RECEIVED
Nov 24 2025
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Jean H. Toal, Circuit Court Judge

Appellate Case No. 2025-000065
Civil Action No. 2023-CP-40-04072

Michael L. Perry and Lonnie Long,..... Respondents,

v.

American International Industries et al.

Of whom Johnson & Johnson; LLT Management, LLC f/k/a LTL Management, LLC; Kenvue, Inc.; and Johnson & Johnson Holdco (NA), Inc. are the ..... Appellants.

RECORD ON APPEAL - VOL. XI

RECORD ON APPEAL INDEX

VOLUME I

Orders:

Order Granting Default Against AII, October 3, 2023 1

Order Denying AII's Motion to Lift Default, November 2, 2023 4

Form 4 Order denying Janssen, Johnson & Johnson Holdco, Inc, and Kenvue's Motion to Dismiss, July 2, 2024 9

Form 4 Order granting Motion to Compel, July 2, 2024 11

Order Granting Joint Motion Requesting the Division of Plaintiff Michael L. Perry's Tissue, July 10, 2024 13

Order Regarding AII's Financial Discovery, August 8, 2024 17

Order on Plaintiffs' Motion to Compel and Motion for Sanctions against Defendants Kenvue, Inc and Johnson & Johnson Holdco (NA) Inc., August 9, 2024 20

Order on AII's Post-trial Motions, December 11, 2024 24

Order on Defendants Johnson & Johnson; LLT Management, LLC; Johnson & Johnson Holdco (NA) Inc., and Kenvue, Inc.'s Post Trial Motions, December 11, 2024 68

Amended Order on Defendants Johnson & Johnson; LLT Management, LLC; Johnson & Johnson Holdco (NA) Inc.; and Kenvue, Inc's Post Trial Motions, March 2, 2025 154

Order on Remand from the South Carolina Court of Appeals regarding Defendants Johnson & Johnson's Motion to Reconsider or to Alter and Amend this Court's December 11, 2024 Order, March 2, 2025 240

Verdict Form:

Verdict Form, August 19, 2024 259

Pleadings:

Plaintiff's Summons and Complaint, August 4, 2023 263

Johnson & Johnson's Answer to Complaint, September 7, 2023 414

LTL Management's Answer to Complaint, September 7, 2023 448

VOLUME II

Plaintiff's First Amended Complaint, November 30, 2023 480

Johnson & Johnson's Answer to Amended Complaint, December 6, 2023 617

LTL Management's Answer to Amended Complaint, December 6, 2023 651

Plaintiff's Second Amended Complaint with Exhibits, February 1, 2024 683

Johnson & Johnson's Answer to Second Amended Complaint, February 16, 2024 815

LLT Management, LLC Answer to Second Amended Complaint, February 16, 2024 850

Johnson & Johnson's Holdco (NA) Answer to Second Amended Complaint, July 17, 2024 883

Kenvue Inc's Answer to 2nd Amended Complaint, July 17, 2024 917

VOLUME III

Motions, Supporting Memoranda:

PreTrial Motions, Supporting Memorandums:

Kenvue, Janssen, and J&J Holdco's Motion to Dismiss & Exhibits, February 16, 2024 951
Ex A – 4/23/23 Kenvue S-1 1127
Ex B - *Ochoa v 3 M* – Order 1120
Ex C – *Henderson v Taylor-Seidenback* Order 960
Ex E – *LaSalle v. Am Int'l* – Order 1284
Ex F – *Yandell v J&J* – Order 961
Ex G – *Egli v J&J* – Order 1277

Johnson & Johnson Defendants Motion for Partial Summary Judgment, June 11, 2024 1292
Ex A – Michael Perry Vol 1 Deposition Excerpts 1302

Plaintiffs' Response in Opposition to Defendants Johnson & Johnson Holdco (NA) Inc. and Kenvue, Inc.'s Motion to Dismiss (and exhibits attached thereto), June 28, 2024 1306
Ex 1 – Special Verdict Form from *Lee v. Johnson & Johnson* 1323
Ex 2 – Verdict Form and Special Interrogatory, *Garcia v. Avon Products, Inc.,* 1327
Ex 3 – Order in *Garcia/Salcedo* in Cook County, Illinois, 2/26/2024 1333
Ex 4 – New Jersey (Middlesex Cty.) Hearing Transcript 5/24/2023 1335
Ex 5 – New Jersey Order 6/1/2023 1377
Ex 6 – Louisiana Hearing Transcript/Order 9/29/2023 1381
Ex 7 – Pennsylvania Order 10/20/2023 1388
Ex 8 – New Jersey (Atlantic Cty.) Order 9/27/2023 1390
Ex 9 – Order Denying J&J Defendants' Motion to Dismiss, 4/10/24. 1409
Ex 10 - Plaintiffs' Responses to Defendants' Standard Interrogatories, 9/13/23 1415

Ex 11 - List of Providers and Facilities....1426
Ex 12 - Kenvue (Mongon) depo. 8/14/2023....1428

VOLUME IV

Ex 13 - Kenvue (Ruh) depo. 8/16/2023....1473
Ex 14 – Transcript of JJCI (Goodridge) 2/14/2022....1511
Ex 15 – JJCI (Goodridge) depo. 12/20/2021....1557
Ex 16 - Donald McGraw Declaration 9/18/2023....1604
Ex 17 - Kenvue SEC S-4 8/3/2023....1629
Ex 18 - Kenvue, Inc. SEC Form S-1 1/4/2023....1637
Ex 19 – Old JJCI Annual Report (filed in NC) 4/5/2021....1660
Ex 20 – Johnson & Johnson Form 10k 2018....1662
Ex 21 – **(a)-(e),** Certificates 10/12/2021....1673
Ex 22 - J&J/LTL (Kuffner) depo. 11/9/2023....1707
Ex 23 – New JJCI/Holdco Report (filed in NC) 4/5/2023....1729
Ex 24 – Janssen Pharmaceuticals Annual Report (filed in NC) 3/28/2023....1731
Ex 25 – LTL Management LLC Articles of Formation (NC) 10/12/2021....1734
Ex 26 – J&J Project Plato approval memo 10/11/2021....1738
Ex 27 - Draft of J&J's Product List for the FDA, 12/5/11....1750
Ex 28 - Product List, undated (listing all baby powders under the same category: "baby powder").....1757

Plaintiffs' Response in Opposition to Defendants Johnson & Johnson, Inc. and LLT Management, LLC's Motion for Partial Summary Judgment (and exhibits attached thereto), July 8, 2024 — Pursuant to Plaintiff Counsel agreement only the below exhibits are to be included in the Record on Appeal....1784
Ex 01 – M. Perry Video Deposition, 10/10/2023....1801
Ex 21 - Dana, "A Text-book of Mineralogy"....1848
Ex 128 - Peretti, "Geology and Genesis of the Talc Deposits in the Pinerolese" 1966....1858
Ex 134 - Report of Dr. James Webber, 7/11/2022....1868
Ex 257- J&J Resp. to Requests for Admission, 7/26/2021....1889
Ex 258 - Old JJCI Responses to Requests for Admission, 7/26/2021....1906
Ex 259 - J&J Audit Testing of Windsor 66 for Asbestos 6/28/1977; J&J letter to R. Miller 2/23/1978; J&J Raw Material Spec. RM08006 1/7/1992; J&J Raw Material Spec. RM08006, 9/23/1997....1917
Ex 260 - Tran. of J&J (Dr. Hopkins), 7/22/2019....1938

VOLUME V

Ex 261 - International Agency for Research on Cancer (IARC) Monograph, "Asbestos," 2012....1967
Ex 262- J&J Resp. to Interrog. (*Chapman*), 5/30/2018....1981
Ex 263 - J&J (Dr. Hopkins) depo., 4/11/2018....1992
Ex 264 - Gillson, "Origin of the Vermont Talc Deposits," Econ. Geo., 1927....2080
Ex 265- J&J letter "Talc/Asbestos", 9/5/1972....2103
Ex 266 - Affidavit of R. Mark Bailey, 10/30/2023....2113

Ex 267 - Report of Dr. Mark Rigler, 11/6/2023 2145
Ex 268 - J&J memo 1/3/1974 (TEM is "the only absolute proof"). 2197
Ex 269 - J&J internal memo, 5/16/1973 2199
Ex 270 - Decl. of Dr. Hopkins, 7/7/2016 2201
Ex 271 - Demonstrative Chart Summarizing Battelle Italian Results; Battelle Reports 2208
Ex 272 - J&J memo "Preliminary Evaluation", 11/1/1967 2229
Ex 273 - J&J internal memo, 4/15/1969 2244
Ex 274 - Demonstrative of J&J's Internal Documents 1957-2004; Transcript showing its admission 2247
Ex 275- Decades of Evidence" (1948-2020) Demonstrative Chart, 3/31/2021 2258
Ex 276 - Letter from Dr. Blount on her 1991 paper, 2/10/1992 2279
Ex 277 - J&J internal memorandum, 10/16/1997 2282
Ex 278 - NIOSH "Summary of Plant Observation Reports and Evaluation", 3/1979 2288
Ex 279 - Depo. of Steven Mann (J&J), 2/15/2021 2306
Ex 280 - Dr. Reynolds report to J&J, 3/1974 (Dartmouth). 2377
Ex 281 - J&J "Proposed Specs For Analyzing Talc For Asbestos", 5/22/1973 2412
Ex 282 - J&J letter, 2/18/1975 2422
Ex 283 - J&J memo, 11/24/1976 2424
Ex 284 - J&J memo "Talc Program", 6/7/1971 2426
Ex 285 - J&J memo "Windsor Minerals and Talc", 4/26/1973 2428
Ex 286 - J&J PowerPoint, 4/28/1997 2432
Ex 287 - J&J PowerPoint, 8/18/1997 2436
Ex 288 -, J&J memo on NIOSH study 2439
Ex 289 - J&J memo "Management Authorization for Additional Talc Safety Studies", 3/3/1975 2449
Ex 290 - J&J memo "Talc/Powder Program and Strategy", 3/17/1975 2452
Ex 291 - J&J "Antagonisitc Personalities" memo, 11/29/1972 2455
Ex 292 - CTFA meeting minutes, 2/4/1975 2459
Ex 293 - J&J letter to FDA 9/6/1974; J&J letter to the CTFA 12/17/1974 2464

VOLUME VI

Ex 294 - Dr. Langer to J&J, 11/10/1971 2468
Ex 295 - Dr. Hutchinson report to McCrone/J&J 2473
Ex 296 - J&J letter to the CTFA (to be forwarded to the FDA), 3/15/1976 2517
Ex 297 - Depo. of J&J (Musco), 3/8/2019 2520
Ex 298 - J&J advertisement 1965 2533
Ex 299 - J&J guidebook for physicians and nurses, 6/10/1976. 2535
Ex 300 - J&J purity claim support, 2/10/1974 2585
Ex 301- McCrone letter to Zeitz, 11/05/1975 2588

Motions in Limine, Memos, Replies and Trial Submissions:

Plaintiffs' Motion in Limine No. 17 to Exclude the Testimony of Dr. Gregory Diette (and exhibits attached thereto), July 11, 2024 2593
Ex 01 – Diette Report, 6/27/24 2606

Ex 02 – Diette Supplemental Report, 7/2/24 2705
Ex 03 – Diette Deposition, 2/3/23....2744
Ex 04 – McDonald & McDonald, Mesothelioma*: Is there A Background*?....2779
Ex 05 – McDonald & McDonald, Mesothelioma*: The epidemiology of mesothelioma in historical context* *2791*
Ex 06 – Hillerdal, *Mesothelioma: cases associated non-occupational and low does exposure*....*2803*
Ex 07 – Wiggins, *BTS Statement on malignant mesothelioma in UK.*....2813
Ex 08 – Moore, *Malignant mesothelioma* 2833
Ex 09 – Dail and Hammar's Pulmonary Pathology....2845
Ex 10 – Teta, *US mesothelioma patterns…* *2849*
Ex 11 – Tan, *Projection of mesothelioma mortality in Britain.*. *2860*
Ex 12 – Delgermaa, *global mesothelioma deaths reported to World Health.*....*2868*
Ex 13 – Report of Dr. David Madigan, 2/1/21 2882
Ex 14 – Moolgavkar, *Pleural and peritoneal mesotheliomas in SEER.*....*2907*
Ex 15 – Moolgavkar Reporting, *Hirshberg* *2918*
Ex 16 – MUSC Medical Record 2921
Ex 17 – Dr. Diette Depo Transcript, 7/3/24....2923
Ex 18 – No exhibit reference ....

