

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

IN RE: NEW YORK CITY
ASBESTOS LITIGATION

THIS DOCUMENT RELATES TO:

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 Wold Companies), *et al.*

Defendants.

Index No.: 190253/2014

**DEFENDANT CYPRUS AMAX MINERALS
COMPANY'S RESPONSES TO PLAINTIFFS'
FIRST STANDARD SET OF LIABILITY
INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

PRELIMINARY STATEMENT

Defendant, Cyprus Amax Minerals Company ("CAMC" or "Defendant") hereby responds to Plaintiff's General Liability Interrogatories and Request for Production of Documents (hereinafter "Discovery Requests") as follows:

These responses are based upon CAMC's present state of knowledge. CAMC has not yet completed its investigation, discovery and analysis, all of which are continuing in this action. All responses are based upon information and documents which are presently available and specifically known to CAMC based upon its investigation, discovery and analysis to date. It is anticipated that further discovery, independent investigation, legal research and analysis may supply additional facts, add meaning to known facts and possibly establish new factual conclusions and legal contentions, all of which may lead to additions to, changes in and variations from the following responses. These responses are given without prejudice to CAMC's right to produce evidence of any subsequently discovered facts.

In responding to these Discovery Requests, CAMC does not concede the relevance, materiality or admissibility of any information sought by these Discovery Requests or responses thereto. These responses are specifically made subject to and without waiver of any objections in any proceedings including trial.

HOAGLAND, LONGO,
MORAN, DUNST
& DOUKAS, LLP
Attorneys at Law

48 Wall Street
Suite 1100
New York, NY

GENERAL OBJECTIONS

1. CAMC objects to each Discovery Request to the extent that it is overbroad, not reasonably limited in time or scope and unduly burdensome.
2. CAMC objects to each Discovery Request to the extent that it is not reasonably calculated to lead to the discovery of relevant or admissible evidence in the present action and is therefore beyond the scope of reasonable or permissible discovery in this particular action.
3. CAMC objects to each Discovery Request to the extent that it imposes greater obligations than those permitted under the CPLR and other applicable New York State law.
4. CAMC objects to each Discovery Requests to the extent that it seeks information protected by the attorney/client privilege and/or the attorney work product doctrine.
5. CAMC objects to each Discovery Request to the extent that it seeks information that is not within its custody or control or is equally available to Plaintiffs.
6. CAMC objects to each Discovery Request to the extent that it seeks information concerning products, services or activities other than those that are reasonably related to Plaintiffs' factual allegations against it in this action.
7. CAMC objects to each Discovery Request to the extent that it seeks information regarding products, services or activities to which Plaintiffs have not alleged exposures in this action. This Defendant's responses do not include information concerning any such products, services or activities.
8. CAMC objects to each Discovery Request to the extent that it calls for an expert opinion.

Responses to Plaintiff's General Liability Interrogatories

- 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:

See Preliminary Statement and General Objections. CAMC further objects to this Interrogatory as it seeks private, confidential information. Subject to and without waiver

HOAGLAND, LONGO,
MORAN, DUNST
& DOUKAS, LLP
Attorneys at Law

48 Wall Street
Suite 1100
New York, NY

of the foregoing objections, please see the accompanying executed verification. Any contact with the signor of same is to be made through counsel for the responding party.

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 presently located;
- e. The originator or creator of the document.

ANSWER:

See Preliminary Statement and General Objections. CAMC further objects to this Interrogatory as it seeks private, confidential information. Subject to and without waiver of the foregoing objections, the following responses are derived from past similar discovery and investigation, from various sources, rather than a particular document or reasonably identifiable set of documents.

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:

See Preliminary Statement and General Objections. CAMC further objects to this Interrogatory as it seeks private, confidential information. Subject to and without waiver of the foregoing objections, the following responses are derived from past similar discovery and investigation, from various sources, rather than any particular non-privileged witness interviews specific to the present action.

HOAGLAND, LONGO,
MORAN, DUNST
& DOUKAS, LLP
Attorneys at Law

48 Wall Street
Suite 1100
New York, NY

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:

CAMC is a Delaware corporation. Its principal place of business is in Phoenix, AZ.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Furthermore, it is not reasonably related to any specific contentions against this Defendant and therefore is not reasonably calculated to lead to the discovery of relevant or admissible evidence in this action. Subject to and without waiver of the foregoing objections, CAMC does not currently conduct any business in the referenced states.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope.

