

FILE NAME: American Cyanamid (AMCY)

DATE: 2011

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DOCUMENT DESCRIPTION: Objections and Responses to Plaintiff's Interrogatories

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

ROBERT WILLIAM BRENNAN and	)	CIVIL DIVISION – ASBESTOS
MARCELLA F. BRENNAN,	)	
	)	G.D. No. 10-016088
Plaintiffs,	)	
	)	
v.	)	
	)	
AMERICAN BILTRITE, et al.,	)	
	)	
Defendants.	)	

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

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

PRELIMINARY STATEMENT

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

Wyeth provides the information in these responses solely for the purpose of and related only to the litigation in *Robert William Brennan and Marcella F. Brennan v. American Biltrite*,

et al., G.D. No. 10-016088, Court of Common Pleas of Allegheny County, Pennsylvania. Wyeth reserves all objections to the admissibility at trial of any information provided herein, including, without limitation, all objections on the grounds that such information is not reasonably calculated to lead to the discovery of admissible evidence.

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

GENERAL LIMITATIONS AND OBJECTIONS

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

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

3. Each and every discovery request is answered subject to the General Limitations and Objections set forth herein. These General Limitations and Objections form a part of the answer to each and every request, and are set forth here to avoid the duplication and repetition of

restating them for each answer. These General Limitations and Objections may specifically be referred to in answers for the purpose of clarity. The failure to specifically incorporate a General Limitation or Objection should not, however, be construed as a waiver of any objection.

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

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

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

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

8. Wyeth objects to those requests seeking information or documents beyond the time period relevant to this action, i.e., prior to December 14, 1948, and/or beyond September, 26, 1964, as overbroad and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff Robert Brennan claims that he was exposed to asbestos during the months of June, July, and August, 1960, when he worked at the Lederle Laboratories facility. Plaintiff Robert Brennan also claims that he was secondarily exposed to asbestos from the Lederle

Laboratories facility through his father, George Brennan, at their family home. George Brennan began his employment at the Lederle Laboratories facility on December 14, 1948. Plaintiff Robert Brennan testified that he moved out of the family home on September 26, 1964. Thus, Plaintiff has no claim of exposure through his father after that time. Consequently, the relevant time period at issue for Wyeth is December 14, 1948 through September 26, 1964.

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

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

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

12. Wyeth objects to plaintiffs' definitions of "this defendant" and plaintiffs' use of the undefined term "you" as vague, ambiguous, overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of admissible information. Wyeth limits its responses to American Cyanamid Company, the company that owned the Lederle Laboratories facility (in Pearl River, New York) during the relevant time period. American Cyanamid Company was acquired by American Home Products Corporation in 1994, and American Home Products Corporation changed its name to Wyeth in 2002. Pfizer Inc. acquired Wyeth in 2009, and Wyeth then became Wyeth LLC.

13. Wyeth objects to plaintiffs' definition of the term "document" to the extent that plaintiffs seek to impose upon Wyeth obligations that exceed or differ from those set forth in the

Pennsylvania Rules of Civil Procedure. Plaintiffs' definition impermissibly seeks from Wyeth documents that are not within its possession, custody, or control.

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

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

WYETH LLC'S OBJECTIONS AND RESPONSES TO PLAINTIFFS'
INTERROGATORIES

INTERROGATORY NO. 1:

Identify each and every person who contributed information upon which the answers to the following interrogatories are based and as to each person, set forth each interrogatory to whose answers he or she contributed information.

ANSWER:

See General Limitations and Objections. Subject to and without waiving these objections, Wyeth's responses were prepared in conjunction with its outside counsel, and the phrasing of the responses is that of counsel. As these discovery requests are directed to a corporation, these responses do not constitute, nor are they derived from, the personal knowledge of any single individual.

INTERROGATORY NO. 2:

Recount in detail the history of defendant's business, with relevant dates and events, including:

- a. a list of locations of all past or present facilities and the functions of each facility;
- b. a list of names of every past and/or present owner;
- c. a list of every past and/or present division;
- d. a list of every past and/or present subsidiary;
- e. a list of every predecessor-in-interest;
- f. a list of every trademark owned by this defendant and the dates of ownership;

- g. a list of every insurance company which has written a policy protecting this defendant from liability deriving from asbestos related injuries;
- h. the date this defendant had its inception;
- i. list of each and every name under which this defendant has done business; and
- j. a list of each past and/or present parent company of this defendant and the years of ownership.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, ambiguous, irrelevant, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information concerning facilities, persons, entities, and time periods not at issue in this case. Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, and based upon information and belief, Wyeth states that in 1906, Dr. Ernst Joseph Lederle founded Lederle Antitoxin Laboratories to produce refined antitoxin for diphtheria. On January 8, 1915, the Treasury Department issued U.S. License No. 17 ("License for the Manufacture of Viruses, Serums, Toxins and Analogous Products") for the Pearl River, New York facility. On February 13, 1930, the Lederle Antitoxin Laboratories became Lederle Laboratories, Inc., a subsidiary of American Cyanamid Company ("Cyanamid"). In 1946, Lederle Laboratories was converted from a subsidiary to a division of Cyanamid. In November, 1994, American Home Products Corporation ("AHPC") acquired Cyanamid, and in March, 2002, AHPC changed its name to Wyeth. In October, 2009, Pfizer Inc. acquired Wyeth. In November, 2009, Wyeth became Wyeth LLC.

