



COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
DEPARTMENT OF
THE TRIAL COURT
CIVIL ACTION NO. 16-2529

JOHN E. GOODHUE,

Plaintiff,

v.

3M CO., *et al.*,

Defendants.

**DEFENDANT, WHITTAKER CLARK & DANIELS, INC.'S,
RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS**

Defendant, Whittaker, Clark & Daniels, Inc. ("WCD"), by its attorneys, pursuant to the Massachusetts Rules of Civil Procedure, submits the following Answers and Responses ("Answers" "Responses") and objections to Plaintiff's Requests ("Requests"):

PRELIMINARY STATEMENT

These Answers and objections are made solely for the purpose of this action. WCD continues to investigate the facts related to this action and has not completed preparation for trial or its associated discovery. As discovery continues, WCD may discover facts, information, evidence, documents and other things that are not set forth in these Answers, but which may be responsive. The following response is based on present knowledge, information and belief and is complete as to WCD's knowledge at this time. Furthermore, WCD has prepared these Answers based on its good faith interpretation and understanding of individual Requests but reserves the right to correct any inadvertent errors or omissions. WCD also reserves the right to conduct discovery with reference to, or to offer into evidence at the time of trial, any and all facts,



evidence, documents, and other things developed during the course of discovery and trial preparation, notwithstanding the reference to certain facts, evidence, documents, and things in this response. In addition, WCD reserves the right to revise and further supplement its Answers if new or more accurate information becomes available or if errors are discovered, and reserves the right to amend these Answers based upon any information, evidence and documentation that may be discovered subsequent to the service of these answers. Furthermore, these Answers are given without prejudice to WCD's right to rely at trial on subsequently discovered information or on information inadvertently included in or omitted from these Answers/Responses as a result of mistake, error or oversight.

In responding to these Requests, WCD does not waive, but rather intends to preserve and is preserving: 1) all objections to competency, relevance, materiality and admissibility; 2) all rights to object on any ground to the use of any of the Answers/Responses herein in any subsequent proceeding, including the trial of this or any other action; 3) all objections as to vagueness and ambiguity; and 4) all rights to object on any ground to any further Requests or other discovery requests involving or related to any of the requests in Plaintiff's Requests for Production of Documents for Inspection and Copying.

Further, throughout its existence, WCD been engaged in the business of selling minerals and pigments. Many of WCD's business activities during this time concerned a wide range of product lines serving varied markets. Many, if not most of the vast array of product lines are not at issue in this litigation. As such, WCD hereby states that the following Answers are specifically limited to the product line at issue, *to wit*: talc.

GENERAL OBJECTIONS

The following General Objections are applicable to, and are incorporated by reference into, each of WCD's specific answers and objections to each interrogatory.

GENERAL OBJECTION NO. 1

WCD objects to the Plaintiff's Requests to the extent that they call for information that is protected from discovery by the attorney-client privilege, the work product doctrine or any other privilege. To the extent that any such information is or may be divulged in these answers, the divulging of such information is inadvertent and is not to be deemed a waiver of the privilege in question.

GENERAL OBJECTION NO. 2

WCD objects to these Requests to the extent they purport to impose any obligation or seek information beyond that required by the Massachusetts Rules of Civil Procedure, controlling case law, and the Court's orders.

GENERAL OBJECTION NO. 3

WCD objects to these Requests to the extent that they seek information which is not relevant, and which is not reasonably calculated to lead to the discovery of relevant or admissible evidence.

GENERAL OBJECTION NO. 4

WCD objects to these Requests to the extent they are vague, ambiguous, overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, unduly burdensome, or oppressive to answer, seeks information which is not relevant to Plaintiff's cause of action, and seeks information which is not reasonably calculated to lead to the discovery of admissible evidence.

GENERAL OBJECTION NO. 5

WCD objects to those Requests which seek information which is a matter of public record, information found in the published medical or scientific literature, and/or information equally accessible to Plaintiff as to WCD.

GENERAL OBJECTION NO. 6

WCD objects to these Requests to the extent they seek information or documents with regard to other defendants who are parties to this litigation or other entities who are not parties.

GENERAL OBJECTION NO. 7

WCD objects to these Requests to the extent they call for legal, medical, or scientific conclusions or opinions. No answer provided herein shall be deemed to constitute an agreement or concession that the subject matter of the Interrogatory is relevant to this action or likely to lead to the discovery of relevant or admissible evidence and all answers are provided without waiving or intending to waive any objection as to the relevance, privilege, or admissibility of the same.

GENERAL OBJECTION NO. 8

WCD objects to these Requests to the extent that they seek information already in the possession, custody or control of the plaintiff or his attorneys, or that is publicly available.

GENERAL OBJECTION NO. 9

WCD objects to these Requests to the extent that their phrasing implies that WCD is responsible for Plaintiff's purported injuries whether it did or did not manufacture asbestos-containing products.

GENERAL OBJECTION NO. 10

WCD objects to the Plaintiff's Requests insofar as they seek information related to WCD's employees, facilities or employment practices on the basis that such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Mr. Goodhue was not employed by WCD; he did not work at any of its facilities; and the Plaintiff has not alleged that Mr. Goodhue ever was present on WCD's premises.

GENERAL OBJECTION NO. 11

WCD objects to these Requests to the extent that said Requests seeks information that is not within the custody or control of WCD.

GENERAL OBJECTION NO. 12

WCD objects to the Plaintiff's Requests insofar as they assume the truth of the allegations which are in dispute in this litigation and/or makes incorrect and/or untrue assertions, and/or assumes unproven conclusions as establish facts.

GENERAL OBJECTION NO. 13

WCD objects to Plaintiff's Requests to the extent it seeks information regarding WCD's sales of any products to any entities other than those specifically identified as being in the chain of distribution of products to which Plaintiff allegedly were exposed, or to any employers or job sites other than any employers or job location that Plaintiff specifically identified as employers and job locations at which Plaintiff allegedly were exposed to asbestos-containing products.

GENERAL OBJECTION NO. 14

WCD objects to Plaintiff's Discovery Requests to the extent it requires WCD to identify any product either sold or manufactured by WCD which may have contained asbestos or components containing asbestos when: Plaintiff have failed and/or refused to specifically

identify any product either sold or manufactured by WCD to which Plaintiff claim exposure; Plaintiff have failed or refused to identify any locations and/or job sites at which Plaintiff claim exposure to any products sold or manufactured by WCD; or Plaintiff have failed or refused to identify any time periods during which Plaintiff claim exposure to any products sold or manufactured by WCD.

GENERAL OBJECTION NO. 15

WCD objects to Plaintiff's Discovery Requests to the extent that it seeks to require it to provide information other than that which may be obtained through a reasonably diligent search of its records.

GENERAL OBJECTION NO. 16

The responses made herein are made without in any way waiving or intending to waive, but on the contrary intending to reserve and reserving: (1) the right to object on the grounds of competency, privilege, relevancy and materiality, or any other proper ground, to the use of any such information, for any purpose, in whole or in part, in any subsequent step or proceeding in this action or any other action; (2) the right to object on any and all grounds at any time, to any other discovery procedure involving or relating to the subject matter of Plaintiff's Discovery Requests; and (3) the right to supplement these answers should additional information be discovered.

GENERAL OBJECTION NO. 17

WCD objects to Plaintiff's Requests because the Requests violate the agreed upon scheduling order Amended pre-trial Order No. 9 governing this case. Per the scheduling order the deadline to serve discovery requests was April 24, 2017. These Requests were served on June 26, 2017 a full two months after the deadline. Plaintiff has not sought an amendment of the

scheduling order, as such WCD is not obligated to respond to these untimely Requests.

Additionally, the number of Requests are over broad not reasonably limited in time or scope and seek information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Further Plaintiff's Requests are oppressive, harassing and unduly burdensome. Plaintiff, two months late has made 157 requests with subparts resulting in well over three hundred Requests to WCD. This is in violation of Amended Pre-Trial order No.9. Therefore WCD is not obligated to respond to these Requests. Any response by WCD does not waive this objection or act as a concession that Plaintiff timely served these Requests.

GENERAL OBJECTION NO. 18

WCD objects to Plaintiff's Requests because they are unlimited in time, scope or to the issues litigated in this matter. Plaintiff alleges exposure to asbestos "from talc ... placed in the stream of commerce by WCD. Said talc was utilized as an ingredient in 'Mennen' and 'Quinsana' brand powders." See Plaintiff's Answer to WCD's First set of Interrogatories. Plaintiff has not identified any other products utilizing said talc. Therefore, these responses are limited to the allegations of WCD talc allegedly utilized in "Mennen" and "Quinsana."

As noted above, the foregoing Preliminary Statement and General Objections to Plaintiff's Requests apply and are incorporated by reference into each and every following Answer as though and as if same have been set forth therein in their entirety.

Without waiving its right to object and in the spirit of cooperation in discovery, WCD also makes specific objections to Plaintiff's Requests where appropriate and it is WCD's express intention to provide Answers subject to and without waiving any objections.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

- 1) All documents consulted in preparation of your response to these requests for production.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD further objects to responding to this Request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. WCD objects to this Discovery request as it is outside the scope of what is permitted pursuant to Massachusetts Rules of Civil Procedure and case management orders. Furthermore, WCD objects to this Request as vague, overly broad and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving these objections, Plaintiff is already in possession of the discovery and pleadings exchanged in this action.

- 2) All documents identified in your answers to all parties' interrogatories.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD further objects to responding to this Request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections, not applicable.

- 3) All documents pertaining to the supply, sale, distribution and delivery¹ of your talc to all manufacturers of any products identified by plaintiff, including, without limitation:
- a. Bird Inc.
 - b. Bird & Son Inc.
 - c. CertainTeed Corp.
 - d. Certain-teed Products Corp.
 - e. Ciba-Geigy Ltd.
 - f. DAP Inc.
 - g. DAP Products Inc.
 - h. Devcon Corp.
 - i. Dicks-Armstrong-Pontius
 - j. Dicks-Pontius Co.
 - k. Dryvit (a/k/a Dryvit Systems Inc.)
 - l. Engelhard Corp.
 - m. Engelhard Minerals & Chemicals Corp.

¹ Either directly or indirectly through agents or other distributors.

- n. Georgia-Pacific
- o. Hexcel Corp.
- p. Holmenkol
- q. Macco Adhesives Division (The Glidden Co./Glidden-Durkee; SCM Corp.; The Glidden Co.)
- r. Mennen Co.
- s. R.T. Vanderbilt Co.
- t. SCM Corp.
- u. Sherwin-Williams Co.
- v. Swix
- w. The Glidden Co. (d/b/a ICI Paints)
- x. The Macco Chemical Co.
- y. Toko
- z. Vanderbilt Minerals

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Furthermore, WCD objects to this Request in that it assumes that any talc product it may have sold and/or distributed during the relevant time period of the present matter contained and/or was contaminated with asbestos. The Request fails to identify the specific product and/date of manufacture of the product(s) at issue in this litigation. Defendant reserves its right to supplement this response through ongoing discovery. Plaintiff alleges exposure to asbestos “from talc ... placed in the stream of commerce by WCD. Said talc was utilized as an ingredient in ‘Mennen’ and ‘Quinsana’ brand powders.” See Plaintiff’s Answer to WCD’s First set of Interrogatories. Plaintiff has not identified any other products utilizing said talc. Therefore, these responses are limited to the allegations of WCD talc allegedly utilized in “Mennen” and “Quinsana.” Further defendant objects to the characterization in this request of “your talc.” Subject to and without waiving further objection, WCD responds, WCD has no record of sales to any employer and/or jobsite identified in any of Plaintiff’s Disclosure Forms. WCD further states that based on a good faith search of its records, WCD does not have any sales or shipping data prior to 1975. WCD will produce relevant documents relating to its sale, shipping, distribution, supply, and delivery of talc to Mennen through 1986. In addition, WCD responds to this Request through the production of test results performed on the various forms of talcs during the relevant years. Copies are available to any party upon request. Defendant further reserves its right to supplement this response through ongoing discovery.

- 4) All organizational charts from 1930 through the time you discontinued manufacturing talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, WCD is not in possession of any documents responsive to this Discovery Request.

- 5) All documents regarding your rules, regulations, manuals, standards, procedures or instructions provided to or otherwise made available to your employees, agents, distributors, suppliers and/or customers pertaining to the potential, alleged, disputed, or actual health hazards associated with asbestos-containing products or materials.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. Without waiving its objections and subject thereto, WCD is unaware of such documents. Beginning in August 1971 through 1994, WCD retained various third-party vendors to test the talc for the presence of regulated asbestos fibers. The third-party vendors would perform X-Ray Diffraction analysis of the raw talc ore lots prior to the lots being purchased by WCD for distribution. If any lot was shown to be positive for the presence of asbestos it would not be purchased and subsequently would not be sold to a cosmetic talc customer. WCD reserves the right to amend this response as its investigation and discovery continues. Subject to and without waiving any objection, WCD is not in possession of any documents responsive to this Discovery Request as raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. Moreover, any customer would not have been an end user, but rather a sophisticated manufacturer that was a member of the same trade organizations and with knowledge likely greater or equal to that of WCD. Subject to and without waiving any objection, not applicable as the Decedent was not a WCD employee.