VOLUME VII

Ex 19 – Playne/Plant MIL Hearing Transcript, 2/14/23....2951

Plaintiffs' Motion in Limine No. 20 Regarding Admissibility of Documents Without Sponsoring Witness (and exhibits attached thereto), July 10, 2024 3031
Ex 01 – Stipulation regarding J&J Documents Produced....3036

Plaintiffs' Motion in Limine No. 22 Motion for Evidentiary Sanctions Against Johnson & Johnson, LLT Management LLC, Johnson & Johnson Holdco (NA) Inc., and Kenvue, Inc. Based on Spoliation of Evidence (and exhibits thereto), July 10, 2024 3041
Ex 01 – Deposition of M. Perry, Vol 1 3081
Ex 02 – McBrayer Order, 11/5/21 3128
Ex 03 - Battelle Report 2/29/1956 3141
Ex 04 – Report of Dr. Webber, 6/10/21....3186
Ex 05 – Demonstrative summarizing reports of asbestos from 1957 to 2004....3225
Ex 06 – Demonstrative on findings of asbestos minerals 696 samples years 1967 to 1988 3233
Ex 07 – Memo from J&J 's Dr. Nash, 7/29/1971 3254
Ex 08 - Memorandum from J&J's D.R. Petterson 4/26/1973 3257
Ex 09 - Memorandum from Dr. Nashed 10/23/1973....3261
Ex 10 - Ernest F. Fullam Inc. report to (codefendant) Whittaker, Clark & Daniels, Inc. 3264
Ex 11 - Luzenac report on Argonaut 5/23/2002 3270
Ex 12 - Blount, A.M., *Amphibole Content of Cosmetic and Pharmaceutical Talcs*....*3273*
Ex 13 - Steffen et. al. Serious ovarian cancer caused by exposure to asbestos....3282
Ex 14 - Report of Dr. Rigler 6/11/2021....3296
Ex 15 - Excerpt of Mark Bailey's Report on Vermont talc 11/16/2020....3306

Ex 16 - Moline, J., et. al., *Mesothelioma associated with the use of cosmetic talc* *3328*
Ex 17 - Emory, TS. *Malignant mesothelioma following repeated exposures to cosmetic talc*.....*3336*
Ex 18 – Talc and Asbestos – J&J (Madigan) 3343
Ex 19 - J&J notebook 8/10/1972 (reporting tremolite "fibers 3364

VOLUME VIII

Ex 20 - J&J memo 4/19/1973 (noting tremolite fibers in four JBP samples). 3367
Ex 21 – J&J responses to Interrogatories, *Breakell v. 3M* 3369
Ex *22* - CSMRI report 4/14/1971.....3505
Ex 23 - CSMRI report 7/7/1971.....3501
Ex 24 - CSMRI report 2/26/1973.....3515
Ex 25 - J&J memo 7/9/1971 at pg. 4 3522
Ex 26 - Dr. Langer to J&J 11/10/1971 3530
Ex 27 - J&J memo 9/9/1975 3535
Ex 28 - J&J memo 10/3/1975 3539
Ex 29 - Excerpt of report of Dr. Hutchins 1972 3543
Ex 30 - McCrone report 10/27/1972.....3568
Ex 31 - McCrone report 2/11/1974.....3572
Ex 32 - McCrone report 3/11/1974.....3574
Ex 33 - McCrone report 7/8/1974.....3578
Ex 34 - McCrone report 7/1/1975.....3582
Ex 35 - McCrone report 11/5/1975.....3588
Ex 36 - Windsor Mineral, 5/24/1976 3591
Ex 37 - Dr. Reynolds report 3/1974 at pg. 6 3593
Ex 38 - EMV Associates report 4/4/1977 3628
Ex 39 - RJ Lee report 3/14/1988.....3631
Ex 40 - Dr. Blount to J&J attorney 4/23/1998 3635
Ex 41 - Excerpt of the J&J designee Dr. Hopkins 7/22/2019 3637
Ex 42 - J&J's responses to discovery (excerpt) in Eggers.....3644
Ex 43 - Expert report of Dr. Sanchez report 7/30/2021 3672
Ex 44 - Excerpts of) Mineralogy and Morphology of Amphiboles 3703
Ex 45 - *Misidentification of Asbestos in Talc* by J&J's Mr. Ashton 1977.....3718
Ex 46 - J&J's TM7024 8/21/1995.....3735
Ex 47 - McCrone to J&J (Windsor Mineral) 8/22/1985 3746
Ex 48 - J&J (Windsor Mineral) to McCrone 9/10/1985 3749
Ex 49 - McCrone to J&J (Windsor Mineral) 10/8/1985 3751
Ex 50 - McCrone to J&J 12/17/1990. 3753
Ex 51 - McCrone to Cyprus Windsor Minerals 11/26/1990 3759
Ex 52 - ASTM D6620-19, Standard Practice for Asbestos Detection Limit Based on Counts (2019).....3770
Ex 53 - EPA, Region III Fact Sheet, Quality Control Tools: Blanks (2009) 3782
Ex 54 - McCrone Standard Operating Procedure 3/24/1987 3785
Ex 55 - Email from Ruark Lanham, FDA Divisional Recall Coordinator, 10/17/2019 3791
Ex 56 - Decl. of Dr. Sanchez 3/29/2021 3793

Ex 57 - Letter from RJ Lee 10/28/2019 3797
Ex 58 - Excerpt of Dr. Van Orden 3/12/2020 3802
Ex 60 - McCrone to J&J 1/28/1987 3805
Ex 61 - McCrone 6/25/1995 3809
Ex 62 - Executive Summary of Preliminary Recommendations by the Interagency Working Group on asbestos in Consumer Products, 1/6/2020 3812
Ex 63 - CSMRI to J&J 5/18/1971 3819
Ex 64 - J&J "Assay of Talc in Baby Powder, 5/14/1971 3823
Ex 65 - J&J report 10/1980 3825
Ex 66 - RJ Lee to Mr. Ashton of J&J 3/9/2004 3831
Ex 67 - McCrone on JBP 8/19/1971 3833
Ex 68 - McCrone 1/7/1972 3842
Ex 69 - Dr. Pooley 2/3/1972 3845
Ex 70 - J&J internal document 12/20/1972 3852
Ex 71 - EMV Associates for J&J 6/3/1983 3854
Ex 72 - RJ Lee 5/23/1989 3859
Ex 73 - McCrone to Luzenac 1/24/1994 3861
Ex 74 - McCrone to Luzenac 6/25/1995 3863
Ex 75 - Mr. Ashton to Dr. Hildick-Smith 4/9/1969 3866

VOLUME IX

Ex 76 - Dr. Hildick-Smith regarding Dr. Cooper, 7/30/1971 3869
Ex 77 – J&J Alternate Domestic Talc Sources 04/15/1969 3872
Ex 78 - J&J's privilege log (excerpt) from the deposition of Nancy Musco 2/15/2019 3875
Ex 79 - Deposition of Nancy Musco (excerpt) 2/15/2019 3902
Ex 80- J&J memorandum on the *Westfall* case 7/15/1981 3977
Ex 81 - J&J on *Jolly* case 12-3-1982 3980
Ex 82 - J&J list of inhalation complaints 6/17/1985 3982
Ex 83 - Schedule I to J&J-Cyprus contract 12/30/1988 3987
Ex 84 - Luzenac to J&J 10/17/1994 3990
Ex 85 - Ex. 21 to the deposition of James Mittenthal 10/18/2018 3993
Ex 86 - McCrone to Dr. Hutchinson, 10/5/1972 3995
Ex 87 - Report of Dr. Sanchez in Hirshberg (excerpt) 4/2/2021 3997
Ex 88 - CSMRI to J&J 8/13/1971 4026
Ex 89 - J&J's Interrogatory Responses, *Eggers v. Colgate-Palmolive Co.*, ... 4029
Ex 90 - CSMRI to J&J 6/8/1973 4087
Ex 91 - McCrone report to J&J without percentages 10/27/1972 4094
Ex 92 - Dr. Hopkins deposition (excerpt) 8/16/2017 4098
Ex 93 - Deposition of James Mittenthal 10/18/2018 4102
Ex 94 - Deposition of J&J designee James Mittenthal (Vol. 3 of 3) dated 10/19/2018 4114
Ex 95 - *Coker* legal hold 10/6/1997 4132
Ex 96 - *Krushinski* legal hold 11/11/1999 4137
Ex 97 - J&J trip report 11/23/1993 4140
Ex 98 - George Lee files 7/1988 4145

Ex 99 - Talc Closet Cleanout 1/20/2000 and (d) J&J's file on all phone calls and correspondence it had with the FDA that no longer exists. 4150
Ex 100 - John O'Shaughnessy deposition (excerpt) 6/22/2021....4152
Ex 101 - J&J designee Dr. Hopkins deposition (excerpt) 8/15/2017....4220
Ex 102 - J&J marketing Power Point 4/28/1997 4230
Ex 103 - J&J marketing Power Point 8/18/1997 4234
Ex 104 – J&J on antagonistic personalities 11/29/1972 4237
Ex 105 - J&J's Vernon Zeitz 5/5/1975....4240
Ex 106 - J&J to FDA 9/6/1974 4255
Ex 107 - J&J to Dr. Estrin 12/17/1974 4258
Ex 108 - Testimony of Dr. Sanchez (excerpt) 5/22/2018....4260
Ex 109 - J&J re: Dutch Organization 9/20/1973 4263
Ex 110 - J&J's summary of submissions to the FDA 1971-1979....4271
Ex 111 - J&J letter to the CTFA (to be sent to the FDA) 3/15/1976....4285
Ex 112 - Dr. Hopkins deposition (excerpt) 8/17/2017....4287
Ex 113 - Dr. Hopkins deposition (excerpt) 4/11/2018 4297
Ex 114 - Dr. Langer to Mt. Sinai 3/17/1976....4305
Ex 115 - Pfizer memorandum on media coverage 3/25/1976....4310
Ex 116 - J&J regarding meeting with Don Ferry 10/2/1974....4312
Ex 117 - J&J on booklet 10/8/1974 4314
Ex 118 - J&J on trip to Italy 10/31/1974 4317
Ex 119 - J&J to UK confirming decision not to publish 11/26/1974....4320

VOLUME X

Ex 120 - Deposition of Nancy Musco 4322
Ex 121 - Roger Miller Affidavit (*Edley*) 7/3/1987....4378
Ex 122 - J&J interrogatory responses 5/23/2000 at #17....4384
Ex 123 - O'Shaughnessy Deposition, 6/30/21....4396
Ex 124 - J&J employee William Ashton's Affidavit 5/8/1989 4522
Ex 125 - J&J's Interrogatory Responses, Eggers v. Colgate-Palmolive Co., ...4531
Ex 126 - J &J revealed approximately 500 additional TEM evaluations were performed at #16 4536
Ex 127 - J&J Press Release, Oct. 29, 2019....4542
Ex 128 - Deposition of Walgreen's designee Rudy Kucera (excerpt) 2/26/21 4546
Ex 129 - Hopkins Testimony, *Herford*, 11/3/17....4554
Ex 130 - Hearing, *Hirshberg v. Johnson & Johnson*....*4564*
Ex 131 - J&J's Second Supplemental Responses to Certain of Plaintiff's First Set of Interrogatories, *Eggers v. Colgate Palmolive Co*....*4573*
Ex 132 - Webber Deposition, 5/31/2017....4580
Ex 133 - Deposition of J&J designee James Mittenthal (Vol. 1 of 3) dated 9/24/2018 4591
Ex 134 – Pl's McBrayer Motion....4648
Ex 135 – 10/28/2021 Transcript of Record....4688

VOLUME XI

Plaintiffs' Motion in Limine No. 23 to Exclude Expert Hearsay Opinions (and exhibits attached thereto), July 10, 2024 4793
Ex 01 - Deposition Testimony of Dr. Matthew Sanchez, *Hirshberg v. Johnson & Johnson* 4800
Ex 02 - Expert Report of Matthew Sanchez PhD for Johnson & Johnson 4809
Ex 03 - Van Gosen, et al., *Using the geologic setting of talc deposits as an indicator of amphibole asbestos content* (2004) 4849
Ex 04 – Deposition Testimony of Dr. Matthew Sanchez ("Dr. Sanchez Depo."), *Hirshberg v. Johnson & Johnson, et al.*, King County, Washington, dated April 5, 2021 4870
Ex 05 – Email from J&J's Counsel stating Dr. Sanchez could not locate the e-mail he testified about, dated 4/15/10 4875

J&J Defendants' Motion in Limine to Partially Exclude Opinions of Dr. Steven Haber with exhibits, July 10, 2024 4877
Ex A - Plaintiffs' Fact & Expert Witness Designation at 2-5, *Perry*, June 10, 2024 4886
Ex B – Haber Depo., *Garcia*, July 27, 2021 4901
Ex C – Haber Depo., *Chapman*, Sept. 6, 2022 4910
Ex D – Haber Depo., *Roy*, Jan. 13, 2022 4915
Ex E – Haber Depo., *Moore*, Nov. 24, 2021 4926
Ex F- Haber Depo., *Hirshberg*, Feb. 23, 2021 4930
Ex G - Haber Depo., *Perry*, June 24, 2024 4934
Ex H - Order in *Lynne Roy v. Colgate-Palmolive Co., et al.*, No. 2020-02718 (La. Dist. Ct. May. 4, 2023) 4944

J&J Defendants' Motion in Limine No. 2 to Exclude Each and Every Exposure/Cumulative Dose Causation Opinions, July 10, 2024 – no exhibits 4969

J&J Defendants' Motion in Limine No. 5 to Exclude Plaintiffs' Summary Evidence Charts, with exhibits, July 10, 2024 4989
Ex A - Decades of Evidence" chart 4997
Ex B – *Perry*, June 24, 2024, Haber Dep. 5014
Ex C – Dr. Haber's Reference List 5019
Ex D – five-page summary compilation entitled "J&J's Internal Documentation 5096

J&J Defendants' Motion in Limine No. 8 to Exclude evidence, argument, regarding Certain Advertising Campaigns that Focused on Babies and the Mother-Infant Bond, with exhibits, July 10, 2024 5102
Ex A - Baby Camp PowerPoint 5107
Ex B – Vol. I, Michael L. Perry Dep., October 10, 2023 5110
Ex C – Vol. II, Michael L. Perry Dep., October 11, 2023, ... 5116
Ex D – Supplemental Answers to Master Interrogatories, June 10, 2024 5120
Ex E - Feb. 26, 2019 Trial Tr., *Rimondi, et al. v. BASF Catalysts LL, et al.*, Superior Court of New Jersey, Middlesex County, Law Division, Docket No. MID-2912-17AS 5139

Plaintiffs'. Motion in Limine No. 22 – Ex. 60 – McCrone Letter, July 11, 2024 5174

VOLUME XII

Plaintiffs' Motion in Limine No. 19 to Exclude the 1986 Letter From H.W. Swanson to Phillippe Douillet (and exhibits attached thereto), July 15, 2024.....5178
Ex 01 - Swanson Letter" and attachments parts IV to VII 5186

