-scanning arrangement permitted the measurement of small integrated areas of 0.01° per step. A total of 40 steps covering an angle of 0.4° 2 theta from 24.20° up to 24.60° was used for peak area, and an angle of 0.2° 2 theta from 23.50° up to 23.70° and 26.15° up to 26.35° was used for background.

In every sample prior to counting for quantitative analysis, a qualitative scan is necessary over the angle from 23° up to 27° 2 theta to ensure that the area considered for background is free from interferences.

Counting time per step was 80 seconds and total counting time $80 \times 40 = 3,200$ seconds for peak area and 3,200 seconds for background. (6)

Reagents*: North Carolina Regal Talc from Charles Mathiew, Inc.
Chrysotile Asbestos #410 obtained from Whittaker,
Clark and Daniels, Inc.

* Both materials were supplied through the help of the Skin Products Section.

2. Estimation of Expected Intensities

Talc, a natural hydrous magnesium silicate with the formula $\text{Mg}_3\text{Si}_4\text{O}_{10}(\text{OH})_2$, crystallographically is monoclinic and triclinic in form. Geologically, the mineral occurs in rock masses and co-exists with a large number of other hydrated magnesium mineral species.

C

Chrysotile, a naturally-fibrous mineral, is a hydrated silicate of magnesium which approximates in composition the formula $H_4Mg_3Si_2O_{10}$. The structure is monoclinic, four molecules of $H_4Mg_3Si_2O_{10}$ in the unit cell. Each silicon atom is surrounded by four oxygen atoms arranged at the point of a tetrahedron. Together these groups form chains extending parallel to the vertical axis. The binding forces between these chains are weak, thus accounting for the fibrous structure. It includes most of the silky amianthus of serpentine rocks and much of what is popularly called asbestos. (4)

Qualitative examination by x-ray diffraction of N.C. Regal Talc showed mainly talc, with the following minor constituents: chlorite, kaolinite, phlogopite, dolomite and alpha quartz. No detectable quantities of asbestiform minerals, either the amphibole or serpentine group were seen. (2)

Of the above constituents, none absorbed Copper K_α radiation strongly in relation to talc, this is known from study of the appropriate chemical elements constituent to each compound. So, absolute counts versus concentration of chrysotile should give a straight line.

The intensity of the (004) line of pure chrysotile $d = 3.64 \text{ \AA}$ gave 540 counts/second net by step-scanning. (In terms of counts per second per percent this = 5.40 c/s/%) Calculation of mass absorption coefficients for Cu K_α radiation gave 32.07 for talc and 29.88 for chrysotile.

The following equation gives the c/s/% expected in a mixture of talc and chrysotile.

$$c/s/\% = \frac{5.4 \times 29.88}{32.07} = 5.03 \quad \text{and} \quad \frac{5.03}{5.40} \times 100 = 94\%$$

Practically no correction is needed due to absorption in the mixture of talc and chrysotile. (3,5)

The value obtained for the mass absorption coefficients are based on the formulas for talc, $Mg_3Si_4O_{10}(OH)_2$, and chrysotile $Mg_3Si_2O_5(OH)_4$. (Card No. 19-770 for talc and 9-444 for chrysotile edited by the Joint Committee on Powder Diffraction Standards.)*

* Joint Committee on JCPDS
Powder Diffraction Standards
1601 Park Lane, Swarthmore, Pennsylvania 19081

3. Procedure

No special sample preparation was necessary for the talc. North Carolina Regal talc is already finely-ground to pass a 325 mesh sieve, 44 microns opening, as received.

The chrysotile asbestos obtained from Whittaker, Clark & Daniels, Inc., #410, was partially ground and needed further grinding to diminish the particle size to an average of 50 microns. This was accomplished by 2 hours grinding in a Waring Blender.* The ground fibers were checked by microscope for size.

* The blending assembly can be obtained from Waring Products Service Center, New Hartford, Connecticut 06057, Model No. 5018.

