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Colgate-Palmolive Company, as successor-in-
interest to The Mennen Company

VALERIE JO DALIS and NICHOLAS J.
DALIS,

Plaintiffs,

vs.

BRENNTAG NORTH AMERICA, INC.,
et al.,

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO. MID-L-4821-15AS**

Civil Action

Asbestos Litigation

**DEFENDANT COLGATE-PALMOLIVE
COMPANY'S OBJECTIONS AND
RESPONSES TO PLAINTIFFS' FIRST
SUPPLEMENTAL INTERROGATORIES
RE: MENNEN**

Defendant, Colgate-Palmolive Company as successor-in-interest to The Mennen Company ("Defendant" or "Colgate"), by and through its attorneys, O'Toole Fernandez Weiner Van Lieu LLC, responds to Plaintiffs' First Supplemental Interrogatories re: Mennen ("Supplemental Interrogatories") as follows:

PRELIMINARY STATEMENT

Plaintiff Valerie Jo Dalis has alleged exposure to asbestos from use of a Mennen-branded consumer talcum powder product, Mennen Shave Talc, during the period 1965 to 1972. In March 1992, Colgate acquired The Mennen Company ("Mennen" or "The Mennen Company"). As of 1992, Mennen had discontinued manufacture of Mennen Shave Talc. After making a reasonable inquiry and diligent search for responsive information, Colgate submits these responses solely in its capacity as successor-in-interest to Mennen.

GENERAL OBJECTIONS/RESERVATION OF RIGHTS

1. The following responses are based upon the information that is presently known and reasonably available to Colgate. Colgate's investigations, and discovery, are ongoing, and Colgate reserves the right to supplement and/or amend its responses as its investigations,

and discovery, continue. Many matters inquired about in the Supplemental Interrogatories took place decades ago. Due to the passage of time, information may be incomplete or no longer available. Colgate has made reasonable efforts to answer these Supplemental Interrogatories to the best of its present knowledge, information, and belief.

2. Colgate objects to each Supplemental Interrogatory that calls for information concerning the mining, manufacture, sale or distribution of asbestos, asbestos fiber, or asbestos containing products, as inapplicable to Colgate, and as inapplicable to Mennen. Neither Colgate nor Mennen has ever engaged in the mining, manufacture, sale or distribution of asbestos, asbestos fiber, or asbestos-containing products and has never used asbestos as an ingredient in any of its products.
3. Colgate objects to each Supplemental Interrogatory to the extent it is unduly burdensome and overbroad, and seeks information that is not reasonably calculated to lead to the discovery of admissible evidence.
4. Colgate objects to the Supplemental Interrogatories to the extent that they are unlimited or overbroad in time, scope, and geographic boundary. Plaintiffs have sued Colgate based upon Plaintiff Valerie Jo Dalis' alleged use of a specific Mennen product during a specific time frame. Accordingly, any other information is not reasonably calculated to lead to the discovery of admissible evidence, and to request any other information is to impose an undue burden.
5. Colgate objects to each Supplemental Interrogatory to the extent it includes terms that are not properly defined.
6. Colgate objects to each Supplemental Interrogatory to the extent it seeks information immune from discovery by the attorney-client privilege, work-product doctrine, or any other applicable privilege or immunity.
7. Colgate objects to each Supplemental Interrogatory to the extent it seeks to require Colgate to create documents that do not already exist.
8. Colgate objects to each Supplemental Interrogatory to the extent it seeks confidential or proprietary trade information.
9. Colgate objects to each Supplemental Interrogatory as overbroad and unduly burdensome to the extent it fails to identify any specific Mennen product to which Plaintiff was allegedly exposed.
10. Colgate objects to each and every definition and instruction to these Supplemental Interrogatories to the extent that it requires Colgate to make any inquiry beyond that which is required by the laws and Court Rules of this State, this Court, or Orders otherwise governing this action.
11. Colgate objects to each and every Supplemental Interrogatory to the extent it seeks information that is publicly available and of no greater burden for Plaintiffs to ascertain than for Colgate to provide.
12. Colgate objects to each and every Supplemental Interrogatory to the extent that it calls for information that is not within Colgate's possession, custody, or control.