Subject to and without waiver of the foregoing objections, the answering defendant, Cyprus Amax Minerals Company, has not engaged in the processing, distributing, mining, marketing and/or sale of talc. Prior Cyprus entities have processed, distributed, mined, marketed, and/or sold talc. CAMC is informed and believes that the

talc which prior Cyprus entities processed, distributed, marketed, and sold did not contain asbestos fibers and therefore cannot be characterized as an "asbestos-containing product". These prior Cyprus entities included: Cyprus Industrial Minerals Company, a division of CMC and Cyprus Minerals 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;
- l. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, a past Cyprus entity, Cyprus Mines Corporation, acquired ownership of stock in Paul W. Wood Company ("PWWC") when it acquired Sierra Talc Company. PWWC was engaged

in the marketing of Cyprus products, and CAMC is informed and believes that PWWC also engaged in the marketing of products for other principals, including chrysotile asbestos fiber up until April 1966.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, see response to Interrogatory 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Furthermore, it is not reasonably related to any specific contentions against this Defendant and therefore is not reasonably calculated to lead to the discovery of relevant or admissible evidence in this action. Subject to and without waiver of the foregoing objections, no. See also response to Interrogatory No. 6.

HOAGLAND, LONGO,
MORAN, DUNST
& DOUKAS, LLP
Attorneys at Law

48 Wall Street
Suite 1100
New York, NY

10) If you¹ 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is unintelligible, overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and at all limited in time and scope. Subject to and without waiver of the foregoing objections, see response to Interrogatory 6. CAMC also refers Plaintiffs to the accompanying document production. Discovery is ongoing and Defendant reserves the right to amend this response.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is unintelligible, overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and at all limited in time and scope. Subject to and without waiver of the foregoing objections, not applicable. See response to Interrogatories No. 9 and 10.

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

HOAGLAND, LONGO,
MORAN, DUNST
& DOUKAS, LLP
Attorneys at Law

48 Wall Street
Suite 1100
New York, NY

¹ Please refer to the definition of "you" above.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is unintelligible, overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and at all limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See responses to Interrogatory Nos. 9 and 10.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is unintelligible, overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and at all limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See responses to Interrogatory Nos. 9 and 10.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory as it fails to comply with section VIII (A) (2) (a) of the NYCAL Case Management Order last amended on May 26, 2011 and falls outside the scope of the standard joint set of interrogatories and requests for production designed to obtain general liability information. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See responses to Interrogatory Nos. 9 and 10.

15) For each product 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory as it fails to comply with section VIII (A) (2) (a) of the NYCAL Case Management Order last amended on May 26, 2011 and falls outside the scope of the standard joint set of interrogatories and requests for production designed to obtain general liability information. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See also responses to Interrogatory Nos. 9 and 10. By way of further response, Defendant refers Plaintiffs to the accompanying document production.

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:

- a. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is unintelligible, overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and at all

limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See also response to Interrogatories No. 9 and 10. By way of further response, Defendant refers Plaintiffs to the accompanying document production.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory as it fails to comply with section VIII (A) (2) (a) of the NYCAL Case Management Order last amended on May 26, 2011 and falls outside the scope of the standard joint set of interrogatories and requests for production designed to obtain general liability information. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See responses to Interrogatory Nos. 9 and 10. By way of further response, Defendant refers Plaintiffs to the accompanying document production.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, no. See also response to Interrogatory No. 6 and Interrogatory No. 10.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, no. See also response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, no. See also response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory as it fails to comply with section VIII (A) (2) (a) of the NYCAL Case Management Order last amended on May 26, 2011 and falls outside the scope of the standard joint set of interrogatories and requests for production designed to obtain general liability information. CAMC further objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See also responses to Interrogatory Nos. 9 and 10.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in