INTERROGATORY NO. 3:

For the Lederle Lab facility in Pearl River, NY, please:

- a. list the years that this defendant owned and/or operated the facility;
- b. if applicable, list the names of any and all co-owners of the facility;
- c. state whether this defendant has always operated the facility, or if another company shared or had that responsibility at any time;
- d. list the names of the individuals who were responsible for the operation of the facility, and the company by which they were employed;
- e. if the individuals listed in response to #3(d) are not employees of this defendant, list the names of the individual employees of this defendant who were responsible

for overseeing, managing and/or representing this defendant's interest in the facility;

- f. list the dates of construction of the facility in Pearl River, New York;
- g. state the name of the architectural/engineering firm retained to design the facility;
- h. list the names of all sub-contractors who were hired or contracted to construct the plant, and the dates of their contracts;
- i. list the dates of any and all additions and/or modifications to the plant, and describe the nature of the addition and/or modification;
- j. list the names of each architectural/engineering firm retained to design additions and/or modifications to the plant; and
- k. list the names of all sub-contractors hired or contracted to work on any and all additions and/or modifications to the plant, and the dates of their contracts.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information concerning persons, entities, time periods, and areas of the Pearl River facility not at issue in this case. Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth refers to its Answer to Interrogatory No. 2, and states that American Cyanamid Company solely owned and operated the Lederle Laboratories facility in Pearl River, New York during the relevant period. Wyeth further refers to the following information, setting forth the dates of construction of each of the buildings at the Lederle Laboratories facility that had been constructed by 1964:

BUILDING NUMBER	YEAR OF CONSTRUCTION
2A	1916
10	1908
34 old	1918
43 old	1917
43	1930
43A	1940
43B	1941
43C	1941
43D	1963
49	1936
49A	1947
54	1937
56C	1955

60	1938
60A	1942
60B	1951
60C	1951
60D	1952
69	1940
69D	1940
69E	1943
69F	1943
69G	1947
69H	1948
69J	1954
72F	1955
78	1942
78A	1961
96	1942
96A	1949
97a	1951
97c	1952 / 1960
97d	1953
100	1942
110	1952
112	1947
112A	1952
120	1953
130	1943
132	1946
132A	1951
132B	1962
133	1946
139	1951
140	1953
141	1950
141A	1953
141B	1962
141C	1963
146	1952
147	1951
147A	1951
153	1953
153A	1961
155	1953
155A	1964

INTERROGATORY NO. 4:

Did this defendant ever purchase or otherwise obtain the following asbestos-containing products for use at Lederle Lab at some point between 1940 and 1981?

- a. pipecovering and/or lagging;
- b. gaskets and/or packing;
- c. electrical wire, cable and/or the insulation therein;
- d. electrical circuit boards and/or the insulation therein;
- e. electrical motor controls and/or the insulation therein;
- f. electrical thermocouples and/or the insulation therein;
- g. electrical components including arc shields, arc chutes, conduit, conduit packing and/or the insulation therein;
- h. block insulation;
- i. mortars, cements, mud, castables and/or other refractory material;
- j. sealants, mastics, paints and/or coatings;
- k. gunnite and/or gunning mix;
- l. welding rods;
- m. board;
- n. paper;
- o. rope;
- p. cloth and/or blankets;
- q. clothing, including but not limited to hoods, coats, jackets, pants, leggings, spats, gloves and/or mittens;
- r. brake pads and/or shoes;
- s. tape;
- t. spray on fire-proofing;
- u. plaster;

- v. wick and/or string; and
- w. miscellaneous items and other asbestos-containing products, components, accessories, attachments and materials not described above.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information concerning products and/or equipment not at issue in this case, is not limited to the relevant time period, and is not limited to those areas of the Lederle Laboratories facility in which Robert and George Brennan may have worked. Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth.

Subject to and without waiving these objections, Wyeth states that to date it has not located information reflecting what, if any, asbestos-containing items were used at the Lederle Laboratories facility during the relevant time period of 1948 to 1964. Without waiving its objection to producing information after 1964, Wyeth states that the following items may have been present at the facility during the relevant time period, and potentially may have contained asbestos: pipecovering, gaskets and/or packing (in autoclaves), electrical wire/cables (in the boiler house), electrical thermocouples (in autoclaves), caulking, hardboard (hoods and acid cabinets in laboratories), paper and tape, transite, gloves, pads, brake pads (at the garage at the facility), floor tile, wire gauze, and spray-on acoustical ceiling material.

As discovery is ongoing, Wyeth reserves the right to amend or supplement this response with information pertaining to products or equipment utilized by and/or around Robert and/or George Brennan, in the areas of the facility in which they worked, and for the time periods in which they were present.