An exactly-known weight of chrysotile was added to the talc. The mixture, tightly closed in a weighing bottle, was placed in another jar and insulated with tape in the jar to avoid breakage. This jar was placed in a mixer/mill* and each sample mixed for 1 hour with the help of two plastic balls.

* Spex Model 1810, Spex Industries, Metuchen, New Jersey.

Each sample, after being properly mixed, was loaded in a flat aluminum x-ray sample holder. Care was taken to ensure proper loading of the powder.

To minimize orientation effects and to standardize the procedure for each sample, the following three steps were found necessary:

1. Load the sample holder and press the powder with a spatula.
2. Remove the excess with a Gillette razor blade.
3. Make the surface flat and smooth by pressing with a ground glass plate.

Finally, place the sample in the x-ray instrument and take counts over the peak and background areas.

4. Calibration Curve

Chrysotile can be detected with a high degree of assurance by a qualitative x-ray scan when present at approximately 5% and higher. Consequently, a calibration curve covering the range from 1 to 5% only was necessary. Samples used for calibration are listed in Table 1.

Table 1

Standard Components Weights in Grams

<u>Talc</u>	<u>Chrysotile</u>	<u>Total</u>	<u>% Chrysotile</u>
2.475	0.025	2.500	1.0
2.450	0.050	2.500	2.0
2.425	0.075	2.500	3.0
2.400	0.100	2.500	4.0
2.375	0.125	2.500	5.0

Results obtained by x-ray analysis are listed in Table 2 and plotted in Figure 1.

Table 2

Results: Intensity Net Counts in 0.4° Angle
vs. Concentration in Weight % Chrysotile

<u>Concentration Weight % Chrysotile</u>	<u>Intensity Net Counts 0.4° Angle</u>
1.0	26.400
2.0	39.100
3.0	61.870
4.0	86.430
5.0	102.550

Net Counts = Total Counts (Peak Area - Background Area)

Using the method of least squares, the following equation was found for the relationship between intensity and concentration.

y = intensity (net counts)
x = concentration in wt. % chrysotile

Equation of the line: $y = 3381 + 19.963 x$.

5. Analytical Error Due to Counting Statistics (5)

A series of measurements for 1, 2, 3, 4 and 5% chrysotile in talc gave the following counts. Table 3, columns 2 and 3.

Figure 1: Net Counts 0.1° Angle 21.20-21.60° 2θ
vs. Crystalline Concentration

Equation of the Line

$$y = 338x + 19165x$$

Concentration Weight % Crystalline

The standard deviation (G) in percent of a measurement involving a given number of counts at peak area N_p and a given number of counts at background area N_b is

$$G(\%) = 100 \frac{\sqrt{N_p + N_b}}{N_p - N_b}$$

In Table 3, $2G$ is shown as counting error and in terms of % chrysotile, columns 4 and 5.

Table 3

Analytical Error Due to Counting Statistics

<u>Concentration</u>	<u>N_p</u>	<u>N_b</u>	<u>Counting Error $2G$</u>	<u>Error $2G$ % Chrysotile</u>
1%	353,080	326,440	6.2%	0.062%
2%	360,740	321,640	4.2%	0.084%
3%	386,390	324,520	2.7%	0.076%
4%	429,190	342,760	2.0%	0.080%
5%	433,390	330,840	1.7%	0.085%

6. Variation of Standard Deviation With Counting Time (5,6)

A series of measurements of a sample containing 1% chrysotile in talc gave a total count 353,080 for the peak area and 326,440 for the background area. (40 steps, 80 seconds per step).