13. Colgate objects to each and every Supplemental Interrogatory to the extent it is duplicative of other discovery requests, including Middlesex County Standard Interrogatories.
14. Colgate objects to each and every Supplemental Interrogatory, and every sub-part thereof, to the extent the number of Supplemental Interrogatories posed to Colgate in this action exceeds the limit, established by governing Court Order, of 20 Supplemental Interrogatories, including sub-parts.
15. By providing these answers, Colgate does not waive and hereby preserves any and all objections to the admissibility of its answers as evidence at a trial of this action.
16. These answers are made without prejudice to Colgate's right to rely at trial on subsequently discovered information or on information inadvertently omitted from these answers as a result of mistake, error, or oversight.
17. Colgate specifically reserves the right to revise, correct, supplement, make objections to, and amend its responses to these Supplemental Interrogatories and does not concede that any of its responses to the Supplemental Interrogatories are or will be admissible evidence at trial in this matter. Further, Colgate does not waive any objections, on any grounds, whether or not asserted in these responses, to the use of any of these responses to the Supplemental Interrogatories at trial of this matter.

These General Objections are expressly incorporated into each and every response provided below.

RESPONSES TO SUPPLEMENTAL INTERROGATORIES

SUPPLEMENTAL INTERROGATORY S1. State the full name, address, telephone number and position of the corporate officer(s) or individuals answering these interrogatories.

RESPONSE TO SUPPLEMENTAL INTERROGATORY S1: Colgate incorporates its General Objections. Colgate further objects to this Supplemental Interrogatory to the extent it seeks attorney work-product and attorney-client privileged communications. Subject to and without waiving its General and Specific Objections, Colgate responds that the information provided in these responses was assembled by authorized employees and counsel for Colgate and is primarily based on ongoing review of documents in Colgate's possession, information compiled from past and ongoing discussions with Colgate's former and current employees, and information compiled from past and ongoing discussions with former employees of The Mennen Company. Accordingly, the person certifying these responses does not have personal knowledge regarding any specific answer and may be unaware of the identities of all persons who may have knowledge of facts that may be responsive to these Supplemental Interrogatories. Colgate further states that these responses represent the responses of Colgate and are certified by:

Daniella Urbach-Ross, Ph.D., D.A.B.T.
Technical Associate
Colgate-Palmolive Company
909 River Road
Piscataway, New Jersey 08855-1343

SUPPLEMENTAL INTERROGATORY S2. State the names of each person who was spoken to or who provided information in answering these interrogatories, the number of the interrogatory(s) for which information was provided, the present address of the person supplying the information, and the content of the information provided.

RESPONSE TO SUPPLEMENTAL INTERROGATORY S2: Colgate incorporates its General Objections. Colgate further objects to this Supplemental Interrogatory to the extent it seeks attorney work-product and attorney-client privileged communications. Subject to and without waiving its General and Specific Objections, Colgate responds that the information provided in these responses was assembled by authorized employees and counsel for Colgate and is primarily based on ongoing review of documents in Colgate's possession, information compiled from past and ongoing discussions with Colgate's former and current employees, and information compiled from past and ongoing discussions with former employees of The Mennen Company.

SUPPLEMENTAL INTERROGATORY S3. Please identify the inclusive dates during which Colgate manufactured, supplied and/or distributed talcum powder products which bore the Mennen name in the United States.

RESPONSE TO SUPPLEMENTAL INTERROGATORY S3: Colgate incorporates its General Objections. Colgate further objects to this Interrogatory as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Colgate further objects to this Supplemental Interrogatory as being premised on a false factual predicate and therefore lacking a proper foundation. Subject to and without waiving its General and Specific Objections, Colgate responds: To the best of its knowledge, based on currently-available information, Colgate did not manufacture, supply and/or distribute Mennen talcum powder products prior to Colgate's acquisition of Mennen in March 1992. Although not obligated to do so based on the wording of this Supplemental Interrogatory, Colgate construes this Supplemental Interrogatory to seek nonprivileged, responsive information regarding "talcum powder products that [*The Mennen Company*] sold, supplied, delivered or distributed" in the United States during the relevant time period. Based upon information and belief, The Mennen Company manufactured and distributed Mennen Shave Talc in the United States during the relevant time period of the 1960s and 1970s. See also documents produced by Colgate in response to Plaintiffs' Request for Production re: Mennen. Investigation and discovery are ongoing and continuing. Colgate reserves the right to supplement or amend this response.