time and scope. Subject to and without waiver of the foregoing objections, unknown at this time. Discovery is ongoing and CAMC reserves the right to amend this response.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory as it fails to comply with section VIII (A) (2) (a) of the NYCAL Case Management Order last amended on May 26, 2011 and falls outside the scope of the standard joint set of interrogatories and requests for production designed to obtain general liability information. CAMC further objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory as it fails to comply with section VIII (A) (2) (a) of the NYCAL Case Management Order last amended on May 26, 2011 and falls outside the scope of the standard joint set of Interrogatories and requests for production designed to obtain general liability information. CAMC further objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See also response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, to the best of its knowledge, CAMC has no information responsive to this Interrogatory regarding protective measures that may have been specific to asbestos. See also response to Interrogatory 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See also response to Interrogatory No. 9 and Interrogatory No. 10.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See also response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant,

immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See also response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC was formed in 1993, and to the best of its knowledge, did not sell any asbestos-containing materials, products or equipment from when it was formed in 1993 to the present. The former talc operations of prior Cyprus entities supplied talc to Colgate Palmolive beginning in 1979. CAMC is informed and believes that this talc did not contain asbestos fibers.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, to the best of Defendant's knowledge, it has no information responsive to this Interrogatory at this time. Discovery is ongoing and Defendant reserves the right to amend this response.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See also response to Interrogatory No. 6.

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 used, mined, milled, processed, transported, mixed or otherwise worked with or consumed?

ANSWER:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, no. See also response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, no. See also response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, no. See also response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, unknown at this time. Discovery is ongoing and CAMC reserves the right to amend this response.

HOAGLAND, LONGO,
MORAN, DUNST
& DOUKAS, LLP
Attorneys at Law

48 Wall Street
Suite 1100
New York, NY

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, no. See also response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, no. See also response to Interrogatory No. 6.

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 Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, no. See also response to Interrogatory No. 6.

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 Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is unintelligible, overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and at all limited in time and scope. Subject to and without waiver of the foregoing objections, not applicable. See responses to Interrogatory Nos. 38-44.

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 Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is unintelligible, overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and at all limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See responses to Interrogatory Nos. 38-44.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, no. See also response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, no. See also response to Interrogatory No. 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, no. See also response to Interrogatory No. 6.

50) INTENTIONALLY OMITTED

51) INTENTIONALLY OMITTED

52) INTENTIONALLY OMITTED

53) INTENTIONALLY OMITTED

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:

See Preliminary Statement and General Objections. CAMC further objects to this Interrogatory as it calls for expert opinion Defendant is not qualified to render. Subject to and without walver of the foregoing objections, this Interrogatory is not applicable. See response to Interrogatory No. 6.

- 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;
 - 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC does not employ physicians. CAMC is informed and believes that prior Cyprus entities may have employed or retained the following individuals: Gene Wilkins, MD, P.O. Box 547, Ennis, MT 59701; Edward Bertagnolli, MD, 223 First Ave. E, Three Forks, MT 59752; Glen Hollinger, MD, 1245 Wilshire Blvd., Ste. 607, Los Angeles, CA 90017; Donald Chistiansen, MD, 380 N. Mt. Whitney Dr., Lone Pine, CA; D.M. Donisthorpe, MD, 2007 E. 7th St., Los Angeles, CA; Sheridan T. Anderson, MD, 1811 W. Second St., #225, Grand Island, NE 68801; Key Phillips, Denver, CO; James McDonaugh, MD (past/current address unknown); Dr. Angkur (address and further identifying information unknown). Discovery is ongoing and Defendant reserves the right to amend this response upon discovery of relevant information.

- 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not

HOAGLAND, LONGO,
MORAN, DUNST
& DOUKAS, LLP
Attorneys at Law

48 Wall Street
Suite 1100
New York, NY

reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, and based upon presently available information, no.