J&J Defendants' Motion in Limine to Partially Exclude the Opinions of Dr. David Madigan with exhibits A to BB, July 23, 2024 –.....5339
Ex A - July 15, 2024 *Perry* Madigan Dep excerpts.....5353
Ex B - July 16, 2024 *Perry* Longo Dep excerpts.....5369
Ex C - Madigan May 1, 2024, Report, *Talc, Asbestos, and Mesothelioma* *5377*
Ex D – *Zimmerman* Madigan Dep. excerpts.....5395
Ex E – *Lanzo* Madigan Dep. excerpts.....5399
Ex F – *Citizen* Madigan Dep. excerpts.....5411
Ex G - Compton 05/07/20 *Lopez* Dep. excerpts 5416
Ex H - Moline 06/11/20 *Lopez* Dep. excerpts.....5427
Ex I - Gordon, et al., *Asbestos in Commercial Cosmetic Talcum Powder as a Cause of Mesothelioma in Women*, J. Occup. & Envir. Health (2014) ("Gordon 2014") 5432
Ex J - Steffen et al., *Serous Ovarian Cancer Caused by Exposure to Asbestos and Fibrous Talc in Cosmetic Talc Powders—A Case Series*, J. Enviro. Occupational Medicine (2020) 5450
Ex K - MAS Chart of J&J Testing at 1 (M65205-001).....5464
Ex L - Longo 9/21/19 *Weirick* Tr. Excerpt 5501
Ex M - *Davis* Madigan Dep. excerpts.....5505
Ex N - Longo Expert Report 5513
Ex O - 10/30/23 *Lanzo* Longo Dep. excerpts 5526
Ex P - 4/25/2024 *Clark* Madigan Dep. excerpts.....5530
Ex Q - Madigan General Report 5534
Ex R - *Alfaro v. Imerys Talc Am. Inc.*, 2017 WL 3668610, at *9 (Cal. Ct. App. Aug. 25, 2017).....5560
Ex S - *Barlow v. ACandS, Inc.*, Consolidated No. 24X11000783, at 16–17 (Bal. Cir. Ct. Nov. 13, 2015) .....
Ex T - *Greene v. ACandS, Inc.*, Consolidated No. 24X16000314, (Bal. Cir. Ct. May 16, 2017).....5574
Ex U - *Nosse v. ArvinMeritor, Inc.*, LASC No. BC603354, Motion Hearing Tr. 41:16–24 (Cal. Super. Ct. Jun. 29, 2016).....5578
Ex V - *Schoeniger v. Colgate-Palmolive Co.*, Dkt. No. MID-L-5869-16AS, Mot. Hr'g Tr. (N.J. Super. Ct. Oct. 19, 2017).....5598
Ex W - *Fishbain v. Colgate-Palmolive Co.*, Dkt. No. MID-L-5633-13 AS, Ruling at 7 (N.J. Super. Ct. Aug. 6, 2015) 5630
Ex X - *Ingham* Madigan Dep. Excerpts.....5647
Ex Y - *Ingham* Madigan Tr. Excerpts 5653
Ex Z - Garcia, Madigan *Asbestos and Mesothelioma* Report 5658

VOLUME XIII

Ex AA - 2/7/2020 *Birch* Madigan Dep. excerpts....5678
Ex BB - *Hamilton* Madigan Dep. excerpts....5684

J&J Defendants' Motion in Limine to Exclude Evidence of or Reference to Tissue Testing with exhibits, July 23, 2024....5689
Ex A - Email Correspondences....5694
Ex B - Email Correspondences....5710
Ex C - Order Granting Joint Motion. On July 14, 2024....5715
Ex D – Longo Dep., *Perry*, July 16, 2024 excerpts....5720

Plaintiffs' Consolidated Response in Opposition to Defendants' Motions in Limine to Exclude or Limit Causation Testimony of Plaintiffs' Experts Witnesses (and exhibits attached thereto), July 24, 2024 – 5725
Ex 01 - Jolly v. General Electric Co., No. 2016-CP-42-1592 (S.C. Com. Pl. Dec. 15, 2017)....5758
Ex 02 – Garvin v Agco Order 11/14/14....5798
Ex 03 - Brody Depo., Voelker v. Alfa Laval, Inc., 5/8/15....5839
Ex 04 - Brody Dep., Bodine v. 3M Company, 11/13/14....5868
Ex 05 - Larson v. Bondex Int'l, No. 09-69123....5889
Ex 06 - Dr. Haber curriculum vitae....5895
Ex 07- Dr. Haber report 6/11/2021....5906
Ex 08 - Dr. Haber (Exhibit D) Johnson & Johnson General Report 10/27/2023....5909
Ex 09 - Dr. Haber report 11/8/2023 – Exhibit C....5933

VOLUME XIV

Ex 10 - Haber Report, 3/30/23....6030
Ex 11 – Declaration of Dr. Longo, Prudencio v. Johnson & Johnson (5/13/21)....6191
Ex 12 - Transcript of Proceedings, In Re Johnson & Johnson Powder Products Marketing, Sales Practices ("J&J Daubert Hearing")- 6209
Ex 13 - Declaration of William Longo, Ph.D., Anderson v. Avon Products, Inc.....6219
Ex 14 – Letter, Krishnamoorthi to Hahn (3/3/20)....6259
Ex 15 - Steffen, Serous Ovarian Cancer Caused by Exposure to Asbestos and Fibrous Talc in Cosmetic Talc Powders – A Case Series (2020). 6264
Ex 16 - Order, Ingham v. Johnson & Johnson (6/4/18) 6278
Ex 17- Excerpt Transcript of Proceedings, Henry v. Brenntag (9/14/18)....6286
Ex 18 - Notice of Ruling on Defendants' Motions in Limine, Blinkinsop v. Albertsons Companies, Inc. (2/26/19) 6298
Ex 19 - Transcript of Trial Proceedings, Zimmerman v. Whittaker Clark & Daniels (4/22/21) 6305
Ex 20 - Excerpt of Transcript of Proceedings, Chapman v. Avon Products, Inc. (12/12/22)....6323
Ex 21 - Johnson & Johnson Baby Products Company correspondence from W. Ashton to J.P. Grange, Subject: Talc Asbestos, L. Paoletti (9/26/84)....6328
Ex 22 - Decades of Evidence summary chart 6346
Ex 23 - Bird, A Review of the Talc Industry's Influence on Federal Regulation and Scientific Standards for Asbestos in Talc....6363

Ex 24- Chart of Johnson & Johnson Positive Testing.....6417
Ex 25 - Dr. Madigan report "Asbestos and Mesothelioma" 4/1/2023.....6423
Ex 26- Dr. Madigan report "Talc, Asbestos and Mesothelioma" 9/1/2023.....6444
Ex 27 - Dr. Madigan report "Talc and Asbestos – J&J" 9/21/2021.....6459
Ex 28 - Kanarek, Asbestos in Talc and Mesothelioma: Review of the Causality Using Epidemiology, Med. Res. Archives, Vol. 8 (5): 2020.....6485
Ex 29- IARC Monograph "Asbestos" 2012 at pgs. 219, 234, 280, 293, 294.....6499
Ex 30- Magnani, "Italian Consensus Conference on Malignant Mesothelioma of the Pleura. Epidemiology, Public Health and Occupational Medicine Related Issues," Med Lav 2015.....6508
Ex 31 - Consensus Report: Asbestos, asbestosis, and cancer: the Helsinki criteria for diagnosis and attribution.....6517
Ex 32- Consensus Report: Asbestos, asbestosis, and cancer: the Helsinki criteria for diagnosis and attribution 2014, Scand J Work Environ Health.....6524

VOLUME XV

Ex 33 - Guide for Ship Scrappers: Tips for Regulatory Compliance, p. 2-6 (Summer 2000).....6536
Ex 34 - OSHA Website, Safety and Health Topics: Asbestos, https://www.osha.gov/SLTC/asbestos,.....6547
Ex 35 - IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Vol. 14, Asbestos, § 5.2.....6553
Ex 36 - National Cancer Institute Mesothelioma Fact Sheet.....6556
Ex 37 - NIOSH Revised Recommended Asbestos Standard 1976.....6568
Ex 38 - WHO Air Quality Guidelines, Chapter 6.2 Asbestos.....6581
Ex 39 - CPSC Ban of Consumer Patching Compounds Containing Respirable Free-Form Asbestos,.....6596
Ex 40 - Landrigan et al., The Hazards of Chrysotile Asbestos: A Critical Review, IND HEALTH 37:271-280, 275 (1999).....6610
Ex 41- Hillerdal, Mesothelioma: Cases Associated with Non-Occupational and Low Dose Exposures, OccUP ENVIRON MED 56:505-513, 510 (1999).....6621
Ex 42 - Welch, Asbestos Exposure Causes Mesothelioma, But Not **This** Asbestos Exposure: An Amicus Brief to the Michigan Supreme Court, INT J OccUP ENVIRON HEALTH 13:318-327 (2007).....6631
Ex 43 - Joyce Rost v. Ford Motor Company, No. 56 EAP 2014 (Pa. April 7, 2015).....6642
Ex 44 - Iwatsubo, et al, Pleural Mesothelioma: Dose-Response Relation at Low Levels of Asbestos Exposure in a French Population-based Case-Control Study, AM J EPID 148(2):122-142 (1998).....6685
Ex 45 - Rodelsperger et al., Asbestos and Man-Made Vitreous Fibers as Risk Factors for Diffuse Malignant Mesothelioma: Results From a German Hospital-Based Case-Control Study, AM J INDUS MED 39: 262-275, 262 (2001).....6696
Ex 46 - Rolland, Risk of pleural mesothelioma: A French population-based case-control study (1998-2002) (Oct. 20, 2006).....6711
Ex 47 - A. Lacourt et al., Occupational and non-occupational attributable risk of asbestos exposure for malignant pleural mesothelioma, Thorax, published online, at Table 4 (Feb. 7, 2014).....6714

Ex 48 - Dr. Markowitz, Asbestos-Related Lung Cancer and Malignant Mesothelioma of the Pleura: Selected Current Issues, Semin Respir Crit Care Med 36:334-346, 336, Table 1 (2015) 6725
Ex 49 - Smith and Wright, Chrysotile Asbestos Is the Main Cause of Pleural Mesothelioma, AM J IND MED 30:252-266, 255 (1996).....6739
Ex 50 - Kanarek, Mesothelioma from Chrysotile Asbestos: Update, ANN EPIDEMIOL 21:688-697, 695 (2011) 6756
Ex 51 - R.P. Everatt et al., Occupational Asbestos Exposure Among Respiratory Cancer Patients in Lithuania, Am. J. Indus. Med., Supplement 50:455-463 (2007).....6767
Ex 52 - M.T. Madkour, Environmental exposure to asbestos and the exposure-response relationship with mesothelioma, E. Mediterranean Health J. 15(1):25-38 (2009) 6777
Ex 53 - Bianchi, Latency periods in asbestos-related mesothelioma of the pleura, EUR J CANCER PREV 6:162-166 (1997). 6792

VOLUME XVI

Plaintiffs' Response to Johnson & Johnson Defendants' Motion in Limine to Partially Exclude the Opinions of Dr. Steven Haber (and exhibits attached thereto), July 24, 2024 6798
Ex 01 - Trial Tr., 2/27/23, Plant v. Avon Prods, Inc., S.C. Court of Common Pleas, Richland Cty, at 682-769 6781

VOLUME XVII

Ex 02 – Haber Aff., 4/4/24, Newton, at 1-2.....7178
Ex 03 - Haber, supra, Malignant Mesothelioma: A Clinical Study of 238 Cases.....7366
Ex 04 - Trial Transcript, Chapman v. Avon Products, Inc., No. 22STCV05968 (Oct. 26, 2022), at 180:23-187:4.....7374
Ex 05 - Trial Transcript, Chapman v. Avon Products, Inc. (October 27, 2022), at 45:3-11 7427
Ex 06 - Excerpts of Trial Transcript, Hirshberg v. Johnson & Johnson, No. 20-2-05603-1 SEA (May 10, 2021).....7478
Ex 07 - Excerpts of Trial Transcript, Chatfield v. Avon Products, Inc., No. 21CV40522 (Feb. 26, 2023). 7529
Ex 08 - Judgment, Roy v. Colgate-Palmolive Co., No. 2020 – 02718 (May 4, 2023....7545
Ex 09 - Reasons for Judgment, Roy v. Colgate-Palmolive Co., No. 2020 - 02718 (May 4, 2023).....7551
Ex 10 - Excerpts of Trial Transcript, Salcedo v. Johnson & Johnson (March 25, 2024) 7572
Ex 11 – Haber Dep., 11/15/21, Moore, at 248:2-21.....7596
Ex 12 - Ghio and Roggli, Letter to the Editor: Talc Should Not Be Used in Pleurodesis in Patients with Nonmalignant Pleural Effusions.....7661

VOLUME XVIII

Ex 13 - Haber Dep., Vol. II, 11/24/21, Moore, at 463:25-464:5.....7664
Ex 14 - Hinch to Luckewicz, 12/18/87 (acknowledging that TEM limit of detection is 0.003% compared to XRD at 0.5%).....7729

Ex 15 - Report of CTFA Talc Subcommittee on Method to Detect Chrysotile and Tremolite in Talc, 12/10/73 7733
Ex 16 - Practical Aspects of Talc and Asbestos, at 409 (Nov. 1978)....7741
Ex 17 - Lemen, Asbestos in Brakes: Exposure and Risk of Disease, Am J Indus Med 45:229-237, 234 (2004) 7751
Ex 18 - Rohl, Consumer Talcums and Powders: Mineral and Chemical Characterization 261 (1976). 7761
Ex 19 - Rohl, Consumer Talcums and Powders: Mineral and Chemical Characterization 261 (1976). 7792
Ex 20 - Rohl Asbestos in Talc, Env Health Persp J, 9:129-132, 129 (Dec 1974 7798
Ex 21 - Dana, A Textbook of Mineralogy, at 678 7803
Ex 22 - Pfizer Technical Report for Ceramic Materials, Jan. 1967 7813
Ex 23 - Moline, J., et. al., Mesothelioma associated with the use of cosmetic talc (2020);....7819
Ex 24 - Emory, TS, et al., Malignant mesothelioma following repeated exposures to cosmetic talc: A case series of 75 patients (June 2020 7827
Ex 25 - Consensus Report: Asbestos, asbestosis, and cancer: the Helsinki criteria for diagnosis and attribution, Scand J Work Environ Health, 23:311-316, 311 (1997) 7834
Ex 26 - Hearing Transcript, Henderson, at 2:7-12 (denying the defendants' motion). 7842
Ex 27 - Hearing Transcript, Hirshberg v. Johnson & Johnson (April 29, 2021), at 132:16-23 7846
Ex 28 - Relevant excerpts of the Position Statement of the Societies of Epidemiology 6/4/2012 7851
Ex 29 - Relevant excerpts of the IARC Monograph on Asbestos 2012, at 219, 234, 238,280, 293, 294 7879
Ex 30 - Kanarek, Asbestos in Talc and Mesothelioma: Revie of the Causality Using Epidemiology, Med. Res. Archives, Vol. 8 (5) (2020). 7891
Ex 31 - Magnani, "Italian Consensus Conference on Malignant Mesothelioma of the Pleura. Epidemiology, Public Health and Occupational Medicine Related Issues," Med Lav 5:106, 325-332, at 328 (2015). 7905

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No. 15 to Exclude Any Speculative Testimony that Blames Laboratory Contamination for the Presence of Asbestos in a Talc Sample with exhibits, July 24, 2024....7914
Ex A – Dep. of R. Mark Bailey, P.G., *Garcia v. Colgate-Palmolive Co.*, May 23, 2018 ("Garcia Bailey Dep.) excerpts 7922
Ex B - Dep. of Matthew Sanchez, Ph.D., *Hirshberg v. Johnson & Johnson*, March 1, 2021) ("*Hirshberg* Bailey Dep.") excerpts....7926
Ex C - Curriculum Vitae for Matthew S. Sanchez, Ph.D.....7932