- 6) All sales, purchase and other agreements with manufacturers of any products identified by plaintiff, including, without limitation, those listed in Request "3."

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Furthermore, WCD objects to this Request in that it assumes that any talc product it may have sold and/or distributed during the relevant time period of the present matter contained and/or was contaminated with asbestos. The Request fails to identify the specific product and/date of manufacture of the product(s) at issue in this litigation. Defendant reserves its right to supplement this response through ongoing discovery. Additionally, WCD objections to the vague request of “any products identified by plaintiff.”

- 7) All documents pertaining in any way to meetings, correspondence, statements or other communications to or from any customer (or from their agents, representatives or trade associations) of asbestos, asbestos-containing products, talc and/or talc-containing products concerning the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving any objection, please see attached. Defendant reserves its right to supplement this response through ongoing discovery.

- 8) All documents relating in any way to meetings, correspondence, statements or other communications of any trade association, labor union, employer or government (or administrative) agency regarding the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, to the extent that such information is in the public domain, it is equally available to Plaintiff. Moreover, this Discovery Request is not properly limited to any trade association and/or labor union that WCD was a member of, or to any specific government (or administrative) agency.

- 9) All documents prepared, published, written, reviewed, issued, commented on or otherwise disseminated by you, your agents or employees, or on your behalf relating in any way to warnings, potential health hazards, instructions or precautions regarding exposure to asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. WCD was not the manufacturer and/or seller of the finished product(s) from which Plaintiff alleges caused his injuries. Subject to and without waiving any objection, none. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waving any objection, any customer would not have been an end user, but rather a sophisticated manufacturer that was a member of the same trade organizations and with knowledge likely greater or equal to that of WCD.

- 10) All documents relating to the development or evolution of your knowledge, research, notice or awareness of the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing and unduly burdensome. Defendant further objects to responding to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, this discovery request seeks document and/or information regarding the hazard of asbestos and/or asbestos-containing products whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this discovery request as it relates to its first knowledge of any potential contamination of raw talc with asbestos. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. Subject to and without waiving further objection, WCD first learned of the potential contamination of talc with asbestos from a New York Times article sometime in the summer of 1971; however, WCD does not have the article or

any documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery.

- 11) All minutes of each meeting of the board of directors or company officers or management at which the hazards of asbestos or the possible application of warning labels on talc-containing products was discussed.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Subject to and without waiving any objection, please see response to discovery requests No. 7, 8, 9, and 10 above. Subject to and without waiving any objection, not applicable as WCD was not the manufacturer and/or seller of the finished product(s) from which Plaintiff alleges caused her injuries.

- 12) All documents regarding your industrial hygiene and/or employee safety practices related to dust control, including asbestos and talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to the Plaintiff's efforts to confuse judge and jury by conflating the issues relating to cosmetic talc and asbestos. WCD objects to this request as an unnecessary fishing expedition as Plaintiff have failed to identify exposure to a product for which this defendant is liable. WCD further objects to the assumption that it was a manufacturer, distributor, and/or seller of "asbestos-containing products," whereas WCD has always been in the business of selling raw minerals and pigments to sophisticated manufacturers. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its employees are not parties to this litigation. Additionally, WCD objects to this Request in that it assumes that any product it may have sold and/or distributed during the relevant time period of the present matter contained and/or was contaminated with asbestos. Subject to and without waiving any objection, not applicable as the Decedent was not a WCD employee.

- 13) All records relating to comments, complaints, suggestions or proposals made by you or your agents, employees, officers, customers, dealers, distributors or suppliers regarding the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly

burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to the Plaintiff's efforts to confuse judge and jury by conflating the issues relating to cosmetic talc and asbestos. WCD objects to this request as an unnecessary fishing expedition as Plaintiff have failed to identify exposure to a product for which this defendant is liable. WCD further objects to the assumption that it was a manufacturer, distributor, and/or seller of "asbestos-containing products," whereas WCD has always been in the business of selling raw minerals and pigments to sophisticated manufacturers. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its employees are not parties to this litigation. Additionally, WCD objects to this Request in that it assumes that any product it may have sold and/or distributed during the relevant time period of the present matter contained and/or was contaminated with asbestos. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, none. Moreover, any customer would not have been an end user, but rather a sophisticated manufacturer that was a member of the same trade organizations and with knowledge likely greater or equal to that of WCD

- 14) All documents submitted or otherwise transmitted to any federal, state or local government or agency (or representative thereof) in connection with efforts to establish, prevent, limit, alter, change or otherwise affect standards, specifications, testing methods, or permissible levels of exposure to asbestos, including, but not limited to, occupational exposure.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to the Plaintiff's efforts to confuse judge and jury by conflating the issues relating to cosmetic talc and asbestos. WCD objects to this request as an unnecessary fishing expedition as Plaintiff have failed to identify exposure to a product for which this defendant is liable. WCD further objects to the assumption that it was a manufacturer, distributor, and/or seller of "asbestos-containing products," whereas WCD has always been in the business of selling raw minerals and pigments to sophisticated manufacturers. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its employees are not parties to this litigation. Additionally, WCD objects to this Request in that it assumes that any product it may have sold and/or distributed during the relevant time period of the present matter contained and/or was

contaminated with asbestos. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection WCD will make responsive documents available.

- 15) All documents submitted or otherwise transmitted to any other defendant, trade/industry organization or non-party regarding federal, state or local government or agency efforts to establish prevent, limit, alter, change or otherwise affect standards, specifications, testing methods, or permissible levels of exposure to asbestos, including, but not limited to, occupational exposure.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to the Plaintiff's efforts to confuse judge and jury by conflating the issues relating to cosmetic talc and asbestos. WCD objects to this request as an unnecessary fishing expedition as Plaintiff have failed to identify exposure to a product for which this defendant is liable. WCD further objects to the assumption that it was a manufacturer, distributor, and/or seller of "asbestos-containing products," whereas WCD has always been in the business of selling raw minerals and pigments to sophisticated manufacturers. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its employees are not parties to this litigation. Additionally, WCD objects to this Request in that it assumes that any product it may have sold and/or distributed during the relevant time period of the present matter contained and/or was contaminated with asbestos. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, WCD will make available documents upon request.

- 16) All documents submitted or otherwise transmitted to any other defendant, trade/industry organization or non-party regarding federal, state or local government or agency efforts to establish or consideration of standards, specifications, testing methods, or permissible levels of exposure to asbestos, including, but not limited to, occupational exposure.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to the Plaintiff's efforts to confuse judge and jury by conflating the issues relating to cosmetic talc and asbestos. WCD objects to this request as an unnecessary fishing expedition as Plaintiff have failed to identify exposure to a product for which this defendant is liable. WCD further objects to the assumption that it was a manufacturer, distributor, and/or seller of "asbestos-containing products," whereas WCD has always been in the business of selling raw minerals and pigments to sophisticated manufacturers. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its employees are not parties to this litigation. Additionally, WCD objects to this Request in that it assumes that any product it may have sold and/or distributed during the relevant time period of the present matter contained and/or was contaminated with asbestos. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, none.

- 17) All talc you manufactured prior to 1990 (or representative samples thereof) that defendant has in its possession, custody or control.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to the Plaintiff's efforts to confuse judge and jury by conflating the issues relating to cosmetic talc and asbestos. WCD objects to this request as an unnecessary fishing expedition as Plaintiff have failed to identify exposure to a product for which this defendant is liable. WCD further objects to the assumption that it was a manufacturer, distributor, and/or seller of "asbestos-containing products," whereas WCD

has always been in the business of selling raw minerals and pigments to sophisticated manufacturers. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its employees are not parties to this litigation. Additionally, WCD objects to this Request in that it assumes that any product it may have sold and/or distributed during the relevant time period of the present matter contained and/or was contaminated with asbestos. Without waiving its objections and subject thereto, none. WCD reserves the right to supplement this Response as its investigation and discovery continues.

- 18) All documents regarding testing facility², customer, contractor, dealer or distributor complaints or reports relating to the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of asbestos from your products.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving any objections, WCD was not the manufacturer and/or seller of the finished product from which Plaintiff alleges caused his injuries, and as such, there are no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery. Moreover, any customer would not have been an end user, but rather a sophisticated manufacturer that was a member of the same trade organizations and with knowledge likely greater or equal to that of WCD. In addition, WCD was not the manufacturer and/or seller of the finished product(s) from which Plaintiff alleges caused her injuries.

- 19) All documents, including photographs and images, that pertain to Plaintiff's employers, residences or worksites, including but not limited to:
- a. McKinnon Oil Co. Inc. (a/k/a "Sea Island Garage"), Sea Island, Georgia
 - b. Oceanic Construction Co., Brunswick, Georgia
 - c. Edwards & Edwards (a/k/a Edwards Construction Co.), Saint Simons Island, Georgia
 - d. Yeargin Inc.
 - e. Sea Palm Golf & Country Club, St. Simons Island, Georgia
 - f. Stuart Sportsmens Center
 - g. Spalding Corp.
 - h. Farrington Aircraft Corp., Paducah, Kentucky
 - i. Farrington Airpark, Paducah, Kentucky
 - j. Camp Maskoma (a/k/a Maskoma Lodge), New Hampshire
 - k. 233 Mosier Street, South Hadley, Massachusetts
 - l. Leroy's Auto Supplies, Granby, Massachusetts

² Including internal and external and third-party persons, companies or other entities that performed testing of the talc-containing products you manufactured.

- m. Johnson Talc Mine(s), Johnson, Vermont
- n. F&G Corvette, Paducah, Kentucky
- o. Paducah Midstream Grocery Inc., Paducah, Kentucky
- p. Fred Page's garage, Haverhill, New Hampshire
- q. Doug Giles' garage
- r. Mr. Anderson's garage, Northfield and Greenfield, Massachusetts
- s. Mount Tom Ski Area, Holyoke, Massachusetts
- t. Bromley Mountain (a/k/a Bromley Mountain Resort), Peru, Vermont
- u. Jiminy Peak (a/k/a Jiminy Peak Mountain Resort), Hancock, Massachusetts

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as vague, overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, unduly burdensome, insufficiently limited in scope and time, not reasonably calculated to lead to the discovery of admissible evidence, and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving these objections, WCD has no responsive documents other than those already exchanged in this case in discovery. WCD reserves the right to supplement this Response as its investigation and discovery continues.

- 20) All documents pertaining to information communicated or otherwise provided to you by parties or non-parties regarding the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. Subject to and without waiving any objections, WCD was not the manufacturer and/or seller of the finished product from which Plaintiff alleges caused his injuries, and as such, there are no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, none.

- 21) All documents that pertain to workers' compensation claims made by your employees based upon injuries allegedly caused by exposure to asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to responding to this Interrogatory in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Additionally, Defendant further objects to this Discovery Request to the extent that it is not narrowly tailored to the products at issue or to the injuries alleged in this lawsuit. Finally, the disclosure of the information and/or documents requested may violate HIPAA. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. Subject to and without waiver or limitation to the above objections, none. Defendant further reserves its right to supplement this response through ongoing discovery.

- 22) All documents regarding safety inspections and evaluations, including, but not limited to, industrial hygiene evaluations, performed by any person or entity (including, but not limited to, your employees, agents, insurance companies and government/regulatory agencies) at or regarding any of your facilities that related in any way to the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its employees are not subject to this litigation. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. Subject to and without waiving any objections, WCD was not the manufacturer and/or seller of the finished product from which Plaintiff alleges caused his injuries, and as such, there are no documents responsive to this request.

Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, none.

- 23) All medical, scientific and industry publications, notices or other communication received by you that contain information relating to the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, not reasonably calculated to lead to the discovery of relevant, admissible evidence, and as suggesting an obligation not prescribed by law. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. Without waiving its objections and subject thereto, upon information and belief, WCD did not maintain a formal library. WCD's employees may have obtained various materials from time to time, but WCD has no central repository for information of this type. It is impossible to know what materials and/or information, if any, any of its employees may have received at a particular time. Without waiving its objections and subject thereto, upon information and belief, WCD is not in possession of any such documents in relation to any products. Subject to and without waiving any objection, Documents will be provided upon request.

- 24) All documents related to tests or analyses performed by you or anyone else concerning the release or potential content and/or release of asbestos in/from your talc-containing products.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving any objections, WCD was not the manufacturer and/or seller of the finished product from which Plaintiff alleges caused his injuries, and as such, there are no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery. WCD was not the manufacturer and/or seller of the finished product(s) from which Plaintiff alleges caused her injuries or a manufacturer of talc-containing products and as such, this Discovery Request is not applicable as to WCD.

- 25) All documents related to tests or analyses performed by you or anyone else concerning the release or potential content and/or release of asbestos in/from products identified by plaintiff that were not manufactured by you.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving any objections, WCD was not the manufacturer and/or seller of the finished product from which Plaintiff alleges caused his injuries, and as such, there are no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery. In addition, WCD was not the manufacturer and/or seller of the finished product(s) from which Plaintiff alleges caused her injuries or a manufacturer of talc-containing products and as such, this Discovery Request is not applicable as to WCD.