INTERROGATORY NO. 5:

For each product listed in response to the above interrogatory, specify the following:

- a. Suppliers, manufacturers, and distributors through which the product passed prior to acquisition by the defendant. If the source of a given product changed from time to time, please set out the years in which each source supplied the defendant;
- b. The dates and locations at Lederle Lab where each product was used;
- c. A full description of the product, including its packaging and any printed material included thereon or within;
- d. The purpose for which it was used;

- e. If it is no longer used for a purpose specific in response to (d), the date such use was terminated and the reason for the termination;
- f. Set forth the quantities of each asbestos-containing product purchased or used by you for each year during the period of plaintiff's employment and/or his father's employment with you.

ANSWER:

See General Limitations and Objections, and Wyeth's objections and Answer to Interrogatory No. 4.

INTERROGATORY NO. 6:

Set forth in detail where and how asbestos-containing products were kept or stored prior to use at defendant's facilities where plaintiff was employed. If the methods of keeping or storing said products changed from time to time, indicate where and when such changes were made:

- a. identify all person who were charged with the duty of ordering or purchasing asbestos-containing products for use in your facility at which plaintiff was employed and/or his father was employed;
- b. Describe in detail how such orders and purchases were recorded, where they were recorded and who recorded them.

ANSWER:

See General Limitations and Objections, and Wyeth's objections and Answer to Interrogatory No. 4.

INTERROGATORY NO. 7:

Set forth and describe by appearance and trade name all protective equipment (respirators, hats, gloves, etc.) provided by defendant during the period of plaintiff's employment and/or his father's employment, to employees and the locations and dates used and names of persons in charge of or in any way connected with the distribution of such protective equipment.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to the relevant time period and not limited to those areas of the Lederle Laboratories facility in which Robert and George Brennan may have worked. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this

time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response with information pertaining to products or equipment utilized by and/or around Robert and/or George Brennan, in the areas of the facility in which they worked, and for the time periods in which they were present.

INTERROGATORY NO. 8:

If any vacuum systems, dust control devices, watering down systems or systems of any kind designed to reduce asbestos dust in the air were at any time used by your employees during the period of plaintiff's employment and/or his father's employment by you, state the first time such devices were used and describe in detail the type devices which were used and the location within Lederle Lab in which such devices were used.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to the relevant time period and not limited to those areas of the Lederle Laboratories facility in which Robert and George Brennan may have worked. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response with information pertaining to products or equipment utilized by and/or around Robert and/or George Brennan, in the areas of the facility in which they worked, and for the time periods in which they were present.

INTERROGATORY NO. 9:

List the supplier and brand name for all respirators or protective masks used by or made available to employees at your facilities during the period of plaintiff's employment and/or his father's employment, the date such devices were first made available, as well as the nature of instruction, if any, received by your employees in the maintenance, fitting, weaving, rotating or dangers necessitating the use of such respirators, the form of such instruction and the party or parties responsible for giving such instruction.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to the relevant time period and not limited to those areas of the Lederle Laboratories facility in which Robert and George Brennan may have worked. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response with information pertaining to products or equipment utilized by and/or around Robert and/or

George Brennan, in the areas of the facility in which they worked, and for the time periods in which they were present.

INTERROGATORY NO. 10:

Has defendant, at any time, published and/or distributed any brochures or other written materials (aside from any caution labels on containers) or made oral communications of any kind or character that contain any warnings, cautions, caveats or directions to your employees concerning the possibility of injury resulting from the use of asbestos-containing products? If so, please state:

- a. The wording and physical appearance of each such communication;
- b. The method used to distribute the material to employees who were to use the products;
- c. The date such material was issued;
- d. The name, address, and job classification of each person who presently has possession of the above described document;
- e. The names of any industrial psychologists or human factors engineers who were consulted prior to utilizing such warnings, cautions, etc.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, as it is unlimited as to time and not limited to those areas of the Lederle Laboratories facility in which Robert and George Brennan may have worked. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response with information pertaining to products or equipment utilized by and/or around Robert and/or George Brennan, in the areas of the facility in which they worked, and for the time periods in which they were present.

INTERROGATORY NO. 11:

During the dates of plaintiff's employ and/or his father's employ, state whether the asbestos products supplied to you or your employees contained any warning, caution, caveat or other statement on product or its packaging during the dates of plaintiff's employ and/or his father's employ with defendant. If so, state:

- a. When the warning first appeared, and its precise wording;

- b. Where the warning was located on the product or packaging;
- c. State the manner in which the products you used were shipped and the type of containers which were used.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information concerning products and/or equipment not at issue in this case, is not limited to the relevant time period, and is not limited to those areas of the Lederle Laboratories facility in which Robert and George Brennan may have worked. Regarding any asbestos-containing products which may have been supplied to the Lederle Laboratories facility, Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response with information pertaining to products or equipment utilized by and/or around Robert and/or George Brennan, in the areas of the facility in which they worked, and for the time periods in which they were present.