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No. 17 to Preclude the Testimony of Dr. Gregory Diette with exhibits, July 24, 2024 7939
Ex A - Diette *Perry* Rep. excerpts 7949
Ex B - February 28, 2023, *Payne*/*Plant* MIL Order 8048

Ex C - Diette's *Perry* Supp. Ex. Rep 8054
Ex D - Garcia, March 20, 2024, Brody Trial Tr. excerpts 8093
Ex E - February 22, 2021, Brody *Eggers* Dep. excerpts 8098
Ex F – Diette Dep., July 3, 2024 excerpts 8102

VOLUME XIX

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No.19 to Exclude the 1986 Letter from H.W. Swanson to Phillippe Douillet with exhibits, July 24, 2024 8016
Ex A - FDA's certificate of authenticity and 1986 FDA Response.....8114
Ex B - 2018.11.09 *Boyd-Bostic* Trial excerpts 8305
Ex C - 11/15/72 letter to Dr. Goudie (DX7052).....8309
Ex D - 2024.05.23 *Lee* Trial excerpts 8311
Ex E - 2024.03.22 *Garcia* trial excerpts 8316

VOLUME XX

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No. 22 Seeking Evidentiary Sanctions Based on Spoliation of Evidence with exhibits, July 24, 2024 8320
Ex 1 to 11- (Hood) Johnson & Johnson Defendants memorandum in opposition and supporting exhibits, October 25, 2021 8325
McBrayer Order 8917

VOLUME XXI

J&J Defendants' Reply in Support of Omnibus Motion in Limine No. 5 to Exclude Plaintiffs' Summary Evidence Charts with exhibits, July 29, 2024 8929
Ex A - January 6, 2024, Kuffner *Eggers* Dep. excerpts 8934
Ex B – Eggers- Def J&J March 21 Supplemental Response to Plainififf's First Set of Interrogatories and Request for Production.....8941
Ex C - August 11, 2022, *Payne* Pfizer Dep. excerpts 9403

VOLUME XXII

J&J Defendants' Opposition to Plaintiffs' Motion in Limine No. 21 to Exclude Testimony of Dr. David Weill with exhibits, July 29, 2024.....9412
Ex A - February 28, 2023, *Payne*/*Plant* MIL Order 9424
Ex B - July 11, 2024, Weill *Perry* Rep. 9434
Ex C - Weill Curriculum Vitae 9565
Ex D - July 18, 2024, David Weill Dep. excerpts 9581
Ex E - *Garcia*, March 20, 2024, Brody Trial Tr. excerpts.....9587
Ex F - February 22, 2021, Brody *Hirshberg* Dep. excerpts 9591
Ex G - July 12, 2024, Weill *Perry* Supp. Report 9594
Ex H - June 24, 2024 *Perry* Longo Dep. excerpts.....9597

J&J Defendants' Motion in Limine to Exclude Evidence of or Reference to Tissue Testing with exhibits, August 1, 2024 9601
Ex A –J&J Defs.' MTE 9605
Ex B - Geyer Affidavit. 9611
Ex C - Longo Dep., *Perry*, July 16, 2024 9615

Ex D - 7/31/24 K. Bueno Email Correspondence....9620

J&J Defendants' Mode of Trial Motion Regarding Successor Liability and Amalgamation, August 3, 2024....9622

J&J Defendants Objection to Plaintiffs' Proposed Instructions on Parties in Default and Conditional Motion to Sever with exhibits, August 3, 2024....9626
Ex 1 – 8/2/24 email to Atty McVey....9630

J&J Defendants Objection to Plaintiffs' Proposed Order regarding Plaintiffs' Motion in Limine No. 22 Based on Spoliation of Evidence with exhibit, August 3, 2024....9637
Ex A – 8/3/24 email with attachment....9640
Ex B – Redline comparison of proposed order to Hood (McBrayer) order....9658

J&J Defendants' Objection to Plaintiff Efforts to Submit to the Jury Evidence of Successor Liability or Amalgamation Issued for the Court but Unrelated to Plaintiffs' Products Liability Claims with exhibit, August 6, 2024....9670

J&J Defendants' Proffer of Evidence re: Mr. Perry's Exposure to Asbestos in the Library while working at Embassy Suites with exhibits, August 6, 2024....9674
Ex A - Dep. of Michael Perry excerpts....9678
Ex B - July 11, 2023 Office Visit, DX12000.398....9692
Ex C - Dr. Haber Report....9697
Ex D - January 18, 2024 Testimony of William Longo....9707

J&J Defendants' Memorandum related to Procedure and Evidence for Successor Liability with exhibits, August 6, 2024....9713
Ex A – Deposition Designations of Mongon....9722
Ex B - Deposition Designations of Ruh....9767
Ex C – Proposed Joint Stipulation....9789
Ex D - Dep. of M. Perry excerpts....9792
Ex E - Notice of Commencement of Chapter 11 Case and Meeting of Creditors....9798
Ex F - 8/5/2024 Trial Tr. Excerpts....9804

J&J Defendants' Objection to Sanctions Order, August 8, 2024....9810

VOLUME XXIII

J&J Defendants' Motion for Mistrial with exhibits, August 10, 2024....9813
Ex A – *Hood-McBrayer* 11/02/2021 Spoliation Order....9828
Ex B - *Perry* 7/30/2024 Tr excerpts....9841
Ex C – 08/05/2024 Trial Tr excerpts....9868
Ex D - 08/10/2024 Trial Tr. excerpts....9875
Ex E - 2019 Health Hazard Evaluation of Johnson's Baby Powder ("HHE")....9894

VOLUME XXIV

Ex F - Sanchez Report on Longo Samples....9907

VOLUME XXV

Ex G - Longo Affidavit 10407

Ex G - Longo Affidavit (CONTINUED) 10584
Ex H - PowerPoint Slides (Kuffner-1940s Talc). 10655
Ex I - 8/7/2024 Tr. Transcript (Longo) 10658

VOLUME XXVI

J&J Defendants' Proposed Jury Charges and Verdict Form, Exhibit A, August 11, 2024 10663
Ex A – Perry v. American Int'l 8/7/2024 Transcript (Day 3). 10667

VOLUME XXVII

Ex A – Perry v. American Int'l 8/7/2024 Transcript (Day 3). (Continued) 10907

Plaintiffs' Response to J&J's Motion for Mistrial (and exhibits attached thereto), August 12, 2024 11019
Ex 1 – Email exchange 8/1/2024 -8/4/2024 11031

J&J Defendants' Submission of Law Regarding Proper Causation Standard, August 12, 2024 11038

J&J Defendants' Proffer of Evidence re: The 1986 FDA Citizen Petition Response with exhibits, August 12, 2024 11041
Ex A – 1986 FDA Response 11046
Ex B - 85 Fed. Reg. 51035, 51035 (August 19, 2020) 11237
Ex C - 11/9/2018 *Boyd-Bostic* Trial Tr. excerpts 11239
Ex D - 5/23/2024 *Lee* Trial Tr excerpts 11243
Ex E - 3/22/2024 *Garcia* Trial Tr excerpts 11248
Ex F - 12/17/2019 *Forrest* Trial Tr. excerpts 11252

J&J Defendants' Proffer of Evidence re: The "Health Hazard Evaluation of Johnson Baby Powder" with exhibits, August 12, 2024 11259
Ex A – 2019 Health Hazard Evaluation of Johnson's Baby Powder (HHE) 11262
Ex B - 3/14/2024 Dep. of Dr. Kuffner, Newton excerpts 11275

J&J Defendants' Memorandum regarding Successor Liability with exhibits, August 12, 2024 11294
Ex A – Deposition Designations Thibaut Mongon, 8/14/2023 11307
Ex B – Deposition Designations of Paul Ruh, 8/16/2023 11333

J&J Defendants' Objections to Plaintiffs' Requested Jury Charges with Exhibits, August 12, 2024 11354
Ex A – Plaintiffs' Requested Jury Charges 11359

J&J Defendants' Objections to Plaintiffs' Proposed Verdict Form with exhibits, August 12, 2024.....11390
Ex A – Plaintiffs' Proposed Verdict Form.....11394

VOLUME XXVIII

J&J Defendants' Proffer of Evidence regarding Dr. Kuffner's Excluded Testimony on Winchite with exhibits, August 13, 2024.....11399
Ex A - 8/9/2024 Tr. Transcript (Kuffner) excerpts.....11403
Ex B - Sanchez Report on Longo Samples.....11409

VOLUME XXIX

Ex B – Sanchez Report on Longo Samples (continued).....11900
Ex C - Longo Affidavit.....12086
Ex D - PowerPoint Slides (Kuffner-1940s Talc).....12157
Ex E - 8/7/2024 Tr. Transcript (Longo).....12160

J&J Defendants' Motion and Memorandum in Support of Motion for Directed Verdict with exhibits, August 13, 2024.....12164

J&J Defendants' Objections to the Court's Final Jury Charges and Related Final Court Verdict Form, August 14, 2024.....12199

J&J Defendants' Motion for Mistrial with exhibits, August 15, 2024 -14 pgs.....12203
Ex A - Perry Trial Transcript, 8/14/2024 excerpt.....12207
Ex B - Perry Trial Transcript, 8/14/2024 excerpt.....12213

Plaintiffs' Trial Brief on Successor Liability of The Johnson & Johnson Defendants (and exhibits attached thereto), August 22, 2024.....12217
Ex 01 - J&J & Old JJCI Resp. to Interrog. (*Leavitt*) 3/21/2018.....12242
Ex 02 -J&J & Old JJCI Resp. to Interrog. (*Rimondi*) 7/5/2018.....12259
Ex 03 - Old JJCI Resp. to RFAs (*Garcia*) 7/26/2021.....12264
Ex 04 - Trans. of J&J (Hopkins) 7/22/2019 at 20:11-17.....12275
Ex 05 - Trans. of Mr. Kim 10/22/2021 at 45, 85, 87-89, 90-91.....12283
Ex 06 - J&J (Kuffner) depo. 11/9/2023 excerpts.....12295
Ex 07-. J&J Project Plato approval memo 10/11/2021.....12317
Ex 08 - J&J e-mail 10/5/2021.....12329
Ex 09 - JJCI (Goodridge) depo. 12/20/2021 at 312:8-9.....12331
Ex 10 - Kenvue (Mongon) depo. 8/14/2023 at 22:6-11.....12357

VOLUME XXX

Ex 11 - Kenvue (Ruh) depo. 8/16/2023 excerpts.....12402
Ex 12 -Transcript of New JJCI (Goodridge) 2/14/2022 excerpts.....12425
Ex 13 - Mr. Kim Declaration 4/4/2023 at ¶ 24.....12471
Ex 14 - Donald McGraw Declaration (with PowerPoint) 9/18/2023.....12482
Ex 15 – Bankruptcy Court Dismissal Order dated 8/11/2023.....12507
Ex 16 - 16(a)-(e), Agreements and Certificates 10/12/2021.....12519

Ex 17- J&J "Project Plato Master Q&A" 10/10/2021 at 9 (instructing employees to state that the Texas Two Step "has no impact on our operations." 12553
Ex 18 - Old JJCI Annual Report (NC) 4/5/2021 (listing Michelle Goodridge as president and director with Kevin Neat as Treasurer 12569
Ex 19 - New JJCI Annual Report (NC) 4/14/2022 12571
Ex 20 - Dr. Kuffner depo. 10/30/2021 at 32:5-7, 32:12-15 12573
Ex 21 - Continued Video-Recorded Deposition of Kenvue Inc. and Johnson & Johnson Holdco (NA) Inc. (through John Kim, Esq.), 8/10/24, at 60:22-25...12597
Ex 22 - New Jersey Certificate of Amendment 12/16/2022 12705
Ex 23 - Donald McGraw depo. 9/28/2023. New JJCI 3.0 was initially incorporated in Nevada in June 2022 before converting to a Delaware corporation in January 2023 12707
Ex 24 - New JJCI 3 Certificate (NV);.....12791
Ex 25 - New JJCI 3 Certificate of Conversion (DE). 12793
Ex 26 - Kenvue, Inc. SEC Form S-1 1/4/2023 12795
Ex 27 - Kenvue SEC Prospectus 9/18/2023 12818
Ex 28 - Kenvue LinkedIn profile compilation. 12824
Ex 29 - Kenvue SEC S-4 8/3/2023.. 12858
Ex 30- Kenvue SEC S-4 9/6/2023.....12866
Ex 31 - Johnson & Johnson Form 10k for the year 2018 12872
Ex 32 - Order on Plaintiffs' Motion to Compel and Motion for Sanctions Against Defendants Kenvue, Inc. and Johnson & Johnson Holdco (NA) Inc., 8/9/24 12883
Ex 33 - Oral and Videotaped Deposition of James Mittenthal as Defendant Kenvue Inc. 30(b)(6) Representative, Vol. I, 7/26/24, at 38:19-39:7 12888
Ex 34 - Video-Recorded Deposition of Kenvue Inc. (through James P. Mittenthal), Vol. II, 7/30/24, at 313:8-314:7.....12897

VOLUME XXXI

Ex 35 - Mass. SOS filing 3/14/2022 12911
Ex 36 – Business Corp Annual Report for J&J Holdco, 12/31/2022.....12914
Ex 37- Mittenthal Outline for Perry/ Kenvue Deposition—updated 7/25/2024, at pgs. 37-38.....12916
Ex 38 - Draft of J&J's Product List for the FDA, 12/5/11.....12955
Ex 39 - Product List, undated (listing all baby powders under the same category: "baby powder"). 12962

Post Trial Motions & Memos:

Plaintiffs' Trial Brief, Ex. 10 – Dep. of Thibaut Mongon, August 22, 2024.....12989

Plaintiffs' Trial Brief, Ex. 13 – Decl. of John Kim, August 22, 2024 13034

Plaintiffs' Trial Brief, Ex. 15 – Decl. of Donald McGraw, August 22, 2024.....13045

Plaintiffs' Trial Brief, Ex. 21 – Dep. of John Kim, August 22, 2024.....13057

Plaintiffs' Trial Brief, Ex. 34 – Kenvue Depo. (Mittenthal), Vol. II, 7/30/24 13165