- 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, and based upon presently available information, none.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, this Interrogatory is not applicable. See responses to Interrogatory Nos. 56 and 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, and based upon presently available information, none.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, former Cyprus entities were members of American Society of Mining Engineers (ASME); Adhesive and Sealant Council; American Ceramic Society; American Chemical Society-National; American Chemical Society-Rubber Division; American Institute of Mining and Metallurgical Engineers (AIME); American Mining Congress; Cosmetic Toiletry and Fragrance Association (CTFA); Cultures Marble Institute; Federation of Societies for Coatings Technology-National; Federation of Societies for Coatings Technology-Rocky Mountain Area; National Paint and Coatings Assoc.; National Sanitation Foundation; Paper Industry Management Assoc.; Pulverized Limestone Assoc.; Society of Cosmetic Chemists; Society of Plastic Engineers; Society of the Plastic Industry; Technical Association the Pulp and Paper Industry (TAPPI); and American Industrial Hygiene Association. However, the inclusive dates of membership are not known at this time. Discovery is ongoing and CAMC reserves the right to amend this response upon discovery of relevant information.

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:

CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC on present information and belief states it first became aware of potential asbestos health risks at or around the time OSHA's first asbestos

regulations were promulgated. Discovery is ongoing and CAMC reserves the right to amend this response upon discovery of relevant information.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, unknown at this time. Discovery is ongoing and CAMC reserves the right to amend this response upon discovery of relevant information.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections: Henry T. Mulryan, former employee of prior Cyprus entities. He provided deposition testimony on April 22, 1988, January 14, 2009, March 27, 2012, November 6, 2012, July 1, 2015 and October 5, 2015 in Los Angeles, California; on August 12, 1988 in Santa Monica California; on July 17, 2015 in El Segundo, California; and on August 19, 2010 via telephone. Discovery is ongoing and CAMC reserves the right to amend this response.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, the information sought is unknown at this time. Discovery is ongoing and CAMC reserves the right to amend this response.

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 (J 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:

See Preliminary Statement and General Objections. Defendant further objects to this Interrogatory as it calls for medical and scientific opinion Defendant is not qualified to render.

- 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not limited in time, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, and based upon presently available information, with respect to asbestos related or asbestos induced disease, no.

67) INTENTIONALLY OMITTED

- 68) State the total number of employees 1) 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, and based upon presently available information, none. See also response to Interrogatory 6.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, and based upon presently available information, none.

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 11, stating the court in which the action was brought, the date of filing, case style, and case number.

ANSWER:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope.

- 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory as it fails to comply with section VIII (A) (2) (a) of the NYCAL Case Management Order last amended on May 26, 2011 and falls outside the scope of the standard joint set of interrogatories and requests for production designed to obtain general liability information. CAMC further objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC has not engaged in the processing, marketing or sale of talc. Prior Cyprus entities have processed, marketed, and sold talc. CAMC is informed and believes that the talc which prior Cyprus entities processed, marketed, and sold did not contain asbestos fibers and therefore cannot be characterized as an "asbestos-containing product". By way of further response, CAMC refers Plaintiff to the accompanying document production.

HOAGLAND, LONGO,
MORAN, DUNST
& DOUKAS, LLP
Attorneys at Law

48 Wall Street
Suite 1100
New York, NY

- 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, to the best of CAMC's present information and belief, no.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, it is believed that prior Cyprus entities had policies regarding its employees handling bulk talc in mining, transportation, and milling operations. Discovery is ongoing and Defendant reserves the right to amend this response.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, unknown.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, not reasonably limited in time and scope, and seeks privileged medical information in possible violation of HIPPA. Subject to and without waiver of the foregoing objections, CAMC was formed in 1993, and did not sell any asbestos-containing materials or products from when it was formed in 1993 to the present. Prior Cyprus entities had medical examination programs for employees, however upon information and belief, none were related to asbestos.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC's current and ongoing policy is to retain all known and surviving documents from the former talc operations of former Cyprus entities.

- 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory as it fails to comply with section VIII (A) (2) (a) of the NYCAL Case Management Order last amended on May 26, 2011 and falls outside the scope of the standard joint set of interrogatories and requests for production designed to obtain general liability information. CAMC further objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, see response to Interrogatory 80.

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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections,

unknown at this time. Discovery is ongoing and Defendant reserves the right to amend this response.

84) If there is any person whom the defendant expects 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 ☐;
- 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:

See Preliminary Statement and General Objections. CAMC further objects that this Interrogatory is untimely as CAMC has not designated any experts at this time. CAMC further objects to the extent this request seeks information outside the scope of discovery rules and/or to the extent this request is cumulative of information previously sought. Subject to and without waiver of any objection, to the extent required to produce any such information, CAMC will do so in accordance with the CPLR and any applicable case management order.