SUPPLEMENTAL INTERROGATORY S4. Identify and describe in detail all of the talcum powder products Colgate manufactured, supplied, sold, and/or distributed which bore the Mennen name between 1960 and 1975, listing a physical description thereof (including the size and color of each package), type of packaging and whether and when the type changed and any printed material/words that appeared on and with each package.

RESPONSE TO SUPPLEMENTAL INTERROGATORY S4: Colgate incorporates its General Objections. Colgate further objects to this Interrogatory as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Colgate further objects to this Supplemental Interrogatory as being premised on a false factual predicate and therefore lacking a proper foundation. Subject to and without waiving its General and Specific Objections, Colgate responds: To the best of its knowledge, based on currently-available information, Colgate did not manufacture, supply and/or distribute Mennen talcum powder products prior to Colgate's acquisition of Mennen in March 1992. Although not obligated to do so based on the wording of this Supplemental Interrogatory, Colgate construes this Supplemental Interrogatory to seek nonprivileged, responsive information regarding "talcum powder products that [*The Mennen Company*] sold, supplied, delivered or distributed" in the United States during the relevant time period. Based upon information and belief, The Mennen Company manufactured and distributed Mennen Shave Talc in the United States during the relevant time period of the 1960s and 1970s. See also documents produced by Colgate in response to Plaintiffs' Request for Production re: Mennen. Investigation and discovery are ongoing and continuing. Colgate reserves the right to supplement or amend this response.

SUPPLEMENTAL INTERROGATORY S5. Identify all manufacturers, suppliers, distributors, sellers and/or retailers from which Colgate purchased, received, and/or obtained talc and/or talc ore used in the manufacture and/or production of Mennen talcum powder products between 1960 and 1975, and for each, list:

- a) The inclusive dates and quantity of supply;
- b) The name and geographic location of each mine and mill source;
- c) The code, lot, grade, or other designation for the talc and/or talc ore;
- d) Whether a warning or caution regarding the potential health hazards of asbestos was ever provided to Colgate;
- e) Whether possible asbestos contamination/content was ever discussed or addressed at any time.
- f) Whether Colgate was ever informed of testing and/or analysis of the talc and/or talc ore for asbestos being performed prior to Colgate's receipt of the talc and/or talc ore.

RESPONSE TO SUPPLEMENTAL INTERROGATORY S5: Colgate incorporates its General Objections. Colgate further objects to this Interrogatory as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Colgate further objects to this Supplemental Interrogatory as being premised on a false factual predicate and therefore lacking a proper foundation. Subject to and without waiving its General and Specific Objections, Colgate responds: To the best of its knowledge, based on currently-available information, Colgate did not manufacture, supply and/or distribute Mennen talcum powder products prior to Colgate's acquisition of Mennen in March 1992. Although not obligated to do so based on the wording of this Supplemental Interrogatory, Colgate construes this Supplemental Interrogatory to seek nonprivileged, responsive information regarding "manufacturers, suppliers, distributors, sellers and/or retailers from which [*The Mennen Company*] purchased, received, and/or obtained talc and/or talc ore used in the manufacture and/or production of Mennen talcum powder products between 1960 and 1975." Based upon information and belief, Whittaker, Clark & Daniels supplied talc to The Mennen Company between 1960 and 1975. The "quantity" of talc that Whittaker, Clark & Daniels supplied to Mennen between 1960 and 1975 is not currently known to Colgate. The

name and geographic location of each mine and mill source of the talc that Whittaker, Clark & Daniels supplied to Mennen between 1960 and 1975 is not currently known to Colgate. Apart from documents that have been produced in discovery, Colgate is not currently aware of information regarding the code, lot, or other designation for the talc and/or talc ore that Whittaker, Clark & Daniels supplied to Mennen between 1960 and 1975. Colgate is not currently aware of information indicating whether or not a warning or caution regarding the potential health hazards of asbestos was provided to Mennen by Whittaker, Clark & Daniels. Colgate is not currently aware of information indicating whether "possible asbestos contamination/content" was a topic of discussion between Mennen and Whittaker, Clark & Daniels. Upon information and belief, starting in about 1971, Mennen received from Whittaker, Clark & Daniels certifications regarding the talc that Whittaker, Clark & Daniels sold to Mennen, and Mennen relied upon the accuracy of those certifications. See also documents produced by Colgate in response to Plaintiffs' Request for Production re: Mennen. Investigation and discovery are ongoing and continuing. Colgate reserves the right to supplement or amend this response.