J&J Defendants' Motions for JNOV, New Trial Absolute Based on Errors of Law, New Trial Absolute based on the Thirteenth Juror Doctrine, and New Trial nisi Remittitur with exhibits, August 26, 2024 13179
Ex A - Trial Transcripts excerpts 13274
Ex B – Weill Kuffner (Valadez) Tr. excerpts 13390
Ex C – *Salcedo* Tr. excerpts 13398
Ex D – Arnoldy Brody (Hirshberg) 2/22/2021 excerpt.....13402
Ex E – Longo Dep. (Yerkes/Hofmaister), 01/18/2024 excerpts 13407

VOLUME XXXII

Ex F – Perry Pre-Trial Transcript excerpts 13412

Motion to Substitute Pecos River Talc, LLC as a Party Defendant for LLT Management LLC f/k/a LTL Management, LLC, August 26, 2024 13438

J&J Defendants' Motion for Setoff and Motion for Production of Settlement, August 26, 2024.....13441

J&J Defendants' Motion to Stay Execution on Judgment, August 26, 2024 13448

J&J Defendants' Reply to Substitute Pecos River Talc, LLC as a Party Defendant for LLT Management, LLC f/k/a LTL Management, LLC, September 9, 2024.....13453
Ex 1 – Declaration of John Kim 13456
Ex A – Amended and Restated Funding Agreement.....13461

Plaintiffs' Consolidated Response to Defendants' Motion for Setoff and Production of Plaintiffs' Settlement Agreements, September 13, 2024 13478

Plaintiffs' Consolidated Response to Defendants' Motions to Stay Execution of Judgment (and exhibits attached thereto), September 13, 2024.....13483
Ex 01 – Perry v. American Int'l Trial Transcript (Day 6), 8/13/24.....13488

VOLUME XXXIII

Plaintiffs' Response in Opposition to Defendants Johnson & Johnson, LLT Management, LLC, Johnson & Johnson Holdco (NA) Inc., and Kenvue, Inc.'s Motions for JNOV, New Trial Absolute Based on Errors of Law, New Trial Absolute Based on the Thirteenth Juror Doctrine, and New Trial Nisi Remittitur (and exhibits attached thereto), September 13, 2024 13636
Ex 01 – TT 8/5/24 excerpts.....13742

VOLUME XXXIV

Ex 02 – TT 8/6/24, excerpts 14046
Ex 03 - TT 8/7/24, excerpts 14391

VOLUME XXXV (beginning 14546)

Ex 04 – TT 8/9/24, excerpts 14743

VOLUME XXXVI (beginning 15046)

Ex 05 – TT 8/12/24, excerpts 15117
Ex 06 – TT 8/13/24, excerpts 15448

VOLUME XXXVII

Ex 07 – TT 8/14/24 excerpts 15596
Ex 08 - TT 8/15/24 excerpts 15867

VOLUME XXXVIII

Ex 09 - Pre-Trial Hearing, 7/30/24 excerpts 16048
Ex 10 - Trial Ex. 611 16294
Ex 11 - Punitive Damages Verdict Form, 8/19/24 16301
Ex 12 - Plaintiffs' Trial Exhibit No. 72-Chart-Decades of Evidence of Asbestos in Johnson & Johnson Products) 16306
Ex 13 - Plaintiffs' Trial Exhibit No. 3 16323
Ex 14 – Plaintiff Trial Exhibit No 62 16327
Ex 15 - Plaintiffs' Trial Exhibit No. 106 16329
Ex 16 - Plaintiffs' Trial Exhibit No. 49 16332
Ex 17 - Plaintiffs' Trial Exhibit No. 7 16338
Ex 18 –Plaintiffs' Trial Exhibit No. 136 16341
Ex 19 - Plaintiffs' Trial Exhibit No. 193 16344
Ex 20 - Plaintiffs' Trial Exhibit No. 194 16347
Ex 21 –Plaintiffs' Trial Exhibit No. 196 16385
Ex 22 - Plaintiffs' Trial Exhibit No. 111 16389
Ex 23 - Plaintiffs' Trial Exhibit No. 113 16408
Ex 24 - Plaintiffs' Trial Exhibit No. 191 16411
Ex 25 - Plaintiffs' Trial Exhibits Nos. 92-94 16421
Ex 26 - Plaintiffs' Trial Exhibits Nos. 117-118 16427
Ex 27 - Plaintiffs' Trial Exhibit No. 181 16435
Ex 28 - Plaintiffs' Trial Exhibit No. 203 16441
Ex 29 - Plaintiffs' Trial Exhibit No. 10 16443
Ex 30 - Plaintiffs' Trial Exhibit No. 90 16451
Ex 31 - Plaintiffs' Trial Exhibit No. 55 16453
Ex 32 - Plaintiffs' Trial Exhibit No. 61 16462
Ex 33 - Plaintiffs' Trial Exhibit No. 5 16464
Ex 34 - Deposition of Gregory Diette, 2/3/23, at 80:13-2 16466
Ex 35 - *Jolly v. General Electric Co.*, Order denying Defs' Post Trial Motions 16501

VOLUME XXXIX

Ex 36 - *Garvin v. Agco Corp.*, Order denying in part and granting in part Def Crane Co's Motion for Post Trial Relief, 11/10/14 16541

Ex 37 - *Tort Law—Expert Testimony in Asbestos Litigation—District of South Carolina Holds the Every Exposure Theory Insufficient to Demonstrate Specific Causation Even if Legal Conclusions Are Scientifically Sound*, 131 Har. L. Rev. 658 (Dec. 2017).....16582
Ex 38 – Order granting Joint Motion requesting the Division of PL Perry Tissue, 7/10/24 16591
Ex 39 – Video Deposition of William E Longo 8/6/24.....16596
Ex 40 - Johnson & Johnson Defendants' Witness List 16630
Ex 41 - Letter from Donald Kennedy, Commissioner of Food and Drugs, dated 1/11/1979 16636
Ex 42 - Goudie, Examination of Johnson & Johnson's Baby Powder (10/27/72) 16645
Ex 43 - Chart of Decades of Evidence of Asbestos Content in Johnson & Johnson Products at pp. 1 – 10.....16649
Ex 44 - "Swanson Letter" and attachments (parts 44-2 to 44-7) 16666
Ex 45 - J&J Defendants' Objections to the Court's Final Jury Charges and Related Final Court Verdict Form, 8/14/24.....16861
Ex 46 - Johnson & Johnson Defendants Proposed Verdict Form, ... 16866
Ex 47 - Notice of Joint Stipulation, 7/31/24 16876
Ex 48 - *Lee v. Johnson & Johnson, et al.*, No. 23CV40369, Circuit Court of Multnomah County, Oregon, Special Verdict Form, 6/3/24 16879
Ex 49 - *Salcedo v. Avon*, 4/19/24, Cook County, Illinois Circuit Court) 16883
Ex 50 - *Vanklive*, 12/9/21, Alameda County Superior Court.).....16890
Ex 51 - *Chapman v. Avon Products*, 12/14/22, Los Angeles Superior Court).....16898
Ex 52 -*Plant v. Whitake Clark & Daniels*, 3/3/23, South Carolina Court of Common Pleas 16922
Ex 53 – Hood-McBrayer Spoliation Order, 11/5/21 16926
Ex 54 - Email Exchange from Kim Bueno, Re: Perry Trial Schedule, 8/3/24 16939

VOLUME XL

J&J Defendants' Renewed Motion for Directed Verdict and Nonsuite as a Matter of Law and J&J Defendants' Memorandum in Support Thereof regarding Successor Liability and in Opposition to Plaintiffs' Requests with exhibits, September 19, 2024 – 16957
Ex A –*LaSalle*- Order granting Defendants J&J Holdco and Kenvue Motion to Dismiss, 9/12/2023 16973
Ex B – *Egli* – 10/26/23 Order on Motion to Quash 16982
Ex C – Yandell – 8/15/2023 Order on Motion to Quash 16990
Ex D – Johnson & Johnson SEC Form 8-K, 05/17/2024 17000
Ex E - 08/23/2023 J&J Announces Final Result of Exchange Offer and Finalize Separation from Kenvue, Inc. 17004
Ex F – Johnson & Johnson SEC Schedule to Amendment No.4 – Tender Offer Statement.....17008

Plaintiffs' Response to J&J Defendants' Renewed Motion for Directed Verdict and Nonsuit as a Matter of Law Regarding Successor Liability (and exhibits attached thereto), September 20, 2024 – (Exhibits referenced refer to Plaintiff's Trial brief on Successor Liability 17013

J&J Defendants' Objections to Plaintiffs' Proposed Order, and Supplemental Memorandum Supporting Johnson & Johnson Defendants' Post Trial Filings with exhibits, October 7, 2024 17027
Ex 1 – C. Brown letter to Honorable Jean Toal, 10/7/2024 17030
Ex 2 – Proposed Order 1 – does not rule on Successor Liability 17033
Ex 3 – Proposed Order 2 – rules on Successor Liability 17046

J&J Defendants Objection to Proposed Order on Successor Liability and Further Memorandum in Support of J&J Defendants' JNOV and Other Legal Positions with exhibits, November 8, 2024 17059
Ex A – Plaintiffs' Proposed Order on Successor Liability 17077

J&J Defendants' Motion to Reconsider, December 23, 2024 17096

Plaintiffs' Response to J&J Defendants' Motion to Reconsider (and exhibits attached thereto), February 21, 2025 17105
Ex 01 – JJ Defendants Mode of Trial Motion re. Successor Liability and Amalgamation, 8/3/24 17118
Ex 02 - TT 8/5/24, excerpts 17123
Ex 03 - Hearing on Post-Trial Motions, Vol. II, 9/25/24 excerpts 17132
Ex 04 – Verdict Form, 8/19/24 17138
Ex 05 – TT 8/13/24 excerpts 17143
Ex 06 - J&J Defendants' Objections to the Court's Final Jury Charges and Related Final Court Verdict Form 17153
Ex 07 - J&J Defendants' Objections to Plaintiffs' Proposed Verdict Form, 8/12/24 17158
Ex 08 - Order on Defendants Johnson & Johnson; LLT Management, LLC; Johnson & Johnson Holdco (NA) Inc.; and Kenvue, Inc.'s Post-Trial Motions, 12/11/24 17168
Ex 09 – TT 8/6/24 excerpts 17255
Ex 10 – TT 8/7/204 excerpts 17264
Ex 11 - Mongon Depo., 8/14/23, 55:3-12 17274

VOLUME XLI

Transcripts:

Pre-Trial Hearing Transcript, July 30, 2024 17280

Trial Transcripts Vols I – VIII, August 5, 2024 to August 14, 2024 17525
Vol 1, August 5, 2024 17525

VOLUME XLII (beginning 17780)

Vol 2, August 6, 2024 17828
Vol 3, August 7, 2024 18172

VOLUME XLIII (beginning 18280)
Vol 4, August 9, 2024 18523

VOLUME XLIV (beginning 18780)
Vol 5, August 12, 2024 18896
Vol 6, August 13, 2024 19226

VOLUME XLV (beginning 19280)
Vol 7, August 14, 2024 19281
Vol 8, August 15, 2024 19643

VOLUME XLVI
Post Trial Hearing Transcripts Vols I & II 19823
Vol I, September 24, 2024 19823
Vol II, September 25, 2024 19981

Other:

Johnson & Johnson Defendants' Witness List, 7/20/2024 20022
J&J Defendants' Proposed Jury Charges and Verdict Form, August 11, 2024 20027
J&J Defendants' Notice of Appeal with exhibits, January 10, 2025 20190

VOLUME XLVII
J&J Defendants' Supplemental Notice of Appeal, March 3, 2025 20295
Supersedeas Bond, March 19, 2025 20405

Email Correspondence: .....
Re: Perry Trial Schedule, July 29-August 2, 2024 20410
Re: Perry-Outstanding Issues, August 4, 2024 20422
Re: Perry Trial Schedule, August 6-10, 2024 20424

Depositions: 20429
Deposition of Dr. William Longo, 8/6/24 20429
Deposition of Michael Perry, Vol. I, 10/10/23 20438
Deposition of Michael Perry, Vol. IV, 10/13/23 20616
Deposition of Gregory B. Diette, M.D., 7/3/24 20738

VOLUME XLVIII
Deposition of David Weill, M.D., 7/18/24 20765

Trial Exhibits:

Plaintiffs' Exhibit 10 20816
Plaintiffs' Exhibit 40 20823
Plaintiffs' Exhibit 49 20825
Plaintiffs' Exhibit 72 20830

Plaintiffs' Exhibit 117 20846
Plaintiffs' Exhibit 289 20849
Plaintiffs' Trial Ex. 4274 20855

I certify that this Designation does not contain any matters which are irrelevant to this appeal.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	FOR THE FIFTH JUDICIAL CIRCUIT
MICHAEL L. PERRY and **LONNIE L. LONG,**	)	**C/A NO. 2023-CP-40-04072**
Plaintiffs,	)	*In Re:* Asbestos Personal Injury Litigation Coordinated Docket
v.	)	
AMERICAN INTERNATIONAL INDUSTRIES, et al.	)	
Defendants.	)	

PLAINTIFFS' MOTION IN LIMINE NO. 23 TO EXCLUDE EXPERT HEARSAY OPINIONS

I. Introduction

Plaintiffs request that the Court issue an order precluding Defendants' counsel and witnesses from presenting and/or referencing testimony or any other form of evidence of opinions, statements, and/or conversations attributable to non-testifying experts. Specifically, in the past defense expert Matthew Sanchez has claimed that various non-testifying experts have "told him" they have changed the opinions set forth in published and documented works which directly contradict various opinions which Dr. Sanchez espouses. Because these opinions, statements, and personal conversations are often unverified, unreliable, contradictory to a prior position taken by the non-testifying expert, and/or cumulative of the same or similar opinion as the testifying Defense experts, this type of evidence has no place in this trial.

II. FACTS

In prior cases, Defendants have attempted to bolster and validate their retained experts' opinions, and/or undermine Plaintiffs' reliable published and documented evidence by testifying

about a non-testifying expert's opinion, statements, and/or comments. Specifically, Defense experts have claimed they had personal conversations or have seen communications from non-testifying experts in which the non-testifying experts have contradicted their published and documented works. In short, when non-testifying experts disagree with them, defense experts will simply claim those non-testifying experts have told them privately that they have changed their minds. Such extremely dubious claims are not admissible or proper reliance materials under South Carolina law.