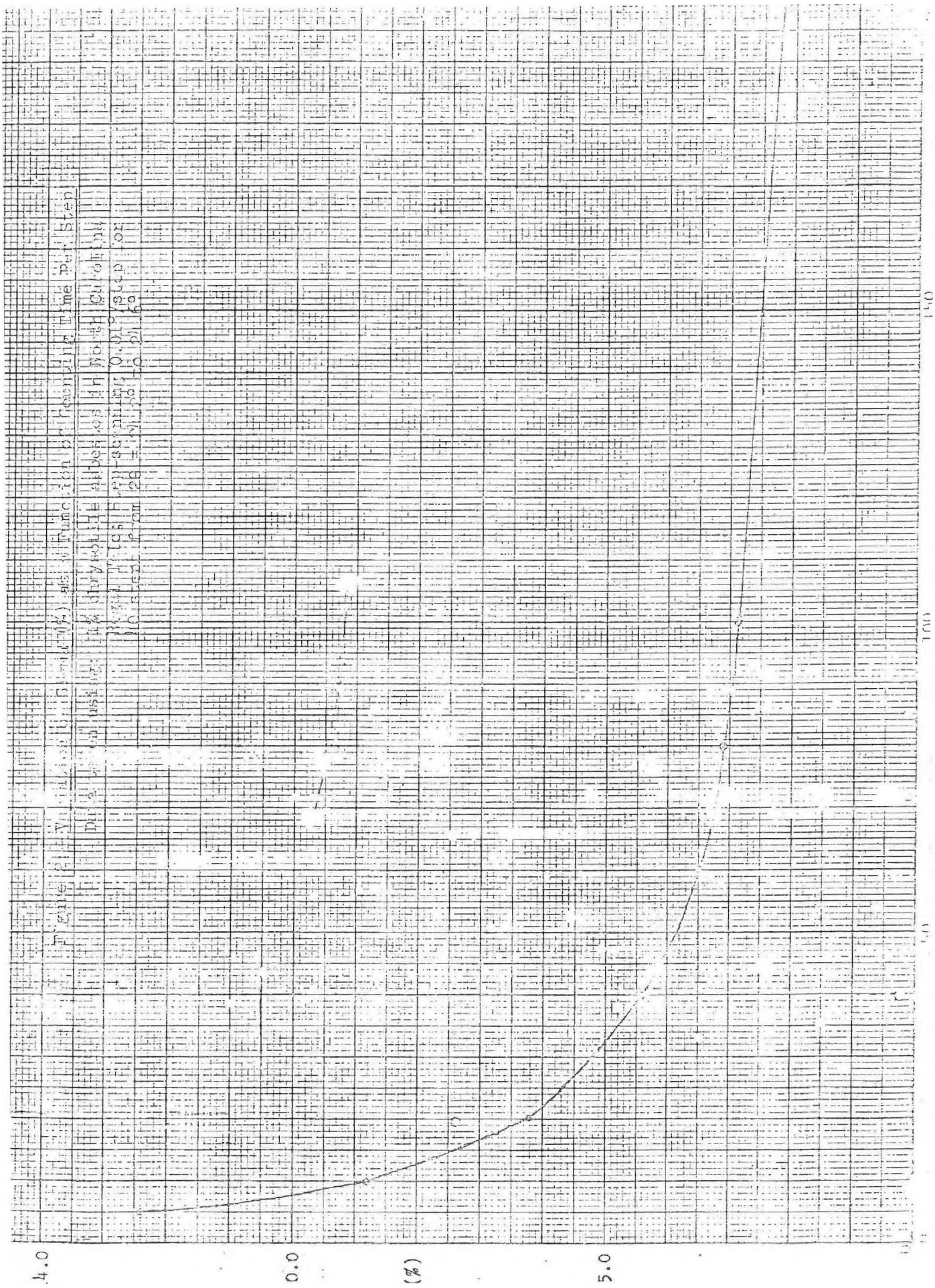
Taking the same number of steps, i.e., 40, and different counting time, i.e., 5, 10, 20, 40, 60, 80, 100 and 200 seconds per step, the following equations are applicable.

$$\frac{\text{Total Counting Time}}{3200} \times 353,080 = \text{Counts for peak area} = N_p$$

$$\frac{\text{Total Counting Time}}{3200} \times 326,440 = \text{Counts for background} = N_b$$

$$\text{where: } G(\%) = 100 \frac{\sqrt{N_p + N_b}}{N_p - N_b}$$

From the data obtained, a curve is constructed in Figure 2 showing the standard deviation as a function of counting time. No great advantage occurs by increasing the counting time above 80 seconds.