SUPPLEMENTAL INTERROGATORY S6. Did Colgate ever test or analyze – either internally at Colgate or through an outside laboratory – the talc and/or talc ore it used in the manufacturing and/or production of Mennen talcum powder products in order to determine whether the talc and/or talc ore contained asbestos? If so, please describe the testing program, including the following:

- a) Inclusive dates of the testing or analysis of the talc and/or talc ore;
- b) all laboratory names and locations – both internal and external – that performed any testing or analysis on the talc and/or talc ore and inclusive dates;
- c) The type of testing or analysis performed by each laboratory (e.g., XRD, PLM, SEM, TEM, etc.) and the inclusive dates;
- d) the name(s) and title(s) of the individual(s) involved in the decision to test or analyze the talc and/or talc ore.

RESPONSE TO SUPPLEMENTAL INTERROGATORY S6: Colgate incorporates its General Objections. Colgate further objects to this Interrogatory as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Colgate further objects to this Supplemental Interrogatory as being premised on a false factual predicate and therefore lacking a proper foundation. Subject to and without waiving its General and Specific Objections, Colgate responds: To the best of its knowledge, based on currently-available information, Colgate did not manufacture, supply and/or distribute Mennen talcum powder products prior to Colgate's acquisition of Mennen in March 1992. Although not obligated to do so based on the wording of this Supplemental Interrogatory, Colgate construes this Supplemental Interrogatory to seek nonprivileged, responsive information whether Mennen "test[ed] or analyze[d] – either internally at [Mennen] or through an outside laboratory – the talc and/or talc ore [Mennen] used in the manufacturing and/or production of Mennen talcum powder products in order to determine whether the talc and/or talc ore contained asbestos." Plaintiff Valerie Jo Dalis does not allege use of any Mennen talcum powder product after 1972. With respect to the time period of Mennen product use alleged by Plaintiffs, the information sought in this Supplemental Interrogatory

is not currently known to Colgate. Investigation and discovery are ongoing and continuing. Colgate reserves the right to supplement or amend this response.

SUPPLEMENTAL INTERROGATORY S7. Did Colgate ever test or analyze – either internally at Colgate or through an outside laboratory – Mennen talcum powder products Colgate manufactured/produced/distributed in order to determine whether the Mennen talcum powder products contained asbestos? If so, please describe the testing program, including the following:

- a) Inclusive dates of the testing or analysis of the Mennen talcum powder products;
- b) all laboratory names and locations – both internal and external – that performed any testing or analysis on the Mennen talcum powder products and inclusive dates;
- c) The type of testing or analysis performed by each laboratory (e.g., XRD, PLM, SEM, TEM, etc.) and the inclusive dates;
- d) the name(s) and title(s) of the individual(s) involved in the decision to test or analyze the Mennen talcum powder products.

RESPONSE TO SUPPLEMENTAL INTERROGATORY S7: Colgate incorporates its General Objections. Colgate further objects to this Interrogatory as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Colgate further objects to this Supplemental Interrogatory as being premised on a false factual predicate and therefore lacking a proper foundation. Subject to and without waiving its General and Specific Objections, Colgate responds: To the best of its knowledge, based on currently-available information, Colgate did not manufacture, supply and/or distribute Mennen talcum powder products prior to Colgate's acquisition of Mennen in March 1992. Although not obligated to do so based on the wording of this Supplemental Interrogatory, Colgate construes this Supplemental Interrogatory to seek nonprivileged, responsive information whether Mennen "test[ed] or analyze[d] – either internally at [Mennen] or through an outside laboratory – Mennen talcum powder products [that *The Mennen Company*] manufactured/produced/distributed in order to determine whether the Mennen talcum powder products contained asbestos." Plaintiff Valerie Jo Dalis does not allege use of any Mennen talcum powder product after 1972. With respect to the time period of Mennen product use alleged by Plaintiffs, the information sought in this Supplemental Interrogatory is not currently known to Colgate. Investigation and discovery are ongoing and continuing. Colgate reserves the right to supplement or amend this response.