1. Dr. Matthew Sanchez's Claimed Personal Conversation with Ian Stewart.

Defense expert Dr. Matthew Sanchez claims to have conversed with McCrone executive, Ian Stewart, regarding topics not reflected in any documents.[1] Specifically, Dr. Sanchez claims that Stewart told him that McCrone started using fiber count detection criteria in the 1970s based on information obtained from the Environmental Protection Agency (EPA) with regard to water sampling.[2] Dr. Sanchez acknowledged that there is no record of McCrone using fiber count detection criteria prior to the 1980s.[3] And there is no record of McCrone adopting such criteria based on EPA standards. In short, Dr. Sanchez claims a third party told him that McCrone told the third party that all documented information about when he started using fiber count information is wrong.

2. Dr. Sanchez's Claims Concerning E-Mails He Allegedly Saw From Dr. Bradley Van Gosen.

Dr. Sanchez also claims another non-testifying expert has admitted to another third party that his published works are wrong. Specifically, Dr. Sanchez claims that Dr. Bradley Van Gosen

[1] **Ex. 1**, Deposition Testimony of Dr. Matthew Sanchez ("Dr. Sanchez Depo."), *Hirshberg v. Johnson & Johnson*, King County, Washington, 3/1/21.
[2] **Ex. 1**, Dr. Sanchez Depo., at 117:1-118:10, 120:9-122:11.
[3] **Ex. 1**, Dr. Sanchez Depo., at 121:24-122:11.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

has e-mailed a third party that his 2004 article, *Using the geologic setting of talc deposits as an indicator of amphibole asbestos content*,[4] contains a citation error.[5]

Dr. Sanchez also opines how the error should be corrected,[6] further claiming that Dr. Van Gosen agreed with his proposed correction.[7] Dr. Sanchez's claim is based on an e-mail exchange he allegedly saw, but now cannot locate, between two non-testifying experts—Dr. Mickey Gunter and Dr. Van Gosen.[8] Dr. Sanchez was not a part of the e-mail exchange, but instead was allegedly shown a copy of it by Dr. Gunter.[9] Dr. Sanchez claims this "personal communication" indicates Dr. Van Gosen agrees with Dr. Sanchez's proposed correction to Dr. Van Gosen's 2004 published article.[10] Plaintiffs' counsel requested the e-mail be produced and be made a part of the deposition record; however, Defendants now claim Dr. Sanchez cannot locate a copy of the e-mail.[11] To date: (1) no e-mail has been produced reflecting Dr. Sanchez's claim,[12] and (2) Dr. Van Gosen's published 2004 article remains unchanged; it has not been revised or "corrected." Dr. Van Gosen is not an expert in this case, has never testified that his article was wrong, nor made any other public statement to that effect.

---

[4] **Ex. 2**, Expert Report of Matthew Sanchez PhD for Johnson & Johnson ("Dr. Sanchez Report"), filed in this case, 04/16/2024, at p.6; **Ex. 3**, Van Gosen, et al., *Using the geologic setting of talc deposits as an indicator of amphibole asbestos content* (2004), 45 Environmental Geology, 920-939.
[5] **Ex. 2**, Expert Report of Matthew Sanchez PhD for Johnson & Johnson ("Dr. Sanchez Report"), filed in this case, 04/16/2024, at p.6; **Ex. 3**, Van Gosen, et al., *Using the geologic setting of talc deposits as an indicator of amphibole asbestos content* (2004), 45 Environmental Geology, 920-939.
[6] **Ex. 2**, Dr. Sanchez Report, at 6.
[7] **Ex. 2**, Dr. Sanchez Report, at 6.
[8] **Ex. 4**, Deposition Testimony of Dr. Matthew Sanchez ("Dr. Sanchez Depo."), *Hirshberg v. Johnson & Johnson, et al.*, King County, Washington, dated April 5, 2021, at 427:15-431:7.
[9] **Ex. 4**, Dr. Sanchez Depo., at 427:15-431:7.
[10] **Ex. 4**, Dr. Sanchez Depo., at 427:15-431:7.
[11] **Ex. 5**, Email from J&J's Counsel stating Dr. Sanchez could not locate the e-mail he testified about, dated 4/15/10.
[12] **Ex. 4**, Dr. Sanchez Depo., at 427:15-431:7.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

III. Argument

A. Dr. Sanchez Should Not Be Permitted to Act as a Conduit for Unreliable and Unverified Hearsay

An expert may base his opinions on information and sources outside of the evidence when that information and those sources are "of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject." SCRE 703. However, under South Carolina law an expert's testimony may not merely serve as a "conduit" or "surrogate" for another expert's opinion. *Matter of Bilton*, 432 S.C. 157, 164 (S.C. App. 2020). "[D]ue process does not allow an expert to serve as a 'conduit' for hearsay without some baseline showing that the hearsay is reliable." *Id.* 166-67.

The hearsay opinions, statements, and conversations noted above are problematic because Plaintiffs cannot test their accuracy by cross-examining the proponent of the alleged opinions, statements, and comments. Plaintiffs' counsel has not (and indeed cannot) cross-examine many of these non-testifying witnesses about these alleged opinions, statements, and comments as they are deceased or otherwise unavailable. And some of these statements fall under the category of double hearsay, such as Dr. Sanchez's reliance on Dr. Gunter's representations and communications.

Additionally, many of these alleged opinions, statements, and comments contradict reliable, published evidence, and/or the non-testifying expert's prior opinions. Dr. Sanchez's statement contradicts every known document or record regarding Johnson & Johnson's adoption of the fiber count detection criteria. And Dr. Van Gosen's alleged endorsement of Dr. Sanchez's revision is not supported by the publication itself nor any other testimony or public statement from Dr. Van Gosen. The fact that Dr. Sanchez and Defendants are now unable to produce any actual e-mail from Dr. Van Gosen casts further doubt on the veracity of Dr. Sanchez's claims. Given these statements have not been verified, cannot be verified, are not widely available, and reliable

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

publications and documentary evidence contradict Dr. Sanchez's claims, these types of unverified and self-serving opinions, statements, and communications should not be admitted into evidence. These statements are not the type of evidence experts in the field can or do reasonably rely upon. Plaintiffs ask that these statements, and similar statements, be excluded from trial as inadmissible hearsay.

B. Any Non-Testifying Experts' Opinions Reflecting the Same Opinions as Defendants' Testifying Experts Should Be Excluded as Cumulative Evidence.

While experts are generally permitted to rely on inadmissible hearsay to form their own opinions, Dr. Sanchez should not be permitted to use hearsay to simply "vouch" for his personal opinions in this matter.

Pursuant to SCRE 403, even relevant evidence should be excluded "if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time or needless presentation of cumulative evidence."

Dr. Sanchez's opinion that the 2004 Van Gosen article contains an error, and his opinion about a proposed correction, may be fair game if founded in actual science. But Dr. Sanchez does not and cannot claim that he relied on Dr. Van Gosen's "agreement" with these opinions when he originally formed them. Instead, Defendants seek to use Dr. Van Gosen's alleged "agreement" merely to bolster Dr. Sanchez's credibility.

Even if such unverified hearsay testimony were otherwise generally admissible, in this instance it would simply be cumulative. Dr. Sanchez can state his opinion about the problems with Dr. Van Gosen's article, but he does not need to also include his claim that Dr. Van Gosen agrees with him to make his point. Any non-testifying expert's unverified statements, comments,

and opinions reflecting the same opinions as a testifying expert's opinions should, therefore, be excluded as it is cumulative evidence.

C. Any Alleged Statements Made by Non-Testifying Experts, Even if Relevant and Otherwise Admissible, Should Be Excluded as Misleading, Confusing, and Prejudicial.

Allowing this type of unverified testimony about a non-testifying scientists' opinion would be confusing and misleading to a jury. It would create a contradiction between the non-testifying expert's written opinions and purported statements by that non-testifying expert, without providing any context or background information, or verifiable support for Dr. Sanchez's claims. Plaintiffs will be severely prejudiced as these types of statements will leave them with no ability to cross-examine or otherwise contradict these statements which are directly contrary to the purported speakers' published and documented works. Ian Stewart is deceased, and Dr. Van Gosen is not an expert in this case and will not be a witness at trial. Their published and documented work directly contradicts the positions Dr. Sanchez now claims both men have professed. Dr. Sanchez is not even able to produce the e-mail he claims to have seen regarding Dr. Van Gosen's alleged changed position about his published work. In short, the entire foundation of Dr. Sanchez's claims is that the jury should be asked to "take his word for it" that two separate experts have contradicted their documented work in conversations to which only Dr. Sanchez or other defense experts have been privy.

Permitting Dr. Sanchez to repeat his claims to the jury would be highly prejudicial to Plaintiffs and would provide no real probative support for Defendants' claims. For this final reason, Dr. Sanchez should be precluded from making such claims to the jury pursuant to SCRE 403.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

CONCLUSION

For the reasons stated above, Plaintiffs request the Court enter an order precluding Dr. Defendants, Dr. Sanchez, or other defense experts or witnesses from testifying about, referencing, or otherwise alluding to hearsay conversations with other non-testifying experts, especially conversations that contradict documentary, published, documented and reliable evidence.

Respectfully submitted,

/s/ Charles W. Branham
Charles W. Branham, III (SC Bar No. 106178)
Rachel A. Gross (Admitted *Pro Hac Vice*)
DEAN OMAR BRANHAM SHIRLEY, LLP
302 N. Market Street, Suite 302
Dallas, TX 75202
T: 214-722-5990
rgross@dobslegal.com
Other email: tgilliland@dobslegal.com

Theile B. McVey (SC Bar No. 16682)
Jamie D. Rutkoski (SC Bar No. 103270)
KASSEL MCVEY ATTORNEYS AT LAW
1330 Laurel Street
Post Office Box 1476
Columbia, SC 29202-1476
T: 803-256-4242
tmcvey@kassellaw.com
jrutkoski@kassellaw.com
Other email: emoultrie@kassellaw.com
ATTORNEYS FOR PLAINTIFF

July 10, 2024
Dallas, TX

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

EXHIBIT 1

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

WENDI J. HIRSHBERG AND RICHARD HIRSHBERG, WIFE AND HUSBAND,	)	CERTIFIED ORIGINAL
PLAINTIFFS,	)	
VS.	)	CASE NO. 20-2-06720-8
JOHNSON & JOHNSON, ET AL.,	)	
DEFENDANTS.	)	

DEPOSITION OF MATTHEW SANCHEZ, PH.D.

VOLUME 1

MONDAY, MARCH 1, 2021

JOB NO. 302317

REPORTED BY KATIE HRON, C.S.R. NO. 13483

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Page 2

DEPOSITION OF MATTHEW SANCHEZ, PH.D., TAKEN ON BEHALF OF PLAINTIFF, AT 7:02 A.M. PACIFIC TIME, MONDAY, MARCH 1, 2021, VIA VIDEOCONFERENCE, PITTSBURGH, PENNSYLVANIA, BEFORE KATIE HRON, C.S.R. NO. 13483.

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:
DEAN OMAR BRANHAM SHIRLEY, LLP
BY: JESSICA DEAN
APPEARING VIA VIDEOCONFERENCE
302 NORTH MARKET STREET, SUITE 300
DALLAS, TEXAS 75202
214-722-5994
JDEAN@DOBSLEGAL.COM

FOR THE DEFENDANTS BARTELL AND WALGREENS:
BARNES & THORNBURG, LLP
BY: J.T. LARSON
APPEARING VIA VIDEOCONFERENCE
11 SOUTH MERIDIAN STREET
INDIANAPOLIS, INDIANA 46204
317-231-7729
JT.LARSON@BTLAW.COM

FOR THE JOHNSON & JOHNSON DEFENDANTS:
KING & SPALDING, LLP
BY: JOHN EWALD
APPEARING VIA VIDEOCONFERENCE
1185 AVENUE OF THE AMERICAS, 34TH FLOOR
NEW YORK, NEW YORK 10036
212-556-2100
JEWALD@KSLAW.COM

Page 3

APPEARANCES OF COUNSEL (CONTINUED):

FOR THE DEFENDANT WHITTAKER, CLARK & DANIELS, INC.:
RIZZO MATTINGLY BOSWORTH PC
BY: KEVIN BERGSTROM
APPEARING VIA TELECONFERENCE
1300 SW SIXTH AVENUE, SUITE 330
PORTLAND, OREGON 97201
503-229-1819
KBERGSTROM@RIZZOPC.COM

FOR THE DEFENDANT ELIZABETH ARDEN, INC.:
HAWKINS PARNELL & YOUNG, LLP
BY: MICHAEL B. GIAQUINTO
APPEARING VIA TELECONFERENCE
445 SOUTH FIGUEROA, SUITE 3200
LOS ANGELES, CALIFORNIA 90071
213-486-8080
MGIAQUINTO@HPTYLAW.COM

Page 4

I N D E X

WITNESS
MATTHEW SANCHEZ, PH.D.

	PAGE
EXAMINATION BY MS. DEAN	8

EXHIBITS

NO.	DESCRIPTION	PAGE
EXHIBIT 1	PLAINTIFFS' FIRST AMENDED SUBPOENA DUCES TECUM TO WITNESS DR. MATTHEW SANCHEZ	13
EXHIBIT 3	EXCERPTS FROM DEPOSITION TRANSCRIPT OF ALICE BLOUNT, PH.D. DATED APRIL 13, 2018	263
EXHIBIT 4	ARTICLE BY A.M. BLOUNT	276
EXHIBIT 5	ARTICLE BY A.M. BLOUNT	278
EXHIBIT 6	BLOUNT KEY 3 (GUNTER LIST)	281
EXHIBIT 7	EXCERPTS FROM DEPOSITION TRANSCRIPT OF MICKEY GUNTER DATED JUNE 1, 2012	282
EXHIBIT 8	LETTER TO M. RAYMOND HATCHER FROM ALICE M. BLOUNT DATED APRIL 27, 1998	287
EXHIBIT 9	MATERIALS REVIEWED OR RELIED ON IN THE HIRSHBERG CASE	16
EXHIBIT 10	NOT PROVIDED	44
EXHIBIT 11	NOT PROVIDED	44
EXHIBIT 12	NOT PROVIDED	84
EXHIBIT 14	NOT PROVIDED	88

Page 5

EXHIBIT 15	ARTICLE BY KREMER AND MILLETTE	124
EXHIBIT 16	ASTM D6620 - 19 STANDARD PRACTICE FOR ASBESTOS DETECTION LIMIT BASED ON COUNTS	129
EXHIBIT 17	NOT PROVIDED	141
EXHIBIT 18	NOT PROVIDED	141
EXHIBIT 19	NOT PROVIDED	155
EXHIBIT 20	HANDWRITTEN NOTES DATED AUGUST 1972	161
EXHIBIT 21	MCCRONE REPORT FROM OCTOBER 27TH, 1972 (COPY 1 OF 4)	162
EXHIBIT 22	MCCRONE REPORT FROM OCTOBER 27TH, 1972 (COPY 2 OF 4)	166
EXHIBIT 23	UNIVERSITY OF MINNESOTA SPACE SCIENCE CENTER INVESTIGATION OF POSSIBLE SUBSTANCE CONTAMINATION IN TALC SAMPLES	187
EXHIBIT 24	NOT PROVIDED	225
EXHIBIT 25	NOT PROVIDED	234
EXHIBIT 26	DOCUMENTS RELATING TO EFFORTS FROM THE MINING PERSPECTIVE ON MITIGATING OR AVOIDING ASBESTOS IMPURITIES	250
EXHIBIT 27	CTFA-FDA SCIENTIFIC LIAISON REPORT	262

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Page 6

PITTSBURGH, PENNSYLVANIA
MONDAY, MARCH 1, 2021; 7:02 A.M. PACIFIC TIME

Matthew Sanchez, Ph.D.,
having first been duly sworn by the reporter, was examined and testified as follows:

MR. EWALD: And then before Ms. Dean starts I just wanted to put a statement on the record that while I haven't been directly involved in these conversations, my understanding is that Ms. Dean and other attorneys at her firm have been in contact with folks representing Johnson & Johnson about information relating to Dr. Sanchez's work at RJ Lee in cosmetic talc litigation and certain financial information, and that Dr. Sanchez is prepared today to answer questions to the best of his ability.