INTERROGATORY NO. 12:

State whether any of your workers using asbestos-containing products were provided with any special instructions, oral or written, in regard to utilizing said products in a manner so as to avoid exposing workers to amounts of dust exceeding the maximum allowable concentration (MAC) or threshold limit value (TLV). If so, state:

- a. When these instructions were given;
- b. By whom these instructions were given;
- c. Whether the instructions were oral or written;
- d. The precise content of the instruction;
- e. If the instructions were written, please attach a copy of the instructions.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information concerning products and/or equipment not at issue in this case, is not limited to the relevant time period, and is not limited to those areas of the Lederle Laboratories facility in which Robert and George Brennan may have worked. Regarding

any asbestos-containing products which may have been supplied to the Lederle Laboratories facility, Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response with information pertaining to products or equipment utilized by and/or around Robert and/or George Brennan, in the areas of the facility in which they worked, and for the time periods in which they were present.

INTERROGATORY NO. 13:

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

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, as it is unlimited as to time and is not limited to the facility at issue in this case. In particular, Wyeth objects to the undefined term "chief medical officer." In the pharmaceutical context, a "chief medical officer" is generally focused on product development issues – which are irrelevant to this case, and not the environmental health and safety issues which apply in this case. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 14:

State whether any of your chief medical officers, identified in Interrogatory Number 13, were, at any time, or are now, a member of the National Safety Counsel (NSC) or Industrial Hygiene Foundation (IHF):

- a. If "yes", list the particular affiliation by name, organization and period of membership;
- b. If "yes", state whether any of the chief medical officers so affiliated held elected or official positions in said organizations.

ANSWER:

See General Limitations and Objections, and Wyeth's objections and Answer to Interrogatory No. 13. Subject to and without waiving these objections, Wyeth further states that to date it has not been able to identify the "chief medical officer" responsible for the Lederle Laboratories

facility during the relevant time period. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 15:

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

ANSWER:

See General Limitations and Objections. Wyeth objects to the term "with responsibility for Lederle Lab" as vague and ambiguous. Wyeth further objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information concerning persons and time periods not at issue in this case. Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth states that to date it has not been able to locate the names of physicians responsible for the Lederle Laboratories facility during the relevant time period. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 16:

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

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined term "you" as vague and ambiguous. Wyeth objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, as it is unlimited as to time and is not limited to the facility at issue in this case. Subject to and without waiving these objections, Wyeth states that to date it has not been able to locate the names of industrial hygienists responsible for the Lederle Laboratories facility during the relevant time period. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 17:

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

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined terms "you" and "corporate safety officers/directors" as vague and ambiguous. Wyeth further objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, as it is unlimited as to time and is not limited to the facility at issue in this case. Subject to and without waiving these objections, Wyeth states that to date it has not been able to locate the name of the individual(s) at the Lederle Laboratories facility that were responsible for the safety of the employees during the relevant time period. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 18:

State whether any medical officers, industrial hygienists, or safety officers/directors so identified, made at any time, any recommendations and/or suggestions to you or your predecessors pertaining to the risks or hazards to persons involved in the preparation, fabrication or use of products containing asbestos. If so, state the substance of such recommendations, to whom they were made, by whom they were made, when they were made and how or if they were implemented.

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined term "you" as vague and ambiguous. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is unlimited in time and is not limited to the facility at issue in this case. Wyeth further objects to the extent this requests seeks discovery of information protected from disclosure by the attorney-client privilege and/or the work product doctrine. Subject to and without waiving these objections, Wyeth states that that to date it has not been able to locate the names of any individuals responsible for recommendations and/or suggestions concerning risks or hazards of asbestos at the Lederle Laboratories facility during the relevant time period. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 19:

For the period 1949 to 1981, please state the scientific, safety, medical, industry or trade periodicals to which you, your medical department or your industrial hygiene division subscribed or received by way of industry or organizational membership, specifying the date such subscriptions were begun.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to the relevant time period. Wyeth further objects to the extent this request seeks discovery of information protected from disclosure by the attorney-client privilege and/or the work product doctrine. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 20:

Please state any trade organizations, groups, inter-company or industrial organizations, including but not limited to the National Safety Council and the Industrial Hygiene Foundation or the Industrial Health Foundation (IHF), to which the defendant belonged or belongs which conducted or is conducting studies or researched the relationship, if any, between exposure to asbestos fibers or products and asbestosis, lung cancer and mesothelioma to the extent known. In regard to each study, please state the following:

- a. The type or nature of the studies;
- b. When the studies were conducted;
- c. The complete results of the studies;
- d. The recommendations of the studies;
- e. The resulting implementation of the studies by defendant;
- f. The date when first implemented.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to the relevant time period. Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth does not have sufficient

information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 21

For the period 1949 to 1981, please state whether you or your predecessor has or had a department, division or section devoted to scientific and/or medical research. If so, state when it was first formed, and list all chief directors for such section.

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined terms "you" and "scientific and/or medical research" as vague and ambiguous. Wyeth objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to the relevant time period. Wyeth further objects to the extent this request seeks discovery of information protected from disclosure by the attorney-client privilege and/or the work product doctrine. Subject to and without waiving these objections, the Lederle Laboratories facility was, among other things, a research facility and much of the work done at the facility during the relevant time period related to the research and development of health care products.