- 26) All reports, documents, memoranda and other submissions to any government agency, department or representative³ regarding asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving any objections, see attached. Defendant further reserves its right to supplement this response through ongoing discovery. Furthermore, this Discovery Request seeks documents and/or information regarding asbestos whereas Plaintiffs' Complaint alleges exposure to asbestos-contaminated talc. Subject to and without waiving any objection, none.

- 27) All documents that relate in any way to your relationship with any other defendant in this action or any of Plaintiff's employers. This request includes, but is not limited to, contracts for the supply of talc or talc-containing materials, including, but not limited to, those used in the products identified by plaintiff.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably

³ Including, but not limited to, OSHA, NIOSH, NTP, EPA and FDA (and their state counterparts).

calculated to lead to the discovery of relevant, admissible evidence. WCD objects to the Plaintiff's efforts to confuse judge and jury by conflating the issues relating to industrial talc and asbestos. WCD objects to this request as an unnecessary fishing expedition as Plaintiff have failed to identify exposure to a product for which this defendant is liable. WCD further objects to the assumption that it was a manufacturer, distributor, and/or seller of "asbestos-containing products," whereas WCD has always been in the business of selling raw minerals and pigments to sophisticated manufacturers. Additionally, WCD objects to this Request in that it assumes that any product it may have sold and/or distributed during the relevant time period of the present matter contained and/or was contaminated with asbestos. The Request fails to identify the specific product, formula and/or date of manufacture of any product(s) at issue in this litigation. Without such information, WCD cannot perform a reasonable investigation to provide a more specific response. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. WCD may supplement this Response to the extent possible, when Plaintiff provide more information regarding the specific product(s) at issue in this litigation.

- 28) All documents related to any instances of violations of rules and/or regulations regarding asbestos that occurred at your facilities, premises or properties, including, but not limited to, those where your products identified by plaintiff were manufactured.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence, nor is it limited to any relevant time period. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its employees are not parties to this litigation. Without waiving its objections and subject thereto, WCD is not currently in possession of any such documents but at all relevant times, WCD complied with applicable workplace rules and regulations. WCD reserves the right to supplement this response as its investigation and discovery continues. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer of talc or talc-containing products.

- 29) All documents related to any instances of violations of rules and/or regulations regarding dust that occurred at your facilities, premises or properties, including, but not limited to, those where the talc used in any end product identified by plaintiff was manufactured.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to

the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence, nor is it limited to any relevant time period. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its employees are not parties to this litigation. Without waiving its objections and subject thereto, WCD is not currently in possession of any such documents but at all relevant times, WCD complied with applicable workplace rules and regulations. WCD reserves the right to supplement this response as its investigation and discovery continues. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer of talc or talc-containing products.

- 30) All documents relating to defendant's first knowledge, notice or awareness (and the development and evolution of said knowledge, notice or awareness) of the alleged, suspected, disputed, potential or actual health hazard associated with inhalation or ingestion of asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing and unduly burdensome. Defendant further objects to responding to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, this discovery request seeks document and/or information regarding the hazard of asbestos and/or asbestos-containing products whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this discovery request as it relates to its first knowledge of any potential contamination of raw talc with asbestos. Subject to and without waiving further objection, WCD first learned of the potential contamination of talc with asbestos from a New York Times article sometime in the summer of 1971; however, WCD does not have the article or any documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving Defendants Preliminary Statement and General Objections, George J. Dippold, former President, was deposed with regard to a New Jersey asbestos cases on April 11, 1984 in *Harry Keller and Marie Keller, his wife v. Pulmosan Safety Corp, et al.*, on June 2, 1982 in *Sylvester v. Jersey Central Power & Light Co., et al.*, on January 14, 1983 in *Farrar, etc. v. Atlantic Casting & Engineering, et al.*, on August 8, 1994 in *Kloc v. Asbestos Corporation LTD, et al.*; with regard to New York asbestos case *Caruolo v. Keane Corporation* on March 29, 1995; and on August 22, 1985 in *Whittaker Pappion v. Dow Chemical Co.* in the United States District Court for the Eastern District of Texas. Michael C. Argyelan, former President, was deposed on August 23, 2000 with regard to 14 Delaware asbestos cases in New Castle County, DE, captioned *In Re: Asbestos Litigation*, and in New Jersey on May 24, 1994 in *Kloc v. Asbestos Corporation LTD, et al.* Dennis St. George, Corporate Representative, was deposed on November 6, 2008 with regard to a New York asbestos case, *Lisa Gerber, as Executrix of the Estate of Catherine Gerber, Deceased v. 84 Lumber Company, et al.*; with regard to Illinois asbestos cases on February 4, 2009, March 6, 2009 and March 20, 2009 in *John Scarduzio v. A.W. Chesterton, Inc., et al.*; on December 3, 2013 in *Billy Cirkles, As Personal Representative of the Estate of Mary Lou Cirkles, Deceased v. A.*

O. Smith Corp., et al., on February 22, 2017 in *Pamela K. Edwards, Individually and as Special Administrator for the Estate of Phyllis Smith v. Alcatel-Lucent USA, Inc., et al.*; on August 10, 2010 with regard to a Pennsylvania asbestos case *Stephanie Berdine v. Whittaker, Clark & Daniels*; with regard to New Jersey asbestos cases on March 15, 2015 in *Gilvin v. DuPont, et al.*, on January 12, 2017 in *Caine v. BellSouth Telecommunications, LLC, et al.*, on May 12, 2017 in *Bartlow v. Brenntag North America, Inc., et al.*, *Roberts v. ABB, Inc., et al.*, and *Schoeniger v. Brenntag North America, Inc., et al.*; with regard to California asbestos cases on August 14, 2015 in *Villanueva v. 3M Company, et al. and Alfaro v. American Talc Co., et al.*, on June 22, 2017 in *Booker v. BASF Catalysts LLC, et al.*, on October 14, 2016 in *Lyons v. Metropolitan Life Insurance Co., et al. and Peinado v. Ace Hardware Corp., et al.*, on January 28, 2016 in *Othman v. Brenntag North America, Inc., et al.*, and on July 6, 2017 in *Mandel v. American International Industries, Inc., et al.*; and on May 26, 2017 with regard to Oregon asbestos case *Lewis v. Brenntag North America, Inc., et al.* Theodore Hubbard, former President, was deposed with regard to New Jersey asbestos cases on April 11, 2013 in *Michael C. Argento v. Charles B. Chrystal Co., Inc., et al.* and *Steven Kaenzig and Linda Kaenzig v. Charles B. Chrystal Co., Inc., et al.*, on June 19, 2015 in *Cairo v. American International Industries, et al.*, on September 11, 2015 in *Fishbain v. Colgate Palmolive*, on March 2, 2016 in *Dalis v. Brenntag North America, Inc., et al.* and *Hug v. Brenntag North America, Inc., et al.*; with regard to California asbestos cases on August 28, 2015 in *Kangas v. American International Industries, Inc., et al.*, and on August 8, 2016 in *Depoian v. American International Industries, Inc., et al.*

- 31) All documents regarding the alleged, suspected, disputed, potential or actual health hazard associated with inhalation or ingestion of asbestos that defendant possessed or were available to defendant prior to the time it stopped manufacturing talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to the Plaintiff's efforts to confuse judge and jury by conflating the issues relating to industrial talc and asbestos. WCD objects to this request as an unnecessary fishing expedition as Plaintiff has failed to identify exposure to a product for which this defendant is liable. WCD further objects to the assumption that it was a manufacturer, whereas WCD has always been in the business of selling raw minerals and pigments to sophisticated manufacturers. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. Subject to and without waiving further objection, WCD did not manufacture talc. Subject to and without waiving any objection, not applicable as WCD was not the manufacturer and/or seller of the finished product(s) from which Plaintiff alleges caused her injuries, nor was it a manufacturer, miner, or miller of talc

- 32) All transcripts, including exhibits, of testimony (deposition, trial or otherwise) by any of your employees or representatives in asbestos litigation relating to your talc-containing products.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and response and objections to Request 30. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence, nor is it limited to a relevant time period. WCD further objects to this Request as it seeks proprietary and/or confidential information. WCD also objects to this Request to the extent it seeks disclosure of information that is not relevant to any pending claim or defense and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD's former and present officers, agents, servants, employees, representatives, consultants, or independent contractors are not parties to this lawsuit and their identities are irrelevant. Furthermore, WCD states that the information sought is equally available to Plaintiff and Plaintiff's Counsel through public records. Without waiving these objections and subject thereto, these transcripts have previously been exchanged with Plaintiff's counsel and are available upon request. In addition, WCD was not the manufacturer and/or seller of the finished product(s) from which Plaintiff alleges caused her injuries, nor was it a manufacturer, miner, or miller of talc.

- 33) All written, recorded, filmed, transcribed and videotaped statements of all parties and non-party declarants pertaining to plaintiff or his medical history, work history, asbestos exposure, product usage or testimony.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as vague, overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, unduly burdensome, insufficiently limited in scope and time, not reasonably calculated to lead to the discovery of admissible evidence, and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving these objections, WCD has no responsive documents other than those already exchanged in discovery. WCD will supplement this response, if and to the extent, required by the Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order.

- 34) All statements, obtained by you, your counsel or otherwise, that relate to facts, circumstances, incidents, injuries or damages that form the basis of Plaintiff's complaint,

including, but not limited to, statements made to or by any of Plaintiff's employers, family members or acquaintances.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as vague, overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, unduly burdensome, insufficiently limited in scope and time, not reasonably calculated to lead to the discovery of admissible evidence, and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving these objections, WCD has no responsive documents other than those already exchanged in discovery. WCD will supplement this response, if and to the extent, required by the Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order.

- 35) All sworn, recorded or substantially verbatim statements of any person with information relevant to this matter.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as vague, overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, unduly burdensome, insufficiently limited in scope and time, not reasonably calculated to lead to the discovery of admissible evidence, and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving these objections, WCD has no responsive documents other than those already exchanged in discovery. WCD will supplement this response, if and to the extent, required by the Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order.

- 36) All transcripts of testimony and other sworn statements (including exhibits thereto) of any witness who you may call at the trial of this matter.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as vague, overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, unduly burdensome, insufficiently limited in scope and time, not reasonably calculated to lead to the discovery of admissible evidence, and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. WCD also objects to the extent that it seeks the production of documents or information protected by the attorney-client privilege and/or the work product doctrine. WCD also objects to this request to the extent that it imposes

burdens different from, or in addition to those imposed by the Massachusetts Rules, and the Massachusetts Asbestos Pre-Trial Order. Subject to and without waiving these objections, WCD states that its knowledge of the facts and circumstances surrounding Plaintiff's claims in this matter is presently limited because discovery is ongoing, and that it has not yet determined which witnesses, if any, it may call at the trial of this matter. As discovery and WCD's investigation into this matter are continuing, WCD will supplement this response if, and to the extent required by the Massachusetts Rules of Civil Procedure and the Massachusetts Asbestos Pre-Trial Order. Subject to and without waiving any objection, Defendant is not aware of and/or in possession of any written or recorded statements other than those previously exchanged during discovery, including but not limited to, statements of all parties in answers to interrogatories and at depositions, and of all treating and examining physicians. Furthermore, all witnesses shall be provided, pursuant to court order, in the pretrial exchange. WCD reserves the right to supplement this request through ongoing discovery.

- 37) All documents obtained utilizing an authorization executed by plaintiff or his counsel that have not been posted to File & ServeXpress.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as vague, overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, unduly burdensome, insufficiently limited in scope and time, not reasonably calculated to lead to the discovery of admissible evidence, and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving these objections, WCD has no responsive documents other than those already exchanged in discovery. WCD will supplement this response, if and to the extent, required by the Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order.

- 38) All documents marked or listed as exhibits in any insurance coverage litigation between you and any liability insurance carrier regarding coverage for asbestos-related claims.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. Any information not in the public domain is considered privileged. WCD reserves the right to supplement this Response as its investigation and discovery continues.

- 39) All documents consulted in preparation of your answers to interrogatories served any party.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD further objects to responding to this Request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections, not applicable.

40) All documents identified in your response to all parties' requests for admission.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD further objects to responding to this Request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections, not applicable.

41) All documents received by you or your counsel pursuant to any subpoena served in this action that have not been posted to File & Serve*Xpress*.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as vague, overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, unduly burdensome, insufficiently limited in scope and time, not reasonably calculated to lead to the discovery of admissible evidence, and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving these objections, WCD has no responsive documents other than those already exchanged in discovery. WCD will supplement this response, if and to the extent, required by the Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order.

42) Exhibits that will or may be relied upon at the time of trial.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as vague, overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, unduly burdensome, insufficiently limited in scope and time, not reasonably calculated to lead to the discovery of admissible evidence, and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. WCD states that it has not yet identified any

document that it might use at the trial of this matter. Subject to and without waiving these objections, WCD will supplement the response, if, and to the extent, required by the Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order. Subject to and without waiving any objection, all exhibits that this Defendant will rely upon at the time of trial shall be provided, pursuant to court order, in the pretrial exchange.

- 43) If you contend that you have not been sued in the proper capacity as set forth in Plaintiff's latest complaint, produce all documents that support said contention, including, but not limited to, documents pertaining to the history of defendant and any relevant purchase, sale, acquisition, merger or divestment agreements.