He may not be able to answer all those questions, but I just wanted to state that at the onset.

So thank you Jessica, and it's your depo.

MS. DEAN: I'll just say, yeah, I talked to Chris and Rich to figure out a way to get a stipulation on how much money has been spent on the documents so we don't have to worry about it, and we are really close to doing that --

Page 7

MR. EWALD: Okay.

MS. DEAN: -- in terms of litigation matters.

The problem, as I understand it from Rich on litigation matters, is because they're handled by multiple firms. Figuring that out would take, according to him, a tremendous effort.

So I was trying to figure out if there was a way to do it that didn't require Johnson & Johnson to get that effort. If I can't from Dr. Sanchez, I -- it just -- it influences if I need to push to Johnson & Johnson.

So that was part of why I highlighted this. Just to see if there's easier ways to skin a cat other than fight.

MR. EWALD: Right. Yeah, and I -- and I appreciate that. And certainly I just wanted to put on the record so you know that we are, you know, aware of it, and, you know, I don't know if Dr. Sanchez is gonna be able to solve all your problems today, but just if -- if you can maybe cross a couple things off, maybe we can. So we'll see. Thanks.

MS. DEAN: For today's deposition I'm Plaintiff's counsel, and I've agreed that an objection by one defendant is good for all. If someone wants to opt out, they'll need to identify themselves. But

Page 8

otherwise, that can allow the court reporter to note defense counsel and make the reporting a little bit easier.

And I've also agreed that if an objection is made after a question, but before the next question, as opposed to before the answer -- let me try that again.

I've also indicated that if an objection is made after an answer, as opposed to before, you know, before we move on to the next series of questions and answers, there's not gonna be any kind of claim that that's untimely.

Finally, this is being taken pursuant to the Rules of Evidence and Procedure in Washington.

I think with that, I'm ready to start, unless anybody else had something they wanted to say.

Okay.

Did we swear in the witness?

THE REPORTER: Yes, we did.

MS. DEAN: Okay.

EXAMINATION

BY MS. DEAN:

Q. Dr. Sanchez, can you hear me okay?

A. I can.

Page 9

Q. I think this is the first time you and I ever spoke. My name's Jessica Dean, and I represent Wendi Hirshberg in this case.

If at any point in time, particularly since we're dealing with a Zoom meeting, if you can't hear me, or I go out, or if I'm just unclear because I'm unclear, can you let me know so I can try to fix it.

A. I'll do my best.

Q. Great.

I have tried to digest the information that was provided to me by Johnson & Johnson, but I will tell you it -- it was sent on Thursday and then the zip file was kind of messed up until late on Friday. So I -- I haven't got through it all, but I -- I think between breaks and everything I -- I will make it work, but I just wanted to let you know that there's a little bit of a digestion-timing issue. But I -- I think with that I'll still be able to be fairly organized.

Let me start off by asking you: On the issues that we -- we were talking about, meaning the lawyers before we even started, if I wanna figure out how much Johnson & Johnson has paid just for the work, for instance, for -- for your time in litigation, could you give me an estimate for that for any given year?

A. Not -- not at this time. I know with previous

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Page 114

recollection is there was over 100, yeah.
Q. Okay. In terms of the testing that you were provided, did you receive any testing from Johnson & Johnson done internally?
And I ask that 'cause you note that these reports are from multiple independent laboratories starting in the 1970s.
And so I'm wondering if you also saw the testing done by Dr. Ashton, who they call Mr. Talc, or anyone else, that was internal with Johnson & Johnson?
A. I've seen some documents where they were looking at some historical samples that I think Ashton or somebody that worked with Ashton was -- was looking at those and reporting some findings. But that's the only thing I can think of. The majority of what was being done they were sending to outside experts.
Q. How do you know that?
A. You're asking for the documents that I've seen, so the documents that I've seen, they're -- they're being sent out to other -- to other folks.
Q. Okay. And I -- I think that clarifies.
In other words, from the sub- -- subset of documents that you've seen, you're seeing most of the testing information coming from third-party labs as opposed to being done internally?

Page 115

A. Yeah. I only can think of, maybe, one or two documents that may have any kind of internal reference.
I mean, there's other letters from Ashton that may talk about, a particular sample that they think may be in it, but it doesn't suggest that they tested it. I don't know where the information came from in those types of information.
Q. Can you think of the specific labs you are referencing when you indicate that there are multiple independent laboratories looking at the Vermont talc and finding them to be asbestos free?
A. Right. They were doing -- McCrone was doing work. I think he was in his lab doing XRD. And there was like an EMV Associates was doing some SEM work at one point. Some earlier work done by people at RJ Lee Group back in the -- towards the '90s was being done, and even early 2000s.
I've personally done work for Johnson & Johnson on quarterly testing samples, starting about 2009 time frame. And there is a Bain Environmental. They had -- you had professors at Princeton. I think, Brown University. And then maybe -- no, Gordon Brown. I think he was at Princeton University.
You also had Martin Buerger looking at work from MIT up in Massachusetts. You had Colorado School

Page 116

of Mines looking at materials. There's references of some data being sent over to individuals to the United States Geologic Survey to double check results and get their -- get their views on it, as well.
So I'm sure I'm missing some as well, but those are what comes to mind today.
Q. Of those examples, which labs were using TEM to your knowledge?
A. Primarily the work by TEM was being done by McCrone, RJ Lee Group has done TEM, Bain Environmental has done TEM. Those are the ones that I can recall, as I sit here today.
Q. When you indicate independent laboratories, what do you mean by the word "Independent"?
A. Not directly -- they're not -- they're not a subsidiary or part of the Johnson & Johnson organization.
Q. So you would still call somebody an independent laboratory even if they were paid, you know, hundreds of thousands of dollars from the lab?
A. Of course. Because otherwise everybody's working for free and nobody would do the work.
So yeah, if you're getting paid you can still be independent. It doesn't make somebody not independent.

Page 117

Q. Did you ever work with Ian Stewart? Did you guys ever cross paths?
A. No. I knew him by reputation. I had a couple of colleagues here at RJ Lee Group that knew him and those guys are, you know, the age of my grandparents, but no, I have not. So I've known him through reputation. I talked to -- I talked to him one time on the phone a few years ago, but that's the only contact with him.
Q. Did that have anything to do with Johnson & Johnson or talc testing?
A. It did. I had a couple questions for him.
Q. What did you learn from that?
A. I learned that he did not believe Johnson & Johnson talc contains asbestos. And he actually pretty much repeated what he had repeated in some of the letters that he actually sent off to the FDA and others concerning some testing that McCrone had done.
Q. Did you learn anything outside of what is in the documentation that you had about Mr. Stewart?
A. I think the other thing I learned is that I had asked him concerning when they started adopting the fiber count detection criteria, where did that come from.
He said they started adopting that when they

Page 118

were -- due to work with the EPA in the water sample in the late 1970s. The EPA was starting to introduce --
THE REPORTER: I'm sorry, can you repeat? "They started to introduce"?
THE WITNESS: Sure.
Pois- -- Poisson distribution based statistical controls on fiber counts for detection limits. And so they, at the same time, started to apply that into their own methodology that they used at the institute there. The McCrone institute.
BY MS. DEAN:
Q. Anything else that you recall?
A. Other than he liked to golf, that's what I remember.
Q. Do you have any idea why he left McCrone to go to RJ Lee?
A. I don't know the details. I -- there was -- there was a break up in the McCrone organization at that time, but I don't know the details. He came here for maybe six or seven years before he retired.
Q. Do you know if Johnson & Johnson ever used RJ Lee as a lab before Ian Stewart came over?
A. I have no idea. I don't know what year he came over. And I don't know of the site that -- that knew that.

Page 119

Q. I'll represent to you that the earliest document I could find, where he's at RJ Lee as opposed to McCrone, is when he's doing some testing on Japanese talc. And when I say "Japanese talc," I mean Johnson & Johnson baby powder sold in Japan in the 1990s.
First of all, are you familiar with that at all, based on my description?
A. In that generic format, I -- I'm not sure. You know, different cases that death with Asian market samples, so I may be familiar with it in that case, but those are kind of few and far between those kind of specifics.
Q. Okay. Actually, I'm looking -- I'm looking up -- this on that chart that I provided to Johnson & Johnson. That RJ Lee was hired in March of 1988. I think I had said the '90s. And it's actually the late '80s. To look at Japanese sold Johnson baby powder that was sourced from Chinese mines.
Is that something that you're familiar with at all?
A. I'd have to see the document. Again, if it was a Japan material it would be -- which mines were supplying to Japan at that time, and I don't have any information on that.
Q. Okay. As you sit here today, is that something

Page 120

on your reference or reliance list that you could point me to? Do you even know if it's on there?
A. I'm -- I'm unaware of Asian market Johnson & Johnson samples being at issue. Any Asian market samples being at issue in this case. So they would not be included on my reliance. As far as I understand it, we would only have those -- those relevant documents, if those issues dealt with the case.
Q. In terms of the -- the other point that you mentioned in talking to Mr. Stewart, that he indicated that the methodology to have competent intervals in their testing related to efforts back in the late 1970s, I wanna ask you about that.
Do you recall telling me about that broadly a moment ago?
A. Yeah, it was in reference to the detection limit series.
Q. Just to make sure I understand what you're talking about, I'm just sharing my screen.
And there is, from 1990, this document talking about TEM procedures for the identification and quantification of asbestiform minerals in talc by Kremer and Millette and others.
Have you seen this before?
A. Yes, I'm familiar with this.

Page 121

Q. And so in terms of the second part of this paper, not the identification but the quantification, they have a section -- Section 6 on that, the limit of quantifiable detection.
And it talks about the detection of fiber more asbestiform minerals of one variety and an analysis constitutes a quantifiable level of detection.
Do you see where I'm at?
A. Yes.
Q. When you were referencing what you learned from the phone conversation with Mr. Stewart, was it in reference to these quantifiable detection limits?
A. Generally, yes, not specific to what Kremer and Millette may have wrote in the 1990s.
But the idea of including -- including these -- and if it's done -- and it's done throughout the industry, the idea of having some kind of a statistical control to differentiate what you're seeing in a sample versus potential background, your failure to quantify it, or reliably record it. It was just more general to that topic. And he said it was originated, like as I stated, from the EPA, and they're looking at asbestos in water.
Q. Other than him telling you that in a conversation, have you seen any documents that suggest

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Page 122

McCrone was using that in the '70s?
A. I don't recall seeing anything from the '70s that would suggest that. I believe the internal SOPs that I may have seen, that I recall seeing from McCrone -- or not necessarily from McCrone, but that Johnson & Johnson had used that McCrone was using.
It -- it clearly came from McCrone, but I believe they're -- it's the Johnson & Johnson documentation for it. I believe those that have any kind of fiber count criteria were dated from the early '80s at the earliest.
Q. Okay. First I've seen is 1985.
If it's -- if you've seen anything earlier, I would love to know where that is in the records.
A. I'm sorry, is there a question pending or?
Q. Yeah, I'm sorry, I was just saying, if you --
A. I would have to review. I'm not sure the earliest year that I've seen, as I sit here today.
Q. Do you know, in the earliest that you saw in the 1980s, if that was work being done at Johnson & Johnson's request?
A. I -- I would have to -- I would have to look into it. I mean, what -- all I would have would be the information for Johnson & Johnson's request to work from, and then based upon the year of the testing

Page 123

relating it to the Johnson & Johnson TEM method for that time period.
So again, it would take some work to look at what's there and where it's available to assess that issue, whether that -- you know, whether we have a document from 1978, where it was not being used, but then by 1982, we do. I'd have to look at the documents for that.
Q. Okay. And if I wanted to be able to look at them and talk to you about them today, is that something that you could direct me to on your reliance list?
A. Not as I sit here today, no.
Q. In terms of going back to the 1990 McCrone document, I had shown you the section on the limit of quantifiable detection, and you had said, if I understood it correctly, and I -- I acknowledge I am paraphrasing, but that there are others, not just these scientists from McCrone, that have talked about quantifiable limits and making sure that what you're assessing and looking at is not from the background.
Do you recall that?
A. That's not -- well, it's -- it's in part that, but yes. The issue is based upon small number of counts and the potential for contamination, but also the potential for analyst error and misidentification. At

Page 124

what point do you get results that are actually sign -- you know, from a statistical standpoint, a meaningful. So you control that by some of the -- some of the -- the stuff -- the material you determine based on counts, between your background and what you're seeing in a sample, in order to rule out that it's not coming from the background so that you actually can say that what you're seeing is from the sample itself.
Q. So I don't see anything about that in this document which kind of triggered you to say that a lot of other people said the same thing.
MS. DEAN: So I wanna start off by just looking at what I'll mark, so it's clear on the record, as Exhibit 15.
(Whereupon Plaintiff's Exhibit 15 was marked for identification and is attached hereto.)
BY MS. DEAN:
Q. I see a section on the limit of quantifiable detection and a discussion of the different size and weights of asbestiform minerals being variable and needing five fibers in order to accurately provide an estimate of weight detection.
I wanna separate that from the question of, we need to have a certain number of fibers to make sure

Page 125

that there isn't contamination or analytical error.
Are you claiming that that latter issue is anywhere in this paper?
A. You're the one that brought the paper up. I'm not. I'm just -- but this -- you -- you brought this paper up. So I don't -- I'm not -- I'm not relying upon the paper for that purpose.
But the basis of requiring that -- a certain number of fibers of a detected material, detected in the material for that purpose, is for those reasons.
Q. Okay. And that's what I wanna understand, the foundation for your opinion that the reason why the notion of five or more asbestiform minerals of one variant is placed has to do with concerns about background or analytical error as opposed to trying to quantify the amount of asbestos present.
A. The --
Q. And let me start by asking: Do you think this document itself, which I did present to you, this McCrone document, give any support for that conclusion?
A. I don't think they're going into the underlying reasons for requiring detection limits based on counts in here. They didn't go into the reasons. They just say what they're doing.
Q. If we go to Section 6 where they're talking

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Page 294

deposition.
Q. Okay.
MS. DEAN: Well, I understand you need to go.
I have some other questions, but I'm sure we can sort something out.
I also think we're talking to you in another case soon, and maybe we can double up on those or something to save you time.
But let me talk to Johnson & Johnson folks and get you to your family event today.
THE WITNESS: Thank you.
MR. EWALD: Thank you, Dr. Sanchez.
THE WITNESS: The court reporter had some spellings. I don't know if she wants to email those to me, or I can -- I can respond to an email for the spellings if she has them.
THE REPORTER: Can we go off the record?
MR. EWALD: Yeah.
MS. DEAN: Sorry.