INTERROGATORY NO. 22:

Have you received the results of any research, tests, medical studies or experiments or other communications regarding the connection between asbestos exposure and the contracting of pulmonary disease including lung cancer and asbestosis since 1949? If so, state when you received such information, the source and the substance of this information up through 1981.

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined term "you" as vague and ambiguous. Wyeth objects to this request as overbroad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to the relevant time period. Wyeth further objects to the extent this request seeks discovery of information protected from disclosure by the attorney-client privilege and/or the work product doctrine. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 23:

Do you or did you subscribe to the United States Public Health Bulletin Service? If your answer is in the affirmative, please state all years of subscription for the period beginning 1949 to 1981.

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined term "you" as vague and ambiguous. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to the relevant time period. Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 24:

Please identify all booklets, manuals, journals and all publications directed to you from suppliers and/or producers of asbestos-containing insulation products and the dates said information was forwarded regarding the proper use and application of asbestos-containing products for the period from 1949 to 1981.

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined terms "you" and "insulation products" as vague and ambiguous. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to the relevant time period. Regarding anything which may have been provided to the Lederle Laboratories facility by others, Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 25:

Please state whether or not you ever obtained any knowledge concerning the likelihood of asbestos inhalation being hazardous to health, and if so, state when you first became aware of the hazardous potential of asbestos and its products. State how you first obtained this knowledge

and became aware of said hazards, from what source this -- information was obtained, and state the nature of the hazards described.

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined term "you" as vague and ambiguous. Wyeth objects to this request as overbroad, vague, ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is unlimited as to time and scope. Regarding anything which may have been provided to the Lederle Laboratories facility by others, Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Wyeth further objects to the extent this request seeks discovery of information protected from disclosure by the attorney-client privilege and/or the work product doctrine. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 26

Please state whether you or a governmental agency or anyone else has ever conducted dust or air sampling studies in any of your facilities, including Lederle Lab, stating the date of the study, persons or organizations conducting each study, results of each study, and present location and custodian of any record or report of such study.

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined terms "you" and "dust or air sampling studies" as vague and ambiguous. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is unlimited in time and is not limited to the Lederle Laboratories facility at issue in this case. Wyeth further objects to the extent this request seeks discovery of information protected from disclosure by the attorney-client privilege and/or the work product doctrine. Regarding any activities which may have been conducted by others, Wyeth further objects to this request to the extent this request seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth is not aware of dust or air sampling studies done by a governmental agency or another private company at the Lederle Laboratories facility during the relevant time period. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 27

When and where was the first claim filed against you or your predecessors which alleged an asbestos-related injury, and what was the outcome of the claim?

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined terms "you" and "claims" as vague and ambiguous. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is unlimited in time and is not limited to the Lederle Laboratories facility at issue in this case. Subject to and without waiving these objections, Wyeth states that it is not aware of any civil litigation in which a claim has been filed against it alleging an asbestos-related injury at the Lederle Laboratories facility during the relevant time period. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 28

Did you or your predecessors at any time, give any advice, publication, warning, order, directive, requirement or recommendation, written or oral, including by United States Mail, which purported to:

- a. Advise the plaintiff or his father personally and directly of the possible harmful effects of exposure to, or inhalation of, asbestos or asbestos-containing products;
- b. Advise or recommend to the plaintiff personally and directly any techniques, methods, or equipment which would serve to reduce or guard against such potentially harmful exposure.

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined term "you" as vague and ambiguous. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome. Wyeth further objects to this request to the extent this request seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth states that it is not aware of any such materials at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 29

If your answer to any part of the above interrogatory is in the affirmative, state:

- a. The nature and exact wording of such advice, warning, recommendation, etc.;

- b. The complete identity of each source or person who issued such advice, warning, recommendation, etc.;
- c. The date, time, place, manner and circumstances when such advice, warning, recommendation, etc. was given;
- d. The name, business address and telephone number, job title, residence address and telephone number of each and every witness to the plaintiffs or his father's reception of such advice, warning, recommendation, etc.;
- e. The name, business address and telephone number, job title, residence address and telephone number of each and every co-worker or similar member of their trade and occupation who also received the name or similar advice, warning, recommendation, etc.

ANSWER:

See General Limitations and Objections, and Wyeth's objections and Answer to Interrogatory No. 28.

INTERROGATORY NO. 30:

Set forth the manner in which asbestos-containing products were used in the construction, insulation or maintenance of buildings at Lederle Lab, as well as all uses with respect to boilers and all other machinery and equipment of defendant.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as it is argumentative and assumes facts. Wyeth further objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information concerning products, equipment, and/or activities not at issue in this case, and is not limited in time or to those areas of the Lederle Laboratories facility in which Robert and George Brennan may have worked. Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 31:

Set forth the procedures used by your employees in the tearing out or removal of asbestos-containing products from equipment and/or buildings of the defendant and indicate where and how asbestos-containing products were disposed of or reused after being torn out.

ANSWER:

See General Limitations and Objections, and Wyeth's objections and Answer to Interrogatory No. 30.