RESPONSE:

Not Applicable. Objection. Calls for a legal conclusion. See also, Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Moreover, Defendant objects to this Discovery Request as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. Subject to and without waiving any objection, it is Plaintiffs' burden to prove that they have named the correct entities.

- 44) All documents supporting your response to Plaintiff's Disclosure Form(s).

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. Subject to and without waiver or limitation to the above objections, WCD's responses to Plaintiff's Disclosure Forms speak for themselves.

- 45) All your experts' reliance materials, including, but not limited to, articles, studies, reports, summaries, statements and discovery responses.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. WCD states that it has not yet identified any expert that it might use at the trial of this matter. Subject to and without waiving these objections, WCD will supplement the response, if, and to the extent, required by the Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order.

- 46) All insurance agreements under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. *See* Mass. R. Civ. P. 26(b)(2).

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence, nor is it limited in time or geographic area. Without waiving its objections and subject thereto, WCD states that it will make any responsive documents available for copying at a mutually agreeable time and place.

- 47) All documents supporting your allegation, claim, position or contention that other parties or non-parties are responsible, wholly or partially, for Plaintiff's asbestos exposure or otherwise for the injuries alleged in the complaint.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of

Defendant concerning the litigation. WCD objects to this request because the documents sought are in Plaintiff's possession or equally available to plaintiff. Without waiving any objection, all depositions, interrogatories, statements, certifications, expert materials and/or affidavits shall be provided, pursuant Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order, in the pretrial exchange. Furthermore, WCD intends to rely upon the discovery, pleadings and depositions exchanged in Mr. Goodhue's current and past litigation. WCD reserves the right to supplement this Response as its investigation and discovery continues. Moreover, Defendant further objects to responding to this Discovery Request as it is Plaintiffs' burden to prove the cause of any alleged injury. Subject to and without waiving any objection, any responsive documents on behalf of this Defendant in the above captioned lawsuit shall be provided, pursuant to court order, in the pretrial exchange.

- 48) All documents relating in any way to the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of asbestos from any products identified by plaintiff that were not manufactured by you.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. WCD objects to this request because the documents sought are in Plaintiff's possession or equally available to plaintiff. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. Without waiving any objection, all depositions, interrogatories, statements, certifications, expert materials and/or affidavits shall be provided, pursuant Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order, in the pretrial exchange. Furthermore, WCD intends to rely upon the discovery, pleadings and depositions exchanged in Mr. Goodhue's current and past litigation. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, any responsive documents on behalf of this Defendant in the above captioned lawsuit shall be provided, pursuant to court order, in the pretrial exchange. However, WCD was not the manufacturer of the finished product(s) from which Plaintiff alleges caused her injuries and said information would likely be in the possession of the manufacturer of the finished product.

- 49) All documents relating in any way to the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of talc from any products identified by plaintiff that were not manufactured by you.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. WCD objects to this request because the documents sought are in Plaintiff's possession or equally available to plaintiff. Moreover, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. This Discovery Request seeks documents and/or information regarding the adverse effects of asbestos whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this Discovery Request as it relates to naturally-occurring raw talc. Without waiving any objection, all depositions, interrogatories, statements, certifications, expert materials and/or affidavits shall be provided, pursuant Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order, in the pretrial exchange. Furthermore, WCD intends to rely upon the discovery, pleadings and depositions exchanged in Mr. Goodhue's current and past litigation. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, any WCD customer would not have been an end user, but rather a sophisticated manufacturer that was a member of the same trade organizations and with knowledge likely equal or greater to that of WCD.

- 50) All documents that support of any defense, cross claim or counterclaim you assert.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. WCD objects to this request because the documents sought are in Plaintiff's possession or equally available to plaintiff. Without waiving any

objection, all depositions, interrogatories, statements, certifications, expert materials and/or affidavits shall be provided, pursuant Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order, in the pretrial exchange. Furthermore, WCD intends to rely upon the discovery, pleadings and depositions exchanged in Mr. Goodhue's current and past litigation. WCD reserves the right to supplement this Response as its investigation and discovery continues. Objection. Calls for a legal conclusion. See also, Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Moreover, Defendant objects to this Discovery Request as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. Moreover, Defendant further objects to responding to this Discovery Request as it is Plaintiffs' burden to prove the cause of any alleged injury. Subject to and without waiving any objection, any responsive documents that will be offered as proofs of any defense, cross claim, or counterclaim on behalf of this Defendant in the above captioned lawsuit shall be provided, pursuant to court order, in the pretrial exchange.

- 51) All documents that that support the allegation, if any, that any non-party or party other than you is responsible, wholly or partially, for Plaintiff's asbestos exposure or otherwise for the injuries alleged in the complaint.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. WCD objects to this request because the documents sought are in Plaintiff's possession or equally available to plaintiff. Without waiving any objection, all depositions, interrogatories, statements, certifications, expert materials and/or affidavits shall be provided, pursuant Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order, in the pretrial exchange. Furthermore, WCD intends to rely upon the discovery, pleadings and depositions exchanged in Mr. Goodhue's current and past litigation. WCD reserves the right to supplement this Response as its investigation and discovery continues. Objection. Calls for a legal conclusion. See also, Preliminary Statement and General Objections. Defendant

further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Moreover, Defendant objects to this Discovery Request as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. Moreover, Defendant further objects to responding to this Discovery Request as it is Plaintiffs' burden to prove the cause of any alleged injury. Subject to and without waiving any objection, any responsive documents on behalf of this Defendant in the above captioned lawsuit shall be provided, pursuant to court order, in the pretrial exchange.

- 52) All documents and other materials or any type or form relating the alleged, suspected, disputed, potential or actual health hazard associated with the products to which plaintiff was exposed that were manufactured, distributed, sold and/or supplied by any other defendant or third-party.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. WCD objects to this request because the documents sought are in Plaintiff's possession or equally available to plaintiff. Without waiving any objection, all depositions, interrogatories, statements, certifications, expert materials and/or affidavits shall be provided, pursuant Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order, in the pretrial exchange. Furthermore, WCD intends to rely upon the discovery, pleadings and depositions exchanged in Mr. Goodhue's current and past litigation. WCD reserves the right to supplement this Response as its investigation and discovery continues.

- 53) Your tax returns for each of the past five (5) years.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these

proceedings and which is not reasonably calculated to lead to discovery of admissible evidence.

- 54) Your annual audited financial statements (income and balance sheet) for each of the past five (5) years. If audited financial statements do not exist, then unaudited financial statements (income and balance sheet).

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence.

- 55) All documents, correspondence, memoranda, reports and other materials of any type or form relating to your business plans and business considerations as they pertain to asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence.

- 56) All annual reports between 1949 and 1992.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving these objections, WCD is not in possession of responsive documents.

- 57) All documents that identify or describe the reasons why talc was used in the end products identified by plaintiff or any other witness in this case.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving any objections, WCD was not the manufacturer and/or seller of the finished product from which Plaintiff alleges caused his injuries, and as such, there are no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, not applicable as WCD was not the manufacturer of the finished product(s) from which Plaintiff alleges caused her injuries and said information would likely be in the possession of the manufacturer of the finished product.

- 58) All correspondence, memoranda, notes, reports, documents and other materials of any type or form identifying the mines and mills (by name, location and geographic region) from which talc was sourced that was sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request “3.”

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. WCD further objects to this Discovery Request as Plaintiffs’ Complaint and answers to Interrogatories do not identify which, or all, of the manufacturers of products that the Decedent allegedly came into contact with.

- 59) All correspondence, memoranda, reports, documents and other materials of any type or form relating to the potential, suspected, alleged or actual presence of asbestos in talc, including, but not limited to the talc that was sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request “3.”

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 and 10. Furthermore, See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is

vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence.

- 60) All documents relating to communication from, to or with customers of talc of talc-containing ingredients or components regarding the alleged, potential, disputed, disproven or actual (i) asbestos content of the talc or talc-containing ingredients or components, or (ii) health hazards associated with the inhalation and/or ingestion of asbestos talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. WCD objects to this request because the documents sought are in Plaintiff's possession or equally available to plaintiff. Without waiving any objection, WCD is not in possession of any responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, any WCD customer would not have been an end user, but rather a sophisticated manufacturer that was a member of the same trade organizations and with knowledge likely equal or greater to that of WCD.

- 61) All correspondence, memoranda, notes, reports, documents and other materials of any type or form pertaining to the potential, alleged, suspected or actual asbestos content of talc including, but not limited to, the talc that was sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request "3."

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 59. Furthermore, Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. WCD objects to this request because the documents sought are in Plaintiff's possession or equally available to plaintiff. WCD reserves the right to supplement this Response as its investigation and discovery continues. See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence,

and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence.

- 62) All correspondence, memoranda, notes, reports, documents and other materials of any type or form pertaining to information or data conveyed or otherwise transmitted between you and any person, company, organization or entity relating to the potential, alleged, suspected or actual asbestos content of talc including, but not limited to, the talc that was sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request “3.”

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. WCD objects to this request because the documents sought are in Plaintiff’s possession or equally available to plaintiff. WCD reserves the right to supplement this Response as its investigation and discovery continues.

- 63) All documents relating to communication from, to or with your customers, distributors or agents regarding the alleged, potential, disputed, disproven or actual health hazards associated with the inhalation and/or ingestion of talc or asbestos in talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. WCD objects to this request because the documents sought are in Plaintiff’s possession or equally available to plaintiff. Without waiving any objection, WCD is not in possession of any responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, any WCD customer would not have been an end user, but rather a sophisticated manufacturer that was a member of the same trade organizations and with knowledge likely equal or greater to that of WCD.

- 64) All documents prepared by you, on your behalf, or that you received or had access to concerning the following aspects of each talc-containing product you manufactured:
- a. The alleged, potential, disputed or actual health hazards associated with inhalation or ingestion of asbestos or other carcinogens from the product, including, but not limited to, all reasonably foreseeable uses;
 - b. The potential, actual, suspected, alleged or disproven amount of asbestos in the product;
 - c. The amount of asbestos or other carcinogen released by the product when manufactured, mined, milled, processed, stored, distributed, used, applied or otherwise disturbed;
 - d. The capability of the product to comply with industry standards, state or federal regulations, or other limits;
 - e. Proposed, potential or controlling government or industry regulations or standards regarding safety or health that could or did apply to said product;
 - f. Efforts, if any, to test the product for the presence of asbestos;
 - g. Efforts, if any, to test the product for the presence of carcinogens other than asbestos;
 - h. Efforts, if any, to reduce or eliminate asbestos from the product;
 - i. Efforts, if any, to prevent asbestos contamination in the product; and
 - j. Efforts, if any, to prevent contamination of carcinogens other than asbestos in the product.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, WCD objects to this Request as vague, overly broad and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving any objections, WCD was not the manufacturer and/or seller of the finished product from which Plaintiff alleges caused his injuries, and as such, there are no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, not applicable as WCD was not the manufacturer and/or seller of the finished product(s) from which Plaintiff alleges caused her injuries, nor was it a manufacturer, miner, or miller of talc.

- 65) All documents regarding your rules, regulations, manuals, standards, procedures or instructions provided to or otherwise made available to your employees, agents, distributors, suppliers and/or customers pertaining to the potential, alleged, disputed, or actual health hazards associated with mining, milling, processing, producing, manufacturing, fabricating, assembling, designing, packaging, distributing, marketing, advertising, supplying, selling, delivering, installing, applying, repairing, maintaining, removing, disturbing or otherwise placing in the stream of commerce talc-containing products.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, WCD objects to this Request as vague, overly broad and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving any objections, WCD was not the manufacturer and/or seller of the finished product from which Plaintiff alleges caused his injuries, and as such, there are no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer of talc-containing products.

- 66) All correspondence, memoranda, notes, reports, documents and other materials of any type or form relating to communication between you and the Cosmetic, Toiletry & Fragrance Association ("CTFA") or any government agency, department or representative relating to health hazards (potential, alleged, suspected, actual or otherwise) of asbestos or talc or the potential, suspected, alleged, actual, disputed or disproven asbestos content of talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 26. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, WCD objects to this Request as vague, overly broad and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving any objections, please see attached. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, Documents will be made available upon request.

- 67) Photographs and other images of any type or form (including video) of your talc-containing products sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request "3."

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks

information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, WCD objects to this Request as vague, overly broad and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving any objections, WCD has no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer of talc-containing products.

- 68) Photographs and other images of any type or form (including video) of the packages, packaging and labeling of the products referenced in the immediately preceding request.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, WCD objects to this Request as vague, overly broad and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving any objections, WCD has no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, please see WCD's response to Discovery Request No. 67, above.

- 69) All documents pertaining in any way to meetings, correspondence, statements or other communications to or from any manufacturer or customer (or from their agents, representatives or trade associations⁴) of talc and/or talc-containing products concerning the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of talc, including, but not limited to, the potential carcinogen content of talc (e.g., asbestos, arsenic, silica, nickel, etc.).

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 26. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, WCD objects to this Request as vague, overly broad and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine.

⁴ Including, but not limited to the CTFA.

Subject to and without waiving any objections, please see attached. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, please see WCD's response to Discovery Request No. 66, above, to be supplemented accordingly when Plaintiff supplies additional information. Defendant further reserves its right to supplement this response through ongoing discovery.