7. Lower Limit of Detection (L.L.D.) (5,6)

The lower limit of detection is normally defined as that concentration which gives a count rate equivalent to a background reading plus twice the standard deviation of the background. This assumption will be correct in 95% of cases studied (95% confidence limit).

where: $N_b = 326,440$ net counts of background

$$\sqrt{N_b} = 571.35 \text{ counts for } 1(6)$$

$$2\sqrt{N_b} = 1142.70 \text{ counts for } 2(6)$$

Equation of the line $y = 3381 + 19,967 x$

Let $y = 0$

$$x = -0.17\%$$

Let $y = 1143$ counts = 26 above background

$$x = -0.11\%$$

$$\begin{aligned} \text{L.L.D.} &= \Delta x = x \text{ at } y = 1143 - x \text{ at } y = 0 \\ &= 0.06\% \end{aligned}$$

As a figure of merit, it is better to multiply the L.L.D. by 3, where 3 is a factor which corrects for instrumental drift. Therefore,
L.L.D. = + 0.18% chrysotile.

RESULTS

1. Reproducibility and Precision of the Instrument

The reproducibility of the x-ray instrument was checked by daily analyses on a standard for 6 consecutive days. The standard used contained 5% chrysotile.

Table 4

Reproducibility and Precision of the Instrument
Standard: 5% Chrysotile in Talc

<u>Day</u>	<u>Intensity: Net Counts 0.4° -Angle</u>	<u>% Chrysotile</u>
1	102,550	5.13%
2	102,230	5.12%
3	103,979	5.21%
4	100,039	5.01%
5	97,264	4.87%
6	101,554	5.08%
	Av. =	5.07%
	SD =	+ 0.12
	RSD =	2.3%

2. Recovery Study

A sample of M6670 #450 finished product Cashmere Bouquet Talc was checked for chrysotile with the present method and gave zero % chrysotile.

Chrysotile was added to it for a recovery study. The results are listed in Table 5.

Table 5

Recovery Study

<u>Total Weight in Grams of Talc and Chrysotile</u>	<u>% Chrysotile Added</u>	<u>% Chrysotile Found</u>	<u>% Recovery</u>
2.5	0.2	0.33	165
2.5	0.5	0.61	122
2.5	1.0	0.93	93
2.5	2.0	1.73	86
2.5	5.0	4.9	98

The very high recovery at the 0.2% level and the more acceptable results at the 0.5% level, limit the technique to the order of 0.5%.

DISCUSSION

The method presented can be applied satisfactorily to detect chrysotile asbestos in talc. It was developed especially for the evaluation of chrysotile asbestos. In principle, however, it can be applied to any other type of asbestos subject to the limitation of producing suitable calibrations.

The lower limit of detection was calculated as 0.2%. Further improvement of the detection limit for this method will require the use of a more powerful x-ray tube, generator and improved revolution provided by the use of a crystal monochromator.

It was an unfortunate case that talc invariably contains, among other contaminants, kaolinite, making it difficult to use the more intense line (002) of chrysotile due to the proximity of kaolinite, $7.18 \text{ \AA}^\circ$, and chrysotile, $7.3 \text{ \AA}^\circ$ lines.

An early attempt to use this line after thermally destroying kaolinite at 500°C proved that along with kaolinite some chrysotile was also destroyed. (3)

Carrying the method further to use the 002 line can be very rewarding for the sensitivity that can be attained, calculated to be 46% better. However, this is not without sacrificing a lot of time since the parameters involved are many.

By looking at the less intense chrysotile line (004), free of interference, and by selecting the proper parameters, favorable results were obtained.

Total time required for the analysis of a single sample is estimated at 3-1/2 hours.

CONCLUSION AND RECOMMENDATIONS

X-ray diffraction offers a specific, accurate and precise method for the determination of chrysotile asbestos in talc at 0.5% and above.

INDEX TERMS

1. X-ray Diffraction
2. Chrysotile Asbestos
3. Talc

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