INTERROGATORY NO. 32:

State when the first safety meeting for your employees was held at which it was revealed to them that:

- a. The inhalation of asbestos dust or fibers can cause asbestosis;
- b. The inhalation of asbestos dust or fibers can cause lung cancer or mesothelioma;
- c. Workers at industrial job sites face a higher statistical risk than the general population of contracting:
 1. lung cancer; and
 2. mesothelioma

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to the relevant time period. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 33:

State the first date on which you learned of the threshold limit value [sic] for airborne asbestos and for the time period 1949 to 1981, describe what action was taken by you or your predecessors to determine whether workers who were using asbestos-containing products were exposed to concentrations above or below the TLV and state the date and nature of each action taken by you, including, but not limited to, such actions at the facility at which plaintiff and his father worked.

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined term "you" as vague and ambiguous. Wyeth further objects to this request as overbroad, vague, ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it

is not limited to the relevant time period. Regarding anything which may have been provided to the Lederle Laboratories facility by others, Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Wyeth further objects to the extent this request seeks discovery of information protected from disclosure by the attorney-client privilege and/or the work product doctrine. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 34:

Please state if the defendant intends to assert a defense of contributory negligence. If so, state in detail all facts on which the defendant bases its contention that the plaintiff was contributory [sic] negligent.

ANSWER:

See General Limitations and Objections. Wyeth objects to the extent this request seeks discovery of information protected from disclosure by the attorney-client privilege and/or the work product doctrine. Subject to and without waiving these objections, Wyeth states that it has denied all of the charging allegations contained in the Complaint in this matter. Wyeth's denials are based upon information and belief, are based upon principles that require plaintiff to sustain a burden of proof as to Wyeth, and are based upon pleading principles that require that Wyeth allege defenses in its Answer in order to preserve them at the time of trial. As discovery is ongoing, Wyeth reserves its rights to assert additional and/or different contentions in the future, up to and including at the time of trial. Wyeth denies that it is responsible for plaintiff's claimed injuries, damages, or related allegations.

INTERROGATORY NO. 35:

State if the defendant intends to assert the defense that there is no causal relationship between plaintiff's injuries and his exposure to asbestos and asbestos material. If so, state in detail, all facts on which the defendant bases this contention.

ANSWER:

See General Limitations and Objections, and Wyeth's objections and Answer to Interrogatory No. 34. Further objecting, this request seeks information requiring expert opinion.

INTERROGATORY NO. 36:

For the time period from 1949 to 1981, did the defendant ever warn or inform any representative of any labor unions of any potential health hazards from use of asbestos-containing products? If so, please indicate:

- a. The union;
- b. The method of conveying the information;
- c. The date and place the information was conveyed;
- d. All persons involved in providing or receiving the information.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to the relevant time period. Wyeth further objects to this request to the extent this request seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 37:

For the time period 1949 to 1981, if defendant has become aware, as the result of other litigation or by any other means of any studies, research, experiments, or tests which have altered the manner or way you acted in distributing and using asbestos-containing products, identify these studies, research experiments or tests, when and by whom they were made, when you became aware of them, the contents of said studies, etc., and what changes you made in distributing and/or using asbestos-containing products.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information concerning products, equipment, and/or activities not at issue in this case, and is not limited in time or to those areas of the Lederle Laboratories facility in which Robert and George Brennan may have worked. Wyeth further objects to the extent this request seeks discovery of information protected from disclosure by the attorney-client privilege and/or the work product doctrine. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 38:

Did this defendant ever conduct, direct or commission any investigations or studies to determine the amount of airborne dust containing asbestos fibers in the facility during plaintiff's employ?

- a) If yes, please:
 - i. list the names of any and all companies commissioned to conduct each such study or investigation;
 - ii. list the dates each such study or investigation was performed;
 - iii. state the result of conclusion of each study or investigation;
 - iv. identify all documents which refer, relate or pertain to each study or investigation and the custodian thereof;
 - v. state the technique used for each study or investigation;
 - vi. state what action, if any, has been taken in response to the findings of each such study or investigation; and
 - vii. identify the living person who has the most knowledge about the matters herein.
- b) If no, please state the basis of this defendant's determination that the air quality was of a safe level and did not need to be studied.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited as to time. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 39:

On what date was asbestos abatement first done at Lederle Lab? For each asbestos abatement performed at the defendant's facility, please state the following:

- a. the date(s) of each abatement;
- b. the location in the facility where the abatement took place;

- c. the products that were abated;
- d. whether any testing was performed, including but not limited to air sampling/monitoring and bulk analysis;
- e. whether any asbestos products were left on the premises and not abated;
- f. if asbestos products were left on the premises and not abated, please identify those products;
- g. state whether any asbestos products on the premises that were not abated were continually checked or re-checked for any reason, including, but not limited to whether the product was damaged and/or friable;
- h. the name of the company that performed any testing;
- i. the name of the company that performed the abatement;
- j. whether the area was cordoned off, and if so, with what;
- k. whether warnings were placed in the vicinity of the abatement, and if so, what did the warnings indicate; and
- l. the type of protections taken during the abatement.