- 70) All documents relating in any way to meetings, correspondence, statements or other communications of any trade association, labor union, employer or government (or administrative) agency regarding the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, WCD objects to this Request as vague, overly broad and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving any objections, please see attached. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, please see WCD's response to Discovery Request No. 66, above. Defendant further reserves its right to supplement this response through ongoing discovery.

- 71) All documents prepared, published, written, reviewed, issued, commented on or otherwise disseminated by you, your agents or employees, or on your behalf relating in any way to warnings, potential health hazards, instructions or precautions regarding exposure to talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Moreover, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold talc products that posed health hazards to their customers. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Furthermore, WCD objects to this Request as vague, overly broad and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without

waiving any objections, WCD has no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery.

- 72) All documents relating to the development or evolution of your knowledge, research, notice or awareness of the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Without waiving its objections and subject thereto, upon information and belief, WCD did not maintain a formal library. WCD employees may have obtained various materials from time to time, but WCD has no central repository for information of this type. It is impossible to know when any of its employees may have acquired any such document. Furthermore, this Discovery Request seeks documents and/or information regarding the adverse effects of talc whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response accordingly. Subject to and without waiving any objection, please see WCD's response to Discovery Request No. 10, above. Defendant further reserves its right to supplement this response through ongoing discovery.

- 73) All records relating to comments, complaints, suggestions or proposals made by you or your agents, employees, officers, customers, dealers or distributors regarding the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. Furthermore, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold asbestos-containing cosmetic talc products that posed health hazards to their customers. Additionally, WCD objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Subject to and without waiving any objection, WCD has not located any documents responsive to this Discovery Request. Defendant further reserves its right to supplement this response through ongoing discovery

- 74) All photographs and images of any type or form (including video) of people working with, using or otherwise being exposed to any of your talc-containing products, including, but not limited to, the talc that was sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request “3.”.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, WCD objects to this Request as vague, overly broad and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. Subject to and without waiving any objections, WCD has no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, none. Defendant further reserves its right to supplement this response through ongoing discovery.

- 75) All documents submitted or otherwise transmitted by any company, entity or person to any federal, state or local government or agency (or representative thereof) in connection with efforts to establish, prevent, limit, alter, change or otherwise affect standards, specifications, testing methods, or permissible levels of exposure to talc, including, but not limited to, occupational exposure.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. Furthermore, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold asbestos-containing cosmetic talc products that posed health hazards to their customers. Additionally, WCD objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject

thereto, to the extent such information is in the public domain or maintained by other parties, it is equally available to the Plaintiff and Plaintiff's counsel.

- 76) All documents submitted or otherwise transmitted by any company, entity or person to any other defendant, trade/industry organization or non-party regarding federal, state or local government or agency efforts to establish prevent, limit, alter, change or otherwise affect standards, specifications, testing methods, or permissible levels of exposure to talc, including, but not limited to, occupational exposure.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. Furthermore, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold asbestos-containing cosmetic talc products that posed health hazards to their customers. Additionally, WCD objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain or maintained by other parties, it is equally available to the Plaintiff and Plaintiff's counsel. Furthermore, this Discovery Request does not seek or reference any documents submitted or transmitted by WCD and therefore is improper.

- 77) All documents submitted or otherwise transmitted by any company, entity or person to any other defendant, trade/industry organization⁵ or non-party regarding federal, state or local government or agency efforts to establish or consideration of standards, specifications, testing methods, or permissible levels of exposure to talc or asbestos in talc or talc-containing products.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 26. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant

⁵ Including, but not limited to, the CTFA.

information, since its former and current employees are not parties to this litigation. Furthermore, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold asbestos-containing cosmetic talc products that posed health hazards to their customers. Additionally, WCD objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain or maintained by other parties, it is equally available to the Plaintiff and Plaintiff's counsel. Furthermore, this Discovery Request does not seek or reference any documents submitted or transmitted by WCD and therefore is improper.

- 78) All documents regarding testing facility⁶, customer, contractor, dealer or distributor complaints or reports relating to the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of talc from your products.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. Furthermore, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold asbestos-containing cosmetic talc products that posed health hazards to their customers. Additionally, WCD objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain or maintained by other parties, it is equally available to the Plaintiff and Plaintiff's counsel. Subject to and without waiving any objection, not applicable as WCD was not the manufacturer and/or seller of the finished product(s) from which Plaintiff alleges caused her injuries.

- 79) All documents pertaining to the creation of any document repository maintained by you or on your behalf for documents or materials related to your talc-containing products. This request includes, but is not limited to, all documents which pertain to:
- a. The collection of documents in the repository;
 - b. The organization of documents in the repository;
 - c. Indexes of documents in the repository;
 - d. The policies and procedures for maintaining the repository;

⁶ Including internal and external and third-party persons, companies or other entities that performed testing of the talc-containing products you manufactured.

- e. Whether the contents of the repository have ever been converted to electronic form; and
- f. All bills, invoices or agreements that reflect payment by you to any person or entity for maintaining the repository.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Without waiving its objections and subject thereto, WCD has no central repository. Subject to and without waiving any objection, none.

- 80) All documents pertaining to asbestos-related safety precautions observed by you and/or your employees, agents, contractors, suppliers, distributors or customers.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. Furthermore, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold asbestos-containing cosmetic talc products that posed health hazards to their customers. Additionally, WCD objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. Without waiving its objections and subject thereto, to the extent such information is in the public domain or maintained by other parties, it is equally available to the Plaintiff and Plaintiff's counsel. Subject to and without waiving any objection, none as raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. Furthermore, any customer would not have been an end user, but rather a sophisticated manufacturer that was a member of the same trade organizations and with knowledge likely greater or equal to that of WCD.

- 81) All documents regarding manufacturing, quality, safety and/or purity specifications for your talc-containing products, including, but not limited to, the talc sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request "3."

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. Furthermore, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold asbestos-containing cosmetic talc products that posed health hazards to their customers. WCD objects on the basis that it sold raw talc to sophisticated product manufacturers and not suppliers, distributors, sellers and/or retailers. Subject to and without waiving any objection, beginning in August 1971 and continuing through 1994, WCD retained various third-party vendors to test the talc for the presence of asbestos. The third-party vendors would perform X-Ray Diffraction analysis of the raw talc ore lots prior to the lots being purchased by WCD for distribution. If any lot was shown to be positive for the presence of asbestos it would not be purchased and subsequently would not be sold to a cosmetic talc customer. Please see prior deposition testimony of Theodore Hubbard. Also, please see prior deposition testimony of George Dippold. Additionally, WCD objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain or maintained by other parties, it is equally available to the Plaintiff and Plaintiff's counsel.

- 82) All pictures, movies, video or other images that depict the mining, milling, processing, producing, manufacturing, fabricating, assembling, designing, packaging, distributing, marketing, advertising, supplying, selling, delivering, installing, applying, repairing, maintaining, removing, disturbing or otherwise placing in the stream of commerce your talc-containing products, including, but not limited to, the talc sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request "3."

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. WCD objects to this request because the documents sought are in Plaintiff's possession or equally available to plaintiff. WCD reserves the right to supplement this Response as its investigation and discovery continues.

- 83) All patents, trademark and applications therefore that pertain to your talc-containing products, including, but not limited to, the talc sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request “3.”

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. WCD objects to this request because the documents sought are in Plaintiff’s possession or equally available to plaintiff. Without waiving any objection, WCD is not in possession of any responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues. Furthermore, to the extent such information is in the public domain or maintained by other parties, it is equally available to the Plaintiff and Plaintiff’s counsel.

- 84) All catalogs, order forms, pamphlets, brochures and other advertising material for your talc-containing products, including, but not limited to, the talc sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request “3.”

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. WCD objects to this request because the documents sought are in Plaintiff’s possession or equally available to plaintiff. Without waiving any objection, WCD is not in possession of any responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues.

- 85) All documents pertaining to information communicated or otherwise provided to you by parties or non-parties regarding the potential, alleged, disputed or actual health hazards associated with inhalation and/or ingestion of talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably

calculated to lead to the discovery of relevant, admissible evidence. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. Furthermore, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold asbestos-containing cosmetic talc products that posed health hazards to their customers. Subject to and without waiving any objection, WCD is not in possession of any documents responsive to this Discovery Request because any customer would not have been an end user, but rather a sophisticated manufacturer that was a member of the same trade organizations and with knowledge likely greater or equal to that of WCD. Additionally, WCD objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain or maintained by other parties, it is equally available to the Plaintiff and Plaintiff's counsel. Subject to and without waiving any objection, any WCD customer would not have been an end user, but rather a sophisticated manufacturer that was a member of the same trade organizations and with knowledge likely equal or greater to that of WCD.

- 86) All documents pertaining to information communicated or otherwise provided to you by parties or non-parties regarding the potential, alleged, disputed or actual presence of asbestos in talc, including, but not limited to, the talc sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request "3."

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 59. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. Furthermore, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold asbestos-containing cosmetic talc products that posed health hazards to their customers. Additionally, WCD objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain or maintained by other parties, it is equally available to the Plaintiff and Plaintiff's counsel.

- 87) All documents that pertain to workers' compensation claims made by your employees based upon injuries allegedly caused by exposure to talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to responding to this Interrogatory in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. Defendant further objects to this Discovery Request in that it is overly broad, unduly burdensome, assumes facts not in evidence, not reasonably limited in time or scope, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Additionally, Defendant further objects to this Discovery Request to the extent that it is not narrowly tailored to the products at issue or to the injuries alleged in this lawsuit. Finally, the disclosure of the information and/or documents requested may violate HIPAA. Subject to and without waiver or limitation to the above objections, WCD has no records of any current or former employee suffering from asbestosis, talcosis, lung cancer, or mesothelioma, related to talc. Defendant further reserves its right to supplement this response through ongoing discovery.

- 88) All documents regarding safety inspections and evaluations, including, but not limited to, industrial hygiene evaluations, performed by any person or entity (including, but not limited to, your employees, agents, insurance companies and government/regulatory agencies) at or regarding any of your facilities that related in any way to the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to responding to this Interrogatory in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. Furthermore, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold asbestos-containing cosmetic talc products that posed health hazards to their customers. Additionally, WCD objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its

talc products and specifically denies that such warnings were necessary or required. Defendant further objects to this Discovery Request in that it is overly broad, unduly burdensome, assumes facts not in evidence, not reasonably limited in time or scope, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Additionally, Defendant further objects to this Discovery Request to the extent that it is not narrowly tailored to the products at issue or to the injuries alleged in this lawsuit. Finally, the disclosure of the information and/or documents requested may violate HIPAA. Subject to and without waiver or limitation to the above objections, WCD has no responsive documents. Defendant further reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, WCD has not located any documents responsive to this Discovery Request.

- 89) All medical, scientific and industry publications, notices or other communication received by you that contain information relating to the potential, alleged, disputed, or actual health hazards associated with inhalation and/or ingestion of talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the objections and responses to Request No. 66. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, not reasonably calculated to lead to the discovery of relevant, admissible evidence, and as suggesting an obligation not prescribed by law. WCD objects to this Request as insufficiently limited in scope and time and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. WCD states that it has not yet identified any document that it might use at the trial of this matter. Without waiving its objections and subject thereto, upon information and belief, WCD did not maintain a formal library. WCD's employees may have obtained various materials from time to time, but WCD has no central repository for information of this type. It is impossible to know what materials and/or information, if any, any of its employees may have received at a particular time. WCD further objects as this seeks information that are in the possession of experts. Without waiving its objections and subject thereto, upon information and belief, WCD is not in possession of any such documents in relation to any products. WCD will supplement the response, if, and to the extent, required by the Massachusetts Rules of Civil Procedure and/or the Massachusetts Asbestos Amended Pre-Trial Order.

- 90) All documents that pertain to the decision, if any, you made to stop manufacturing talc, including, but not limited to, the talc sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request "3."

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this

Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to the Plaintiff's efforts to confuse judge and jury by conflating the issues relating to industrial talc and asbestos. WCD objects to this request as an unnecessary fishing expedition as Plaintiff has failed to identify exposure to a product for which this defendant is liable. WCD further objects to the assumption that it was a manufacturer, whereas WCD has always been in the business of selling raw minerals and pigments to sophisticated manufacturers. Subject to and without waiving further objection, WCD did not manufacture talc. Subject to and without waiving any objection, not applicable as WCD was not the manufacturer and/or seller of the finished product(s) from which Plaintiff alleges caused her injuries, nor was it a manufacturer of raw talc.

- 91) All documents related to tests or analyses performed by you or anyone else concerning the potential, alleged, disputed or actual asbestos content of talc or talc-containing products, including, but not limited to, the talc sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request "3."

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, WCD objects to this Request as vague, overly broad and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. Furthermore, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold asbestos-containing cosmetic talc products that posed health hazards to their customers. Additionally, WCD objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Subject to and without waiving any objection, beginning in August 1971 and continuing through 1994, WCD retained various third-party vendors to test the talc for the presence of asbestos. The third-party vendors would perform X-Ray Diffraction analysis of the raw talc ore lots prior to the lots being purchased by WCD for distribution. If any lot was shown to be positive for the presence of asbestos it would not be purchased and subsequently would not be sold to a cosmetic talc customer. Please see prior deposition testimony of Theodore Hubbard. Also, please see prior deposition testimony of George Dippold Subject to and without waiving any

objections, WCD was not the manufacturer and/or seller of the finished product from which Plaintiff alleges caused his injuries, and as such, there are no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery.