(A discussion was held off the record.)

MS. DEAN: So this is Jessica. After a little bit of a break and looking at the exhibits, there was reference to Exhibits 1 through 27. Some of those

Page 295

exhibits we are asking the witness to work with Johnson & Johnson to attain them to provide me the information. The others have been provided to the court reporter -- to the court reporter with one exception, Exhibit 2 was not referenced or marked.
I think other than that, we're gonna work with Counsel to just figure out when and how to take the deposition, and we're done for today.
MR. EWALD: Great.
Thanks everybody.
MS. DEAN: Thanks.
Take care.
(Whereupon at 2:14 p.m. the deposition of Matthew Sanchez, Ph.D., Volume 1, was concluded.)

Page 296

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

I, Matthew Sanchez, Ph.D., hereby certify under penalty of perjury under the laws of the state of California that the foregoing is true and correct.
Executed this _____ day of _____, 20__, at _____, _____.

_____
Matthew Sanchez, Ph.D.

Page 297

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

I, KATIE HRON, C.S.R. No. 13483, in and for the State of California, do hereby certify:
That prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth.
That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to typewriting under my direction, and the same is a true, correct, and complete transcript of my shorthand notes so taken.
That if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript { } was { } was not requested.
I further certify that I am not interested in the event of this action.
In witness whereof, I have hereunto subscribed my name on March 12, 2021.

Katie Hron
Katie Hron, C.S.R. No. 13483

Page 298

Errata Sheet

NAME OF CASE: WENDI J. HIRSHBERG et al. vs JOHNSON & JOHNSON
DATE OF DEPOSITION: 03/01/2021
NAME OF WITNESS: Matthew Sanchez, Dr.
Reason Codes:
1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.
Page _____ Line _____ Reason _____
From _____ to _____
Page _____ Line _____ Reason _____
From _____ to _____
Page _____ Line _____ Reason _____
From _____ to _____
Page _____ Line _____ Reason _____
From _____ to _____
Page _____ Line _____ Reason _____
From _____ to _____
Page _____ Line _____ Reason _____
From _____ to _____
Page _____ Line _____ Reason _____
From _____ to _____

_____

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

EXHIBIT 2

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

April 16, 2024

Mr. Kevin Hynes
King & Spalding LLP
1185 6th Avenue
New York, NY 10036

Re: Expert Report of Matthew Sanchez PhD in the matter of *Jerry B. and Patsy Newton v. Johnson & Johnson, et al,* Dallas County, Texas, No.: DC-19-09317.

Summary

I respectfully submit this report on behalf of Johnson & Johnson. I have been asked to opine concerning the alleged contamination of asbestos in talc products manufactured by Johnson & Johnson using talc from Val Germanasca Italy, southern Vermont USA, and Guangxi China. I have reviewed the scientific literature regarding both the talc mines at issue as well as any testing on talc products manufactured by Johnson & Johnson, as well as government and private industry records relative to the testing of above products for the presence of asbestos. It is my opinion that Johnson & Johnson talcum based products do not contain asbestos.

Talc Is Not Asbestos

Talc is used in a wide variety of commercial applications, ranging from pharmaceuticals and cosmetics to ceramics, paints, paper and asphalt roofing. In its purest form, talc is a mineral and is defined as a magnesium silicate, with composition $Mg_3Si_4O_{10}(OH)_2$. The end-uses for talc are determined by variables such as bulk composition, particle size and shape, specific gravity, hardness, and color.

Asbestos

Asbestos is a collective term that describes a regulated group of six naturally occurring, highly fibrous silicate minerals that form as fiber bundles, which are easily separated into long, thin, flexible fibers when crushed. The six minerals that, when crystallized in a rare asbestiform habit, are regulated as asbestos fall into two groups of minerals: serpentine and amphibole. Talc is not one of these minerals and is not asbestos regardless of morphological habit.

Serpentine and amphibole minerals crystallize or grow in both a rare asbestiform and more common non-asbestiform habits. The asbestiform varieties of these minerals are rare and likely account for less than one percent of the known world occurrences of each mineral (Krause 1977 and Campbell et al. 1977). Serpentine and amphibole minerals with a non-asbestiform habit and resulting morphological properties are not asbestos. The table below shows the asbestiform and

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

non-asbestiform habit of each serpentine and amphibole mineral associated with term asbestos."[1]

Mineral Family	Asbestiform	Non-Asbestiform
Serpentine	Chrysotile	Antigorite/Lizardite
Amphibole	Crocidolite	Riebeckite
Amphibole	Amosite	Grunerite-Cummingtonite
Amphibole	Tremolite Asbestos	Tremolite
Amphibole	Anthophyllite Asbestos	Anthophyllite
Amphibole	Actinolite Asbestos	Actinolite

It is possible that talc may contain either serpentine and/or amphibole group minerals, e.g. tremolite, however, to have asbestos one must determine if the amphibole present is the asbestiform variety. The mere presence of any amphibole mineral is not the same as asbestos contamination. Analysis must determine if these minerals are in fact asbestiform and thus asbestos.

It is true that some talc deposits can contain asbestos and some asbestos deposits can contain talc; for example, talc is a common accessory mineral in some chrysotile deposits, however the specific geologic processes that control the formation of minerals of any given talc deposit are unique and control the potential for asbestos contamination in that talc ore. Thus, if the question of asbestos contamination in any talc or talc-containing product is to be answered, the source mine(s) of that talc needs to be identified and specific facts concerning that deposit and talc product derived from that deposit must be evaluated. Thus, not all talc derived from a talc source with the potential for contamination would be contaminated with asbestos.

Serpentine, amphibole, talc, or other mineral group or species, if present as elongated fragments, (whether defined by > 3:1 and > 5mm lengths or > 5:1 aspect ratio and > 0.5mm lengths) are not the same thing as a finding of asbestiform habit and resulting microscopic morphology. IARC 2010 states regarding talc and its asbestiform variety (page 279):

"Description: Commonly thin tabular crystals, up to 1 µm in width; talc is usually massive, fine-grained and compact; it also occurs as foliated or fibrous masses or in globular stellate groups. Talc particles are normally thin and plate-like, but the size of the individual plates varies among different bodies of ore. When viewed under the microscope on end, talc platelets may appear as fibres (Cralley et al., 1968). These are not true fibres and should not be confused with asbestiform talc. Asbestiform talc is formed when talc plates elongate parallel to the a axis within the plate to

[1] See 40CFR§763.83, 29CFR§1910.1001, 30CFR§56.5001, 1977 Federal Register CPSC Vol. 42, and No. 146, 1974 Federal Register US BOM Vol. 39, No. 127 part IV.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

form true ribbon-like fibres of talc. These fibres may occur in an asbestiform habit consisting of bundles of narrow fibres randomly oriented around the axis of elongation (c axis)".

Thus, in order for talc to be asbestiform it has to have formed in this habit. Furthermore, IARC 2012 states (pg 221):
"The structure of silicate minerals may be fibrous or non-fibrous. The terms 'asbestos' or 'asbestiform minerals' refer only to those silicate minerals that occur in polyfilamentous bundles, and that are composed of extremely flexible fibres with a relatively small diameter and a large length. These fibre bundles have splaying ends, and the fibres are easily separated from one another (USGS, 2001; HSE, 2005)."

The only generally accepted testing methodologies to determine if a sample is composed of minerals with an asbestifrom habit are those put forward and described in OSHA ID 191, EPA600/R-93/116, and ISO 22262-1. Thus, in order to have asbestiform talc, the observed talc must not simply be elongated but must meet the requirements of the asbestiform morphology. IARC 2012 is clear in its warning of how these terms have been misapplied in the literature (pg 230):

"Talc containing asbestiform fibres is a term that has been used inconsistently in the literature. In some contexts, it applies to talc containing asbestiform fibres of talc or talc intergrown on a nanoscale with other minerals, usually anthophyllite. In other contexts, the term asbestiform talc has erroneously been used for talc products that contain asbestos. Similarly, the term asbestiform talc has erroneously been used for talc products that contain elongated mineral fragments that are not asbestiform. These differences in the use of the same term must be considered when evaluating the literature on talc. For a more detailed evaluation of talc not containing asbestiform fibres, refer to the previous IARC Monograph (IARC, 2010)".

Non-talc minerals do occur within talc deposits. Those minerals are often referred to as "accessory minerals" and typically include chlorite and dolomite. If asbestos were present in talc, it would be considered an accessory mineral. Several things must happen for asbestos contamination to occur in a finished talc-containing product, which I outline in general terms in the following paragraphs.

- First, asbestos must be present in the area being mined. Then, the miners must include non-talc rock with the talc as it is being mined, and this non-talc rock must contain asbestos. Talc veins are often up to several meters thick, and not all talc that is mined will contain non-talc rock; most will not.
- Second, at least some of the non-talc rock that is mined with the talc must contain asbestos.
- Third, the non-talc rock, which contains asbestos, must survive the milling processes that are designed to remove impurities from the talc. For example, hand sorting, mechanical

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

screening, froth flotation, and other separation (also known as "beneficiation") techniques are used to remove impurities.

- Fourth, among the tons of product that is mined and sold to customers, the particular talc with asbestos contamination must reach a manufacturer of a talc or talc-containing product.
- Fifth, among the tons of product sold to the manufacturer, the particular talc with trace asbestos contamination must be placed into a container (one among thousands), and plaintiff must obtain that particular container.
- Sixth, this process must be repeated over and over for plaintiff to have repeated exposure to a talc or talc-containing product contaminated with asbestos.

From a mineralogical/geological perspective, even in the instances where asbestos contamination could occur, e.g. a particular mine where asbestos at times has been detected during quality assurance testing, this contamination would be a sporadic event. Thus, in order to determine if the plaintiff was exposed to asbestos contaminated talc, the actual containers of a given product would need to be tested.

Val Germanasca, Italy

I understand that Val Germanasca, Italy was a source mine used for Johnson & Johnson's talcum powder. I have evaluated the scientific literature related to the geology of the talc formations in Val Germanasca. I have personally visited the mine and mill and conducted an evaluation, which included sampling the talc ore as well as waste rock and country rock. It is my opinion that the talc mined in Val Germanasca is not contaminated with asbestos, nor has it been contaminated in the past.

As discussed by Sandrone, et al., the Val Germanasca mine is known for "high-quality cosmetic talc." R. Sandrone & S. Zuchetti, Geology of the Italian high-quality cosmetic talc from the Pinerolo district (Western Alps), Zuffar' Days – Symposium (1988).

In Pooley et al. (1972), three researchers in the Department of Mineral Exploitation at University College in Cardiff, England, conducted a mineralogical evaluation of the Val Germanasca mine. The purpose of the investigation was to try to locate non-talc minerals, including asbestos that could be found together with the talc. The researchers did not find asbestos in the talc, and even certain fibrous amphibole particles found in the rocks adjacent to the talc did not display the characteristics of asbestos when examined under the electron microscope. Pooley, F.D., et al., An Examination of Italian Mine Samples and Relevant Powders (1972).

In 1976, Dr. Pooley later wrote a letter to the FDA confirming that he found no asbestos in his testing of Italian talc. March 9, 1976 Ltr. from F. D. Pooley to R. Shapiro. In its 1992 Health Assessment Document for Talc, the EPA characterized Val Germanasca talc as "very pure" and approved of Dr. Pooley's findings. EPA Health Assessment at 3-26, 3-35. In its 2010 monograph

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

regarding the available mineralogical data on the asbestos content of talc, IARC likewise described the talc from Val Germanasca as "very pure" and, citing Pooley, noted that tests of this talc found no asbestos. IARC 2010 at 318. Table 1.17 shows no reports of serpentine or tremolite occurring in Italian talc. IARC 2010 at 307.

While I am not a professional epidemiologist, epidemiological studies are relevant to my opinion that the source talc mines at issue did not contain asbestos. Four epidemiological studies have followed thousands of talc miners and millers from Val Germanasca. These studies found that there were no deaths among the miners and millers as a result of mesothelioma. Rubino, et al. (1976), Rubino et al. (1979), Coggiola, et al. (2003), Pira et al. (2017), and Ciocan et al (2022). In addition there are a large number of publications which discuss the geology of the Val Germanasca region. I am not aware of any published literature in which researchers either examined the geology of the Val Germanasca region or tested samples of talc from the mine and reported that the talc contains any asbestos.

I visited the current mining and milling operations at Val Germanasca from November 9 to November 12, 2015 (report dated March 24, 2016). The focus of my visit was to (1) obtain samples from both the mining and milling operations that are representative of the current mining operation, (2) assess the current talc ore and surrounding country rock for asbestos mineralization, and (3) understand the mine's current and past programs as they relate to asbestos testing to ensure product quality. I took a total of twenty (20) samples during the site visit, which represented the talc ore, non-talc waste rock (both siliceous and carbonaceous lenticular inclusions were sampled), milled product, country rock where amphiboles were observed, and talc from both French and Chinese sources that are also milled at the Malanaggio