ANSWER:

See General Limitations and Objections. Wyeth objects to the undefined term "abatement" as vague and ambiguous. Wyeth further objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to the relevant time period and not limited to those areas of the Lederle Laboratories facility in which Robert and George Brennan may have worked. Regarding anything concerning outside companies and the work they may have performed, Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth does not have sufficient information on which to base a response at this time. As discovery is ongoing, Wyeth reserves the right to amend or supplement this response.

INTERROGATORY NO. 40:

Please state the manufacturer and installer of each boiler installed at defendant's facilities at issue in this case from construction to the present and the date of said installation. If any such boiler was ever removed or torn down please state which one and when such activity occurred.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is unlimited as to time and not limited to those areas of the Lederle Laboratories facility in which Robert and George Brennan may have worked. Regarding anything concerning outside companies and the equipment they may have installed or other work they may have performed, Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs, and/or to the extent it seeks information that is in the custody or control of persons or entities other than Wyeth. Subject to and without waiving these objections, Wyeth is currently aware of six boilers that were installed at the Lederle Laboratories facility.

The first boiler was manufactured by Erie City Iron Works Boilers, and installed in 1936; installer is unknown, and a precise removal date is unknown but it is no longer in service.

The second boiler was also manufactured by Erie City Iron Works Boilers, and was installed in 1939 – 1940; installer is unknown, and a precise removal date is unknown but it is no longer in service.

Wyeth is aware of a third boiler, but has no specifics at this time.

The fourth boiler was manufactured by Riley Stoker Corp, and installed in 1945 – 1946; installer is unknown, and it is still in service.

The fifth boiler was manufactured by Foster Wheeler, and installed in 1949 - 1950; installer is unknown, and it is still in service.

The sixth boiler was manufactured by Springfield Boiler Company, and installed in 1962; installer is unknown, and it was removed from service in 2005.

INTERROGATORY NO. 42:

Please state if the defendant was ever cited by OSHA or the FDA for violations at Lederle Lab from 1949 to 1981.

ANSWER:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, as it is not limited to the relevant time period and is not limited to those areas of the Lederle Laboratories facility in which Robert and George Brennan may have worked. Wyeth further objects to this request to the extent it seeks information that is equally available to plaintiffs. Subject to and without waiving these objections, Wyeth states that it is not aware of any citations by OSHA or the FDA for violations relating to asbestos at the Lederle Laboratories facility during the relevant time period.

WYETH LLC'S RESPONSE TO PLAINTIFFS'
REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1:

Please attach copies of all invoices, purchase orders, bills of lading, contracts or other non-privileged documents relating to the purchase by this defendant of asbestos-containing products for use at the defendant's facility.

RESPONSE:

See General Limitations and Objections, and Wyeth's objections and Answer to Interrogatory No. 4. Subject to and without waiving these objections, Wyeth further responds that to date it has not located any invoices, purchase orders, bills of lading, or contracts reflecting the purchase of asbestos-containing products at the Lederle Laboratories facility during the relevant time period.

REQUEST NO. 2:

Please attach copies of the blueprints which were used in the construction of, or for additions or modifications to the defendant's facility.

RESPONSE:

See General Limitations and Objections. Wyeth objects to the undefined terms "additions" and "modifications" as vague, ambiguous, and overbroad. Wyeth objects to this request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 3:

If applicable, attach an index of this defendant's records which show that it purchased asbestos-containing products.

RESPONSE:

See General Limitations and Objections, and Wyeth's objections and Answer to Interrogatory No. 4. Subject to and without waiving these objections, Wyeth further responds that to date it has not located any indices reflecting the purchase of asbestos-containing products at the Lederle Laboratories facility during the relevant time period.

REQUEST NO. 4:

Please attach all copies of contracts, records or other documents in which the use or installation of asbestos-containing products is specified in the construction, modification or maintenance of the defendant's facility.

RESPONSE:

See General Limitations and Objections, and Wyeth's objections and Answer to Interrogatory No. 4. Subject to and without waiving these objections, Wyeth further responds that to date it has not located any contracts or other documents specifying the use of asbestos-containing products in the construction of the Lederle Laboratories facility during the relevant time period.

REQUEST NO. 5:

If applicable, please attach copies of all policy statements, internal memoranda, and/or other internal correspondence relating to this defendant's program for warning employees and/or invitees at the defendant's facility of the asbestos danger.

RESPONSE:

See General Limitations and Objections. Wyeth objects to the extent this request seeks discovery of information protected from disclosure by the attorney-client privilege and/or the work product doctrine. Wyeth further objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Wyeth states that to date it has not located any such documentation in connection with the Lederle Laboratories facility during the relevant time period.

REQUEST NO. 6:

If applicable, please attach copies of all files and/or records kept by the persons responsible for occupational health and/or safety at the defendant's facility relating to insulation, asbestos, dust, and/or other respiratory hazards.

RESPONSE:

See General Limitations and Objections. Wyeth objects to the extent this request seeks discovery of information protected from disclosure by the attorney-client privilege and/or the work product doctrine. Wyeth further objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Wyeth states that to date it has not located

documents maintained by the person(s) responsible for occupational health and safety at the Lederle Laboratories facility during the relevant time period, in connection with asbestos.