- 92) All documents evidencing or regarding communication to, from or between you or any other person or entity and laboratory (or employees or agents thereof) regarding (i) asbestos content of talc or talc-containing products; (ii) testing methods for talc or talc-containing products; (iii) accuracy of results of testing of talc or talc-containing products; or (iv) editing, altering, changing, disseminating, suppressing, destroying or ignoring testing results of testing of talc or talc-containing products.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 and 66. Furthermore, WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, WCD objects to this Request as vague, overly broad and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. Furthermore, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold asbestos-containing cosmetic talc products that posed health hazards to their customers. Additionally, WCD objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Subject to and without waiving any objections, WCD was not the manufacturer and/or seller of the finished product from which Plaintiff alleges caused his injuries, and as such, there are no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery.

- 93) All reports, documents, memoranda and other submissions to any government agency, department or representative⁷ regarding talc, including, but not limited to, (i) the potential, disputed, alleged or actual asbestos content of talc; (ii) the potential disputed, alleged or actual health hazards associated with exposure to talc; or (iii) the potential disputed, alleged or actual health hazards associated with exposure to asbestos.

⁷ Including, but not limited to, OSHA, NIOSH, NTP, EPA and FDA (and their state counterparts).

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3, 26 & 66. Furthermore, WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, WCD objects to this Request as vague, overly broad and seeks documents protected by privilege, including (but not limited to) the attorney-client privilege and the work product doctrine. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. Furthermore, WCD objects to this Request to the extent it assumes, erroneously, that WCD sold asbestos-containing cosmetic talc products that posed health hazards to their customers. Additionally, WCD objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Subject to and without waiving any objections, WCD was not the manufacturer and/or seller of the finished product from which Plaintiff alleges caused his injuries, and as such, there are no documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery.

- 94) All environmental tests, reports and related documents, including health surveys and epidemiological studies, regarding the facilities, premises or properties at which your talc-containing products were manufactured.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to responding to this Interrogatory in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. Defendant further objects to this Discovery Request in that it is overly broad, unduly burdensome, assumes facts not in evidence, not reasonably limited in time or scope, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Additionally, Defendant further objects to this Discovery Request to the extent that it is not narrowly tailored to the products at issue or to the injuries alleged in this lawsuit. Finally, the disclosure of the information and/or documents requested may violate HIPAA. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its employees are not parties to this litigation. Additionally, WCD objects to this Request in that it assumes that any product it may have sold and/or distributed during the relevant time period of the present matter contained

and/or was contaminated with asbestos. Subject to and without waiver or limitation to the above objections, WCD has no responsive records. WCD was not a manufacturer of talc. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer of talc-containing products. WCD was a distributor of raw talc.

- 95) All documents related to any instances of violations of rules and/or regulations regarding talc that occurred at your facilities, premises or properties.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. Defendant further objects to responding to this Interrogatory in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its employees are not parties to this litigation. Additionally, WCD objects to this Request in that it assumes that any product it may have sold and/or distributed during the relevant time period of the present matter contained and/or was contaminated with asbestos. Subject to and without waiver or limitation to the above objections, WCD has no records of any current or former employee suffering from asbestosis, talcosis, lung cancer, or mesothelioma. WCD is not currently in possession of any such documents. WCD reserves the right to supplement this response as its investigation and discovery continues. Subject to and without waiving any objection, WCD has not located any documents responsive to this Discovery Request.

- 96) All minutes of each meeting of the board of directors or company officers or management at which the hazards of asbestos or talc and/or the possible application of warning labels on talc-containing products was discussed.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to this Request as it erroneously assumes that WCD sold talc products that were hazardous, which WCD explicitly denies. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its former and current employees are not parties to this litigation. See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial

to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, this Discovery Request seeks documents and/or information which is confidential.

- 97) All documents relating to defendant's talc-containing products⁸, including, without limitation, product catalogs, specifications, formulas, brochures, advertisements, pamphlets, instructions and manuals.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to this request because the documents sought are in Plaintiff's possession or equally available to plaintiff. Without waiving any objection, WCD is not in possession of any responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer of talc-containing products. WCD was a distributor of raw talc.

- 98) All contracts and agreements with the entities listed in request "3" pertaining to the sale, purchase, supply, acquisition or distribution of talc or talc-containing products.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, Defendant further objects to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to this request because the documents sought are in Plaintiff's possession or equally available to plaintiff. Without waiving any objection, WCD is not in possession of any responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues.

⁸ Limited talc sold, supplied, distributed, delivered or otherwise provided to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request "3."

- 99) All documents relating to defendant's first knowledge, notice or awareness (and the development and evolution of said knowledge, notice or awareness) of the alleged, suspected, disputed, potential or actual health hazard associated with inhalation or ingestion of talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing and unduly burdensome. Defendant further objects to responding to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, this discovery request seeks document and/or information regarding the hazard of asbestos and/or asbestos-containing products whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this discovery request as it relates to its first knowledge of any potential contamination of raw talc with asbestos. Subject to and without waiving further objection, WCD first learned of the potential contamination of talc with asbestos from a New York Times article sometime in the summer of 1971; however, WCD does not have the article or any documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, please see WCD's response to Discovery Request No. 10, above.

- 100) All documents relating to defendant's first knowledge, notice or awareness (and the development and evolution of said knowledge, notice or awareness) of the alleged, suspected, disputed, potential or actual presence of asbestos in talc, talc-containing products and talc deposits.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing and unduly burdensome. Defendant further objects to responding to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, this discovery request seeks document and/or information regarding the hazard of asbestos and/or asbestos-containing products whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this discovery request as it relates to its first knowledge of any potential contamination of raw talc with asbestos. Subject to and without waiving further objection, WCD first learned of the potential contamination of talc with asbestos from a New York Times article sometime in the summer of 1971; however, WCD does not have the article or any documents responsive to this request. Defendant reserves its right to

supplement this response through ongoing discovery. Subject to and without waiving any objection, please see WCD's response to Discovery Request No. 10, above.

- 101) All documents regarding the alleged, suspected, disputed, potential or actual health hazard associated with inhalation or ingestion of talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing and unduly burdensome. Defendant further objects to responding to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, this discovery request seeks document and/or information regarding the hazard of asbestos and/or asbestos-containing products whereas Plaintiff's Complaint alleges exposure to asbestos-contaminated talc and as such WCD limits its response to this discovery request as it relates to its first knowledge of any potential contamination of raw talc with asbestos. Subject to and without waiving further objection, without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD does not have any documents responsive to this request. Defendant reserves its right to supplement this response through ongoing discovery. Subject to and without waiving any objection, please see WCD's response to Discovery Request No. 10, above. Defendant further reserves its right to supplement this response through ongoing discovery.

- 102) All transcripts, including exhibits, of testimony (deposition, trial or otherwise) by any of your employees or representatives relating to your talc-containing products (other than those produced in response to request "32").

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and Response to 30 & 32.

- 103) All documents, correspondence, memoranda, reports and other materials of any type or form relating to the 2000 National Toxicology Program ("NTP") nomination of talc for listing in the 10th Report on Carcinogens.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing and unduly burdensome. Defendant further objects to responding to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and

immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving any objection, WCD has not located any documents responsive to this Discovery Request.

- 104) All documents, correspondence, memoranda, reports and other materials of any type or form relating to the 2005 NTP nomination of talc for listing in the 12th Report on Carcinogens.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing and unduly burdensome. Defendant further objects to responding to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving any objection, WCD has not located any documents responsive to this Discovery Request.

- 105) All documents, correspondence, memoranda, reports and other materials of any type or form relating to the International Agency for Research on Cancer's ("IARC") re-evaluation of talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing and unduly burdensome. Defendant further objects to responding to this discovery request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving any objection, WCD has not located any documents responsive to this Discovery Request.

- 106) All documents, correspondence, memoranda, reports and other materials of any type or form relating to the testing of talc, including, but not limited to, test methods (e.g., J4-1 Method), procedures, audits, and specifications.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 26. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. Without waiving its objections and subject thereto, to the extent such information is in the

public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, please see WCD's responses to Discovery Requests No. 66, above.

- 107) All documents, correspondence, memoranda, reports and other materials of any type or form relating to all Food and Drug Administration ("FDA") citizen petitions regarding talc and/or talc-containing products.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 26. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues. Additionally, to the extent that such information is in the public domain, it is equally available to Plaintiff.

- 108) All documents, correspondence, memoranda, reports and other materials of any type or form relating to FDA testing and FDA surveys of talc (including, but not limited to, testing performed for or on behalf of the FDA).

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 26. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues. Additionally, to the extent that such information is in the public domain, it is equally available to Plaintiff.

- 109) All documents, correspondence, memoranda, reports and other materials of any type or form relating to your decision to destroy documents pertaining to talc and/or asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to the implication in this request that WCD

made a directed effort to destroy documents pertaining to talc and/or asbestos. Without waiving its objections and subject thereto, none.

- 110) All documents, correspondence, memoranda, reports and other materials of any type or form relating to internal talc safety reviews.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. Without waiving its objections and subject thereto, WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, WCD is not able to respond to this Discovery Request as stated. Please provide an additional definition of the term “internal talc safety reviews” and WCD will respond accordingly.

- 111) All documents, correspondence, memoranda, reports and other materials of any type or form relating to your claim, assertion, defense and/or argument that your talc-containing products did not contain asbestos or were “asbestos free.”

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. Furthermore, WCD objects to this request in so much as it attempts to shift Plaintiff’s burden. Plaintiff has yet to produce or identify a specific product that contains WCD’s products or establish that said product contained asbestos. WCD reserves the right to rely upon its experts, prior deposition testimony and documents the experts rely upon. Without waiving its objections and subject thereto, WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer of talc-containing products. WCD was a distributor of raw talc.

- 112) All documents, correspondence, memoranda, reports and other materials of any type or form relating to CTFA testing methods (developed, proposed, potential, utilized, abandoned, effective, etc.).

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 26. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this

matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, please see WCD's responses to Discovery Request No. 66, above.

- 113) All documents, correspondence, memoranda, reports and other materials of any type or form relating to efforts to support, prompt, influence, or otherwise affect the publication of medical and/or scientific literature (peer reviewed or otherwise) relating to the health hazards of talc or talc-containing products or asbestos in talc or talc-containing products by you, any other defendant, any non-party, or any of the companies listed in request "3."

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues. Additionally, to the extent that such information is in the public domain, it is equally available to Plaintiff. Subject to and without waiving any objection, WCD is not able to respond to this Discovery Request as stated. Please re-state and WCD will respond accordingly.

- 114) All documents relating to your actions or other efforts to provide or otherwise disseminate information to your customers, competitors, suppliers, industry associations or the public regarding the safety of talc or talc-containing products. This request includes all documents pertaining to consultants you hired or otherwise consulted or retained and websites and other publicly-available information sources you supported, funded or otherwise sanctioned regarding the safety of talc or talc-containing products.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding talc products and specifically denies that such warnings were necessary or required. Subject to and without waiving any objection, WCD is not in possession of any documents responsive to this

Discovery Request because any customer would not have been an end user, but rather a sophisticated manufacturer that was a member of the same trade organizations and with knowledge likely greater or equal to that of WCD. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues.

- 115) All documents, correspondence, memoranda, reports and other materials of any type or form relating to your analysis, testing or other evaluation of competitors' talc-containing products for the presence (or potential presence) of any carcinogen, including, but not limited to, asbestos.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding talc products and specifically denies that such warnings were necessary or required. Moreover, WCD objects to the Request to the extent it seeks information concerning the business activities of other entities and their affiliation with plaintiff, something of which WCD has no duty to ascertain. Subject to and without waiving any objection, WCD is not in possession of any documents responsive to this Discovery Request because any customer would not have been an end user, but rather a sophisticated manufacturer that was a member of the same trade organizations and with knowledge likely greater or equal to that of WCD. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues.

- 116) All documents, correspondence, memoranda, reports and other materials of any type or form relating to your review, analysis, strategy, research, lobbying, consideration, and/or objections pertaining to the regulation of talc or talc-containing products, including, but not limited to, regulation (or potential regulation) by the FDA or any other government agency or any non-governmental or industry organization.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 26. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. Without waiving its objections and subject thereto, to the extent such information is in the

public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues. Additionally, to the extent that such information is in the public domain, it is equally available to Plaintiff.

- 117) All documents pertaining to 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; and
 - c. Communication with customers, competitors, regulators, industry associations or organizations or government agencies or representatives regarding health hazards of asbestos and/or the potential presence of asbestos in talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, WCD will make documents available upon request.

- 118) All documents regarding the J4-1 method, including, but not limited to documents regarding the adequacy, accuracy, cost, usefulness, development, endorsements, support, funding or criticisms thereof.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its

investigation and discovery continues. Subject to and without waiving any objection, please see WCD's response to Discovery Request No. 66, above.