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:

See Preliminary Statement and General Objections. CAMC further objects that this Interrogatory is untimely as CAMC has not designated any non-expert witnesses at this time. CAMC further objects to the extent this request seeks information outside the scope of discovery rules and/or to the extent this request is cumulative of information

previously sought. Subject to and without waiver of any objection, to the extent required to produce any such information, CAMC will do so in accordance with the CPLR and any applicable case management order.

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

ANSWER:

See Preliminary Statement and General Objections. Subject to and without waiver of foregoing objections, Defendant is not required to provide its trial strategy to Plaintiff. If documents become available they will be provided to Plaintiff's counsel during the normal course of discovery and in accordance with the rules set forth in the CPLR and any applicable case management order.

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:

See Preliminary Statement and General Objections. CAMC further objects that this Interrogatory may violate the attorney work product and other privileges. Subject to and without waiver of the foregoing objections, see response to Interrogatory no. 3.

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 Preliminary Statement and General Objections. CAMC specifically objects to this Interrogatory on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC was formed in 1993, and did not sell any asbestos-containing materials, products

or equipment from when it was formed in 1993 to the present. Discovery is ongoing and Defendant reserves the right to amend this response.

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:

See Preliminary Statement and General Objections. Defendant further objects to this Interrogatory as it calls for a scientific or medical conclusion, which Defendant is not qualified to render. Plaintiff is left to its proofs.

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:

See Preliminary Statement and General Objections. Defendant further objects to this Interrogatory as it calls for a scientific or medical conclusion, which Defendant is not qualified to render. Plaintiff is left to its proofs.

HOAGLAND, LONGO, MORAN, DUNST & DOUKAS, LLP
Attorneys for Defendant, Cyprus Amax Minerals Company

By: MISHA SHAH, ESQ.

Dated: December 9, 2015

HOAGLAND, LONGO,
MORAN, DUNST
& DOUKAS, LLP
Attorneys at Law

48 Wall Street
Suite 1100
New York, NY

Request for Production of Documents

REQUEST NO. 1:

All documents identified in your answers to these interrogatories.

RESPONSE:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. See also the General Objections set forth above which are incorporated herein by reference. Subject to and without waiver of the foregoing objections, Defendant refers Plaintiff to the accompanying document production.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request as it fails to comply with section VIII (A) (2) (a) of the NYCAL Case Management Order last amended on May 26, 2011 and falls outside the scope of the standard joint set of interrogatories and requests for production designed to obtain general liability information. CAMC further objects to this Request on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC did not supply any products containing asbestos fibers. Defendant also refers Plaintiff to the accompanying document production. See also response to Interrogatory No. 6.

REQUEST NO. 3:

INTENTIONALLY OMITTED

REQUEST NO. 4:

All records showing the amount and dollar value each asbestos-containing and/or talc-

HOAGLAND, LONGO,
MORAN, DUNST
& DOUKAS, LLP
Attorneys at Law

48 Wall Street
Suite 1100
New York, NY

containing product you sold to Colgate-Palmolive Co.

RESPONSE:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request as it fails to comply with section VIII (A) (2) (a) of the NYCAL Case Management Order last amended on May 26, 2011 and falls outside the scope of the standard joint set of Interrogatories and requests for production designed to obtain general liability information. CAMC further objects to this Request on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC did not supply any products containing asbestos fibers. Defendant also refers Plaintiff to the accompanying document production. See also response to Interrogatory No. 6.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request as it fails to comply with section VIII (A) (2) (a) of the NYCAL Case Management Order last amended on May 26, 2011 and falls outside the scope of the standard joint set of interrogatories and requests for production designed to obtain general liability information. CAMC further objects to this Request on the grounds that it assumes facts, is overbroad, violates privacy rights, is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is vague, ambiguous, overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, not reasonably limited in time and scope, and may violate the attorney work product and other such privileges. Subject to and without waiver of the foregoing objections, CAMC did not sell any products containing asbestos fibers. See response to Interrogatory No. 6. CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. See also the General Objections set forth above which are incorporated herein by reference. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 10:

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

RESPONSE:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC did not sell any products containing asbestos fibers. CAMC is not presently aware of the

existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is vague, burdensome, ambiguous, overbroad, oppressive, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, burdensome, oppressive, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 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:

CAMC specifically objects to this Demand on the grounds that it is overbroad, burdensome, oppressive, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. See also the General Objections set forth above which are incorporated herein by reference. See responses to Request No. 11 and Request No. 12.