REQUEST NO. 7:

Please attach copies of all documents relied upon to answer the Interrogatories propounded by the plaintiffs.

RESPONSE:

See General Limitations and Objections. Wyeth objects to the extent this request seeks discovery of information protected from disclosure by the attorney-client privilege and/or the work product doctrine. Wyeth further objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence, as it is unlimited as to both time and scope.

REQUEST NO. 8:

Please attach copies of all policy statements, memoranda, and/or other internal correspondence concerning this defendant's efforts to warn employees and/or invitees of the health hazard posed by the presence of asbestos in the defendant's facility.

RESPONSE:

See General Limitations and Objections. Wyeth objects to the extent this request seeks discovery of information protected from disclosure by the attorney-client privilege and/or the work product doctrine. Wyeth further objects to this request as overbroad, vague, and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Wyeth states that to date it has not located documentation concerning warnings of the potential health hazards of asbestos at the Lederle Laboratories facility during the relevant time period.

REQUEST NO. 9:

Please attach copies of all dust and/or air quality studies which were conducted at the defendant's facility.

RESPONSE:

See General Limitations and Objections. Wyeth objects to the undefined term "dust and/or air quality studies" as vague and ambiguous. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of

admissible evidence. Subject to and without waiving these objections, Wyeth states that to date it has not located documentation concerning dust or air quality studies conducted at the Lederle Laboratories facility during the relevant time period.

REQUEST NO. 10:

Please attach any and all asbestos abatement documents or other documents relating to asbestos abatement at the particular power plant at issue in this case.

RESPONSE:

See General Limitations and Objections. Wyeth objects to the undefined terms "documents relating to asbestos abatement" and "power plant" as vague and ambiguous. Wyeth objects to the reference to the Lederle Laboratories facility as a power plant, which it was not. Wyeth objects to this request as overbroad, vague, ambiguous, and unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Wyeth states that to date it has not located documents relating to the abatement of asbestos at the Lederle Laboratories facility during the relevant time period.

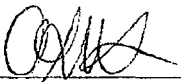
REQUEST NO. 11:

Please attach any and all documents discussing when the defendant learned of the health hazards of asbestos.

RESPONSE:

See General Limitations and Objections. Wyeth objects to this request as overbroad, vague, ambiguous, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence, as it is unlimited as to time and scope. Specifically, Wyeth objects to the extent this request seeks documents reflecting the knowledge of any entity other than American Cyanamid Company, the owner of the Lederle Laboratories facility during the relevant time period. Subject to and without waiving these objections, Wyeth states that to date it has not located documents reflecting American Cyanamid Company's knowledge of the potential hazards of asbestos at the Lederle Laboratories facility during the relevant time period.

KELLEY JASONS McGOWAN
SPINELLI & HANNA, LLP

BY: 
Thomas P. Hanna, Esquire
Anne Wilcox Lewis, Esquire

Attorneys for Defendant,
WYETH LLC

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

ROBERT WILLIAM BRENNAN and
MARCELLA F. BRENNAN,

Plaintiffs,

v.

AMERICAN BILTRITE, et al.,

Defendants.

) CIVIL DIVISION – ASBESTOS

) G.D. No. 10-016088

VERIFICATION

STATE OF NEW JERSEY

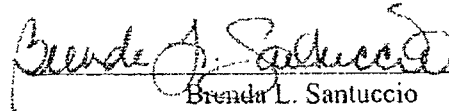
COUNTY OF MORRIS

Brenda L. Santuccio herein states that:

1. I am Assistant Secretary of Wyeth LLC, and I verify “Defendant Wyeth LLC's Responses And Objections to Plaintiffs' Interrogatories” in the above-captioned matter.
2. I am duly authorized so to do; the matters stated therein are not within my personal knowledge; the facts stated therein have been assembled by authorized employees and/or counsel of Defendant.
3. I declare under penalty of perjury under the laws of the State of New Jersey that the

foregoing is true and correct.

Executed this 10th day of January, 2011 in Madison, New Jersey.


Brenda L. Santuccio

Sworn to before me this
10 day of January 10, 2011

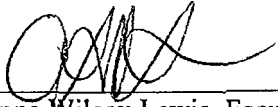

Notary Public
AMY C. FITZGERALD
A Notary Public of New Jersey
My Commission Expires 3/1/2011

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DEFENDANT WYETH LLC'S OBJECTIONS AND RESPONSES TO PLAINTIFFS' INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS was served this 10th day of January, 2011, to the following Plaintiffs' counsel via electronic mail and U.S. First Class Mail, postage pre-paid with notice of service of the same served upon all defense counsel of record via electronic mail:

Janice M. Savinis, Esquire
John R. Kane, Esquire
Savinis D'Amico & Kane
Suite 3626, Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

KELLEY JASONS MCGOWAN
SPINELLI & HANNA, LLP

BY: 

Anne Wilcox Lewis, Esquire

Attorney for Defendant,
Wyeth LLC