- 119) All documents regarding your quality assurance process for talc and talc-containing products, including those that utilized detection precautions in addition to the J4-1 method, such as transmission electron microscopy.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. . Defendant further objects to responding to this Discovery Request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. Subject to and without waiving any objection, beginning in August 1971 and continuing through 1994, WCD retained various third-party vendors to test the talc for the presence of asbestos. The third-party vendors would perform X-Ray Diffraction analysis of the raw talc ore lots prior to the lots being purchased by WCD for distribution. If any lot was shown to be positive for the presence of asbestos it would not be purchased and subsequently would not be sold to a cosmetic talc customer. Please see prior deposition testimony of Theodore Hubbard. Also, please see prior deposition testimony of George Dippold. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, beginning in August 1971, WCD retained various third-party vendors to test the talc for the presence of regulated asbestos fibers. The third-party vendors would perform X-Ray Diffraction analysis of the raw talc ore lots prior to the lots being purchased by WCD for distribution. If any lot was shown to be positive for the presence of asbestos it would not be purchased and subsequently would not be sold to a cosmetic talc customer. WCD will make documents available upon request. Also, please see prior deposition testimony of Theodore Hubbard and George Dippold. Defendant reserves its right to supplement this response through ongoing discovery.

- 120) All documents regarding the testing methods and procedures utilized to test your talc and talc-containing products for asbestos or other carcinogens (e.g., arsenic and silica), including, but not limited to documents regarding the adequacy, accuracy, cost, usefulness, development, endorsements, support, funding or criticisms thereof.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. Subject to and without waiving any objection, beginning in August 1971 and continuing through 1994, WCD retained various third-party vendors to test the talc for the presence of asbestos. The third-party vendors would perform X-Ray Diffraction analysis of the raw talc ore lots prior to the lots being purchased by WCD for distribution. If any lot was shown to be positive for the presence of asbestos it would not be purchased and subsequently would not be sold to a cosmetic talc customer. Please see prior deposition testimony of Theodore Hubbard. Also, please see prior deposition testimony of George Dippold. WCD reserves the right to supplement this Response as its investigation and discovery continues. See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer of talc and/or talc-containing products.

- 121) All documents regarding the dollar value and volume (by year, month and supplier/distributor) of talc you sold or otherwise distributed to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request "3."

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence.

- 122) All documents relating in any way to the alleged, potential, disputed or actual (i) presence of asbestos in talc, or (ii) health hazards associated with exposure to carcinogens, including asbestos, in talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD further objects to the assumption that it was a manufacturer, installer, distributor, and/or seller of asbestos-containing cosmetic talc, whereas WCD has always been in the business of selling minerals and pigments. Additionally, WCD objects to this Request in that it assumes that any product it may have sold and/or distributed during the relevant time period of the present matter contained and/or was contaminated with asbestos. The Request fails to identify the specific model, serial number, and/or date of manufacture of any product(s) at issue in this litigation. Without identification of the specific model, serial number, and/or date of manufacture of the product(s) at issue in this litigation, WCD cannot perform a reasonable investigation to provide a more specific response. WCD may supplement this Response to the extent possible, when Plaintiff provides more information regarding the specific product(s) at issue in this litigation. Subject to and without waiving further objection, WCD first learned of the potential contamination of talc with asbestos from a New York Times article sometime in the summer of 1971; however, WCD does not have the article or any documents responsive to this request, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues. Additionally, to the extent that such information is in the public domain, it is equally available to Plaintiff.

- 123) All photographs and images of any type or form (including video) depicting the facilities or locations where your talc or talc-containing products were mined, milled, processed, produced, manufactured, fabricated, assembled, designed, packaged, distributed, marketed, advertised, supplied, sold, delivered, installed, applied, repaired, maintained, removed or otherwise placed in the stream of commerce.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Without waiving its objections and subject thereto, none. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer, miner, or miller of talc or talc-containing products.

- 124) All documents regarding your involvement as a party in the following litigation: Westfall v. Whittaker, Clark & Daniels, et al. (C.A. No. 79-0269B) (D.R.I.). For purposes of this request, the term "document" also includes, but is not limited to, all pleadings, testimony

transcripts, correspondence, memoranda, court filings, discovery requests, discovery responses, expert reports, testing reports, photographs, surveys, reports and diagrams.

RESPONSE:

WCD objects to this request as being over broad and unduly burdensome, and as calling for information protected by the attorney-client privilege. Moreover, WCD objects to this request as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, WCD is not aware of any documents responsive to this request. WCD reserves the right to amend this response as its investigation and discovery continues. Additionally, to the extent that such information is in the public domain, it is equally available to Plaintiff. Subject to and without waiving any objection, WCD has not located any documents responsive to this Discovery Request. Defendant further reserves its right to supplement this response through ongoing discovery.

- 125) All documents, correspondence, memoranda, reports and other materials of any type or form relating to your possession, custody or control—prior to or during the course of the *Westfall* litigation—of documents that pertain to the asbestos content (or potential asbestos content) of your talc, including, but not limited, talc sold or distributed to Uniroyal Inc.

RESPONSE:

WCD objects to this request as being over broad and unduly burdensome, and as calling for information protected by the attorney-client privilege. Moreover, WCD objects to this request as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer of talc or talc-containing products.

- 126) All documents, correspondence, memoranda, reports and other materials of any type or form relating to your destruction of documents regarding the asbestos content (or potential asbestos content) of your talc during or after the conclusion of the *Westfall* litigation.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this request as being over broad and unduly burdensome, and as calling for information protected by the attorney-client privilege. Moreover, WCD objects to this request as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which

is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. Additionally, WCD further objects to the implication in this request that it made a directed effort to destroy documents pertaining to talc and/or asbestos. Subject to and without waiving any objection, none. Defendant further reserves its right to supplement this response through ongoing discovery.

127) All documents pertaining to your decision to destroy documents related to the *Westfall* litigation.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD objects to this request as being over broad and unduly burdensome, and as calling for information protected by the attorney-client privilege. WCD further objects to the implication in this request that WCD made a directed effort to destroy documents pertaining to the Westfall litigation. Without waiving its objections and subject thereto, none. See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. Additionally, WCD further objects to the implication in this request that it made a directed effort to destroy documents pertaining to talc and/or asbestos. Subject to and without waiving any objection, none. Defendant further reserves its right to supplement this response through ongoing discovery.

128) All documents regarding the destruction of documents relating to the Westfall litigation.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a

relevant time frame. WCD objects to this request as being over broad and unduly burdensome, and as calling for information protected by the attorney-client privilege. WCD further objects to the implication in this request that WCD made a directed effort to destroy documents pertaining to the Westfall litigation. Without waiving its objections and subject thereto, none. See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. Additionally, WCD further objects to the implication in this request that it made a directed effort to destroy documents pertaining to talc and/or asbestos. Subject to and without waiving any objection, none. Defendant further reserves its right to supplement this response through ongoing discovery.

- 129) All documents regarding the destruction of documents relating to the potential, alleged, disputed or actual asbestos content of your talc or talc-containing products.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this request as being over broad and unduly burdensome, and as calling for information protected by the attorney-client privilege. WCD objects to this request as being over broad and unduly burdensome, and as calling for information protected by the attorney-client privilege. WCD further objects to the implication in this request that WCD made a directed effort to destroy documents pertaining to the Westfall litigation. Moreover, WCD objects to this request as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections and subject thereto, none. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer of talc or talc-containing products.

- 130) All documents regarding your document retention policy as of the date the *Westfall* case was filed on May 24, 1979.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD objects to this request as being over broad and unduly

burdensome, and as calling for information protected by the attorney-client privilege. WCD further objects to the implication in this request that WCD made a directed effort to destroy documents pertaining to the Westfall litigation. Moreover, WCD objects to this request as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections and subject thereto, attached please find the document retention policy dated 1992. Subject to and without waiving any objection, WCD has not located any documents responsive to this Discovery Request. Defendant further reserves its right to supplement this response through ongoing discovery.

- 131) All documents regarding changes made to your document retention policy after May 24, 1979, or in response to potential asbestos-related litigation.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD objects to this request as being over broad and unduly burdensome, and as calling for information protected by the attorney-client privilege. Moreover, WCD objects to this request as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections and subject thereto, attached please find the document retention policy dated 1992. Subject to and without waiving any objection, responsive documents will be made available upon request.

- 132) All claims, correspondence, forms, questionnaires, documents and other materials of any kind or form relating to claims you submitted to any insurance company in connection with the *Westfall* litigation.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD objects to this request as being over broad and unduly burdensome, and as calling for information protected by the attorney-client privilege. CD further objects to the implication in this request that WCD made a directed effort to destroy documents pertaining to the Westfall litigation. Moreover, WCD objects to this request as seeking information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections and subject thereto, any documents not in the public domain are considered privileged. Subject to and without waiving any objection, any documents not in the public domain are considered privileged.

- 133) All documents pertaining to your involvement as a party in the following litigation: *Josephine Libera, Administratrix ad Prosequendum of the Estate of Joseph J. Wunsch, Deceased v. Whittaker, Clark & Daniels Inc.* For purposes of this request, the term “documents” includes, but is not limited to, all pleadings, testimony transcripts, correspondence, memoranda, court filings, discovery responses, expert reports, testing reports, photographs, surveys, reports and diagrams.

RESPONSE:

WCD objects to this request as being vague and confusing, particularly with respect to the phrase “your involvement as a party.” Moreover, WCD objects to this request as being over broad, unduly burdensome, as a calling for information that would be irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. WCD objects to this request as being over broad and unduly burdensome, and as calling for information protected by the attorney-client privilege. Defendant further objects to this Discovery Request in that it is overly broad, unduly burdensome, assumes facts not in evidence, not reasonably limited in time or scope, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Additionally, Defendant further objects to this Discovery Request to the extent that it is not narrowly tailored to the products at issue or to the injuries alleged in this lawsuit. Finally, the disclosure of the information and/or documents requested may violate HIPAA. Without waiving these objections, WCD is not aware of documents responsive to this request. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff’s counsel. WCD reserves the right to supplement this response as its investigation and discovery continues. Subject to and without waiving any objection, WCD has not located any documents responsive to this Discovery Request. Defendant further reserves its right to supplement this response through ongoing discovery.

- 134) All documents pertaining the workers’ compensation claim filed against you by Joseph J. Wunsch in or about June 24, 1950. For purposes of this request, the term “documents” includes, but is not limited to, all pleadings, testimony transcripts, correspondence, memoranda, court filings, discovery responses, expert reports, testing reports, photographs, surveys, reports and diagrams.

RESPONSE:

WCD objects to this request as being vague and confusing, particularly with respects to the phrase “your involvement as a party.” Moreover, WCD objects to this request as being over broad, unduly burdensome, as a calling for information that would be irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. WCD objects to this request as being over broad and unduly burdensome, and as calling for information protected by the attorney-client privilege. Defendant further objects to this Discovery Request in that it is overly broad, unduly burdensome, assumes facts not in evidence, not reasonably limited in time or scope, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to

lead to discovery of admissible evidence. Additionally, Defendant further objects to this Discovery Request to the extent that it is not narrowly tailored to the products at issue or to the injuries alleged in this lawsuit. Finally, the disclosure of the information and/or documents requested may violate HIPAA. Without waiving these objections, WCD is not aware of documents responsive to this request. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this response as its investigation and discovery continues. See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Defendant further objects to this Interrogatory as it seeks, or may be deemed to seek, information which is protected from disclosure by the attorney-client or other privilege, the work product doctrine and/or the protection afforded mental impressions, conclusions, opinions or legal theories of one or more attorneys and/or representatives of Defendant concerning the litigation. Additionally, Defendant further objects to this Discovery Request to the extent that it is not narrowly tailored to the products at issue or to the injuries alleged in this lawsuit. Finally, the disclosure of the information and/or documents requested may violate HIPAA. Also, please see WCD's response to Discovery Request No. 117, above.

- 135) All documents regarding the acquisition of any company that mined, milled, processed, produced, manufactured, fabricated, assembled, designed, packaged, distributed, marketed, advertised, supplied, sold, delivered, installed, applied, repaired, maintained, removed or otherwise placed in the stream of commerce talc-containing products (or the talc therein), including, but not limited to talc sold or otherwise distributed to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request "3."

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence.

- 136) All documents regarding your industrial hygiene and/or employee safety practices related to dust control, asbestos and/or talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Moreover, WCD objects to this Request to the extent it seeks irrelevant information, since its employees are not parties to this litigation. Without waiving its objections and subject thereto, WCD did not manufacture, install and/or distribute any “asbestos-containing products” as the term is commonly used and understood in this litigation. Subject to and without waiving any objection, not applicable as the Decedent was not a WCD employee.

- 137) All documents relating to communication to, from or between you and your workers’ compensation insurance carriers and any other insurance carriers regarding talc or talc-containing products or the alleged, potential, disputed or actual (i) health hazards associated therewith or (ii) asbestos content.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to this request as being over broad and unduly burdensome, and as calling for information protected by the attorney-client privilege. Without waiving these objections, WCD is not aware of documents responsive to this request. WCD reserves the right to supplement this response as its investigation and discovery continues. Subject to and without waiving any objection, any documents not in the public domain are considered privileged.