REQUEST NO. 14:

14) INTENTIONALLY OMITTED

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it assumes facts, is overbroad, burdensome, oppressive, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it assumes facts, is overbroad, burdensome, oppressive, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it assumes facts, is vague, ambiguous, overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it assumes facts, is vague, burdensome, oppressive, ambiguous, overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, vague, ambiguous, burdensome, oppressive, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 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:

CAMC specifically objects to this Demand on the grounds that it is vague, ambiguous, overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. See also the General Objections set forth above which are incorporated herein by reference. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 21:

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

RESPONSE

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it assume facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates,

after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Demand on the grounds that it is vague, ambiguous, overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, not reasonably limited in time and scope and may violate the attorney work product and other privileges. Subject to and without waiver of the foregoing objections, Defendant will supply the requested information should an expert be retained at some future date.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, this Request is not applicable. See response to Interrogatory No. 6.

REQUEST NO. 25:

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

RESPONSE:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not reasonably limited in time and scope. Subject to and without waiver of the foregoing objections, this Request is not applicable. See response to Interrogatory No. 6.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it assumes facts, is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records. See also Defendant's response to Interrogatory No. 6.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it assumes facts, is vague, ambiguous, overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records. See also Defendant's response to Interrogatory No. 6.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. CAMC further objects to this Request on the grounds that it is privileged attorney work product. Subject to and without waiver of foregoing objections, none.

REQUEST NO. 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:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. Subject to and without waiver of the foregoing objections, none.

REQUEST NO. 30:

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

RESPONSE:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. See also the General Objections set forth above which are incorporated herein by reference. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 31:

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

RESPONSE:

CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope. See also the General Objections set forth above which are incorporated herein by reference. Subject to and without waiver of the foregoing objections, CAMC is not presently aware of the existence of such documents. To the extent that CAMC locates, after a reasonable search, records responsive to this Request, CAMC will produce such records.

REQUEST NO. 32:

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

RESPONSE:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope.

REQUEST NO. 33:

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

RESPONSE:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope.

REQUEST NO. 34:

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

RESPONSE:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope.

REQUEST NO. 35:

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

RESPONSE:

See Preliminary Statement and General Objections. CAMC specifically objects to this Request on the grounds that it is overbroad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and not limited in time and scope.

HOAGLAND, LONGO, MORAN, DUNST & DOUKAS, LLP
Attorneys for Defendant, Cyprus Amax Minerals Company

By: MISHA SHAH, ESQ.

Dated: December 9, 2015

HOAGLAND, LONGO,
MORAN, DUNST
& DOUKAS, LLP
Attorneys at Law

48 Wall Street
Suite 1100
New York NY

VERIFICATION

Joseph Brunner, being first duly sworn, on oath, deposes and says that he is a representative duly authorized by Defendant CYPRUS AMAX MINERALS COMPANY in the above-captioned action; that he has read Defendant, CYPRUS AMAX MINERALS COMPANY'S RESPONSES TO PLAINTIFF'S FIRST STANDARD SET OF LIABILITY INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS; that said responses were prepared with the advice and assistance of counsel, and, if necessary, with the assistance of others upon which he has relied; that said responses as set forth herein, subject to inadvertent or undiscovered errors, are based on and therefore necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of preparation of these responses; that consequently, CYPRUS AMAX MINERALS COMPANY reserves the right to make any changes in the responses if it appears at any time that omissions or errors have been made therein, or that more accurate information is available; and that subject to the limitations as set forth herein, and that said responses are true to the best of his knowledge, information and belief.



Joseph Brunner

Sworn to before me this
4 Day of December 2015.



Notary Public

Arlene Sanchez
Notary Public of the State of New Jersey
My Commission Expires March 21, 2016