SUPPLEMENTAL INTERROGATORY S8. Did Colgate ever test or analyze – either internally at Colgate or through an outside laboratory – Mennen talcum powder products in order to determine the releasability [sic] of asbestos fibers from the products, including but not limited to any product use simulations? If so, please describe the testing program, including the following:

- a) Inclusive dates of the releasability testing or analysis of the Mennen talcum powder products;
- b) all laboratory names and locations – both internal and external – that performed any releasability testing or analysis on the Mennen talcum powder products and inclusive dates;

- c) a description of the releasability testing (e.g. glove box, bathroom chamber, ect.) and the type of analysis performed by each laboratory (e.g. XRD, PLM, SEM, TEM, ect.) and the inclusive dates;
- d) the name(s) and title(s) of the individual(s) involved in the decision to test or analyze the Mennen talcum powder products for releasability of asbestos.

RESPONSE TO SUPPLEMENTAL INTERROGATORY S8: Colgate incorporates its General Objections. Colgate further objects to this Interrogatory as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Colgate further objects to this Supplemental Interrogatory as being premised on a false factual predicate and therefore lacking a proper foundation. Subject to and without waiving its General and Specific Objections, Colgate responds: To the best of its knowledge, based on currently-available information, Colgate did not manufacture, supply and/or distribute Mennen talcum powder products prior to Colgate's acquisition of Mennen in March 1992. Although not obligated to do so based on the wording of this Supplemental Interrogatory, Colgate construes this Supplemental Interrogatory to seek nonprivileged, responsive information whether Mennen "test[ed] or analyze[d] – either internally at [Mennen] or through an outside laboratory – Mennen talcum powder products in order to determine the releasability [sic] of asbestos fibers from the products, including but not limited to any product use simulations?" Plaintiff Valerie Jo Dalis does not allege use of any Mennen talcum powder product after 1972. With respect to the time period of Mennen product use alleged by Plaintiffs, the information sought in this Supplemental Interrogatory is not currently known to Colgate. Investigation and discovery are ongoing and continuing. Colgate reserves the right to supplement or amend this response.

CERTIFICATION

I, Daniella Urbach-Ross, Ph.D., D.A.B.T., hereby certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. These Responses to Plaintiffs' First Supplemental Interrogatories re: Mennen were assembled by authorized employees and counsel for Colgate and are primarily based on ongoing review of documents in Colgate's possession, information compiled from past and ongoing discussions with Colgate's former and current employees, and information compiled from past and ongoing discussions with former employees of The Mennen Company. Accordingly, I do not have personal knowledge regarding any specific response and may be unaware of the identities of all persons who may have knowledge of facts that may be responsive to Plaintiffs' First Supplemental Interrogatories re: Mennen.



Daniella Urbach-Ross, Ph.D., D.A.B.T.

Executed on:

1/20/16

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January 20, 2016

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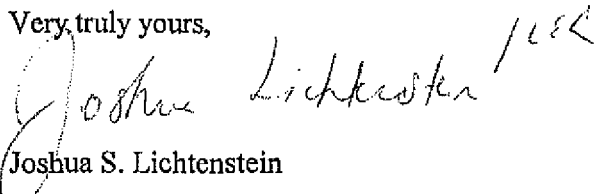
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Re: Valerie Jo Dalis, et al. v. Brenntag North America, et al.
Docket No.: MID-L-4821-15AS

Dear Mr. Lytle:

We represent Colgate-Palmolive Company ("Colgate") in the above-referenced action. Enclosed please find Colgate's Objections and Responses to Plaintiffs' First Supplemental Interrogatories Re: Mennen.

Very truly yours,


Joshua S. Lichtenstein

Enclosure

cc: Leah Kagan, Esq. (via e-mail only and with enclosure)
All defense counsel of record (via e-mail only and with enclosure)