- 138) All documents relating to communication to, from or between you and professor Seymour Lewin.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to the Plaintiff’s efforts to confuse judge and jury by conflating the issues relating to cosmetic talc and asbestos. WCD objects to this request as an unnecessary fishing expedition as Plaintiff have failed to identify exposure to a product for which this defendant is liable. Additionally, WCD objects to this Request in that it assumes that any product it may have sold and/or distributed during the relevant time period of the present matter contained and/or was contaminated with asbestos. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is

equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues. See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Additionally, to the extent that such information is in the public domain, it is equally available to Plaintiff. Subject to and without waiving any objection, Professor Seymour Lewin performed some testing on behalf of WCD. However, because this Discovery Request is neither limited in time nor scope, WCD cannot determine what, if any, documents it may be in possession of that are responsive as it is currently phrased. Defendant further reserves its right to supplement this response through ongoing discovery.

- 139) All documents relating to the testing of talc and talc-containing products performed by professor Seymour Lewin, New York University, Mt. Sinai Hospital, Dr. Arthur Langer, Dr. Arthur Rohl or Dr. Irving Selikoff.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. WCD objects to the Plaintiff's efforts to confuse judge and jury by conflating the issues relating to cosmetic talc and asbestos. WCD objects to this request as an unnecessary fishing expedition as Plaintiff have failed to identify exposure to a product for which this defendant is liable. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues. See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Additionally, to the extent that such information is in the public domain, it is equally available to Plaintiff. Subject to and without waiving any objection, none. Also, please see WCD's response to Discovery Request No. 138, above.

- 140) All documents that you contend support your position or argument that your talc-containing cosmetic products identified by the plaintiff did not fit the definition of "adulterated" pursuant to 21 U.S.C. 361.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Defendant further objects to responding to this Discovery Request as it is Plaintiff's burden to prove the cause of any alleged injury. WCD objects to the Plaintiff's efforts to confuse judge and jury by conflating the issues relating to cosmetic talc and asbestos. WCD objects to this request as an unnecessary fishing expedition as Plaintiff have failed to identify exposure to a product for which this defendant is liable. WCD further objects to the assumption that it was a manufacturer, distributor, and/or seller of "asbestos-containing products," whereas WCD has always been in the business of selling raw minerals and pigments to sophisticated manufacturers. Additionally, WCD objects to this Request in that it assumes that any product it may have sold and/or distributed during the relevant time period of the present matter was adulterated with asbestos. Furthermore, WCD objects to this request on the grounds that it seeks information or documents subject to the attorney-client privilege, or which constitute protected work product. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, please see WCD's Answer filed in response to Plaintiff's Complaint. Any additional documents shall be provided, pursuant to court order, in the pretrial exchange.

- 141) All documents, correspondence, memoranda, reports and other materials of any type or form relating to the procedures that delineate how you inspected, sampled, and loaded rail cars for all grades of talc.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, there is no evidence that rail cars were at issue in this matter. Subject to and without waiving any objection, WCD has not located any documents responsive to this Discovery Request. Defendant further reserves its right to supplement this response through ongoing discovery.

- 142) All documents, correspondence, memoranda, reports and other materials of any type or form relating to corroboration (including meetings) with any outside agencies, consultants, or legal groups hired to assist with regulatory and scientific issues regarding talc, including but not limited to, consulting agreements and correspondences with the Center For Regulatory Effectiveness.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues.

143) All documents related to the Talc Interested Party Task Force.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues.

144) All documents related research performed by the Talc Interested Party Task Force.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues.

145) All documents related to funding of the Talc Interested Party Task Force.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues.

146) All documents related to the 1993 FDA Talc Symposium.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 26. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues.

147) All documents regarding regulations or laws in countries other than the United States pertaining to the alleged, potential, disputed or actual asbestos content in talc or talc-containing products.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding its talc products and specifically denies that such warnings were necessary or required. Without waiving its

objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues. See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Furthermore, to the extent that such information is in the public domain, it is equally available to Plaintiff.

- 148) All documents regarding the CTFA's "Round Robin" testing (a/k/a CTFA Task Force on Round Robin Testing of Consumer Talcum Products for Asbestiform Amphibole Minerals) of talc to determine the presence of asbestos therein.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3, 26 & 66. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues. See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Additionally, to the extent that such information is in the public domain, it is equally available to Plaintiff.

- 149) All documents regarding your and your employees' (current and former) membership in and/or attendance at meetings of the CTFA (including any subcommittee thereof), including, but not limited to, membership lists, meeting minutes, meeting summaries, fees and other financial contributions.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 26 & 50. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its

talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, WCD was at one time a member of the Cosmetic, Toiletry, and Fragrance Association (CTFA), to the best of its available knowledge beginning sometime around 1971. WCD's membership with the CTFA was based on its selling and/or distributing raw talc to be utilized by others in the manufacturing of cosmetic talcum powders and/or other cosmetic products for personal, consumer use.

150) All documents regarding requests from your customers that talc be certified as asbestos free.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 103. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. WCD has no responsive documents. Defendant further objects to responding to this Discovery Request in that it is not reasonably limited in time or scope and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Subject to and without waiving any objection, while it is this Defendant's understanding that it would provide a certification that the talc was tested and did not show any detectible level of asbestos upon request from the customer, WCD is not in possession of any documents responsive to this Discovery Request. WCD reserves the right to supplement this Response as its investigation and discovery continues. See Preliminary Statement and General Objections. Defendant further objects to this Discovery Request in that it is vague, ambiguous, overly broad, unduly burdensome, not reasonably limited in time or scope, assumes facts not in evidence, and it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to discovery of admissible evidence. Notwithstanding, it is this Defendant's understanding that it would provide a certification that talc was tested and did not show any detectible level of asbestos upon request from a customer. Additionally, please see prior deposition testimony of Theodore Hubbard and George Dippold. Defendant further reserves its right to supplement this response through ongoing discovery.

- 151) All Material Safety Data Sheets for your talc and talc-containing products, including, but not limited to talc sold or otherwise distributed to the manufacturers of the end products identified by plaintiff or any other fact witness, including, but not limited to, those manufacturers identified in request “3.”

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3.

- 152) All documents, correspondence, memoranda, reports and other materials of any type or form relating to communication with any government or regulatory agency (including, without limitation the Food and Drug Administration, National Toxicology Program, National Institute of Environmental Health Sciences, World Health Organization, International Agency for Research on Cancer, and/or the Center for Regulatory Effectiveness) or industry association regarding talc, including, but not limited to, all such documents containing the words/phrases “asbestos,” “asbestiform,” “fibrous,” “transition fiber,” “cleavage fragment,” “chrysotile,” “amphibole,” “amosite,” “crocidolite,” “tremolite,” “anthophyllite,” “actinolite,” “arsenic,” “lead,” and/or “silica.”

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3 & 26 & 66. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff’s counsel. WCD reserves the right to supplement this Response as its investigation and discovery continues.

- 153) All documents evidencing or regarding your or your employees’, agents’ or consultants’ receipt, analysis, dissemination, acceptance, criticism, consideration or possession of any scientific, medical or industry publications or articles regarding the potential, alleged, disputed or actual health hazards associated with exposure to talc or talc-containing products, including, but not limited to:
- a. Acheson E, Gardner MJ, Pappard EC, and Grime LP. 1992. Mortality of two groups of women who manufactured gas masks from chrysotile and crocidolite asbestos: A 40-year follow-up. *Br J Med* 39: 344-48.
 - b. Anonymous. 1977. Cosmetic talc powder [editorial]. *Lancet*: 1348-49.

- c. Anteby SO, Mos Yosef S, and Schenker JC. 1983. Ovarian cancer: Geographical, host and environmental factors-An overview. *Arch Gynecol* 234 (2): 131-48.
- d. Barrett JC, Lamb PW, and Wiseman RW. 1989. Multiple mechanisms for the carcinogenic effects of asbestos and other mineral fibers. *Environ Health Perspect* 81: 81-89.
- e. Barrett JC. 1994. Cellular and molecular mechanisms of asbestos carcinogenicity: Implications for biopersistence. *Environ Health Perspect* 102, Supp. 5: 19-23.
- f. Berry G, Newhouse ML, and Wagner JC. 2000. Mortality from all cancers of asbestos factory workers in east London 1933-80. *Occup Environ Med* 57 (11): 782-85.
- g. Blejer HP and Arion R. 1973. Talc: A possible occupational and environmental carcinogen. *J Occup Med* 15 (2): 92-97.
- h. Blount AM and Vassiliou AH. 1983. Identification of chlorite and serpentine in cosmetic or pharmaceutical talc. *Environ Health Perspect* 51: 379-85.
- i. Blount AM. 1991. Amphibole content of cosmetic and pharmaceutical tales. *Environ Health Perspect* 94:225-30.
- j. Booth M, Beral V, Smith P. 1989. Risk factors for ovarian cancer: A case-control study. *Br J Cancer* 60: 592-598.
- k. Campos JRM, Werebe EC, Vargas FS, Jatene FB, Light RW. 1997. Respiratory failure due to insufflated talc [research letter]. *Lancet* 349 (9047): 251-52.
- l. Chang S and Risch HA. 1997. Perineal talc exposure and risk of ovarian carcinoma. *Cancer* 79: 2396-2401.
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RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections. WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, vague, ambiguous, oppressive, harassing, unduly burdensome, not reasonably calculated to lead to the discovery of relevant, admissible evidence, and as suggesting an obligation not prescribed by law. Without waiving its objections and subject thereto, upon information and belief, WCD did not maintain a formal library. WCD's employees may have obtained various materials from time to time, but WCD has no central repository for information of this type. It is impossible to know what materials and/or information, if any, any of its employees may have received at a particular time. Without waiving its objections and subject thereto, upon information and belief, WCD is not in possession of any such documents in relation to the documents listed in this request. Additionally, to the extent that such information is in the public domain, it is equally available to Plaintiff. Subject to and without waiving any objection, WCD has not located any documents responsive to this Discovery Request. Defendant further reserves its right to supplement this response through ongoing discovery.

- 154) All documents regarding the alleged, potential, disputed or actual presence of asbestos in the talc deposits from which your talc was sourced.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD further objects to this Request as argumentative to the extent it assumes, erroneously, that WCD was under a duty to provide warnings regarding asbestos for its talc products and specifically denies that such warnings were necessary or required. WCD objects to the Plaintiff's efforts to confuse judge and jury by conflating the issues relating to cosmetic talc and asbestos. WCD objects to this request as an unnecessary fishing expedition as Plaintiff have failed to identify exposure to a product for which this defendant is liable. WCD further objects to the assumption that it was a manufacturer, distributor, and/or seller of "asbestos-containing products," whereas WCD has always been in the business of selling raw minerals and pigments to sophisticated manufacturers. Additionally, WCD objects to this Request in that it assumes that any product it may have sold and/or distributed during the relevant time period of the present matter contained and/or was contaminated with asbestos. Without waiving its objections and subject thereto, to the extent such information is in the public domain, it is equally available to the Plaintiff and Plaintiff's counsel. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer, miner, or miller of raw talc and said information would likely be in the possession of the mine and/or mill. WCD has no responsive documents. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer, miner, or miller of raw talc and said information would likely be in the possession of the miner(s) and/or mill(s). Additionally, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation.

- 155) All documents regarding your efforts to investigate the alleged, potential, disputed or actual presence of asbestos in the talc deposits from which the talc was sourced.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. WCD was not a manufacturer, miner, or miller of raw talc and said information would likely be in the possession of the mine and/or mill. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, not applicable as WCD was not a miner or miller of raw talc and said information would likely be in the possession of the mine(s) and/or mill(s). Additionally, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation. Also, please see WCD's response to Discovery Request No. 91, above.

- 156) All documents regarding your efforts to investigate the alleged, potential, disputed or actual presence of asbestos in the talc you manufactured.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. Without waiving its objections and subject there to, WCD was not a manufacturer of talc. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, not applicable as WCD was not a manufacturer of raw. Additionally, raw talc is not an asbestos-containing product as that term is generally understood and defined for purposes of this litigation.

157) All documents regarding the mines and mills from which your talc was sourced.

RESPONSE:

WCD incorporates by reference its Preliminary Statement and General Objections and the responses and objections to Request 3. WCD was not a manufacturer, miner, or miller of raw talc and said information would likely be in the possession of the mine and/or mill. Furthermore, WCD objects to this Request as overly broad, unlimited in time and scope, not limited to the facts at issue in this matter, harassing, and unduly burdensome, nor is it limited to a relevant time frame. WCD objects to this request as an unnecessary fishing expedition. WCD reserves the right to supplement this Response as its investigation and discovery continues. Subject to and without waiving any objection, none as WCD was not a miner or miller of raw talc and said information would likely be in the possession of the mine(s) and/or mill(s).

The defendant,
WHITTAKER, CLARK & DANIELS, INC.,

By its attorneys,

/s/ John F. Rooney, III

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Dated: November 2, 2017

CERTIFICATE OF SERVICE

I, Robert Stuart Ludlum, hereby certify that on this day, I forwarded notice of the foregoing document(s) via electronic posting to all counsel of record consistent with the Pre-Trial Orders

/s/ Robert Stuart Ludlum

Robert Stuart Ludlum

Dated: November 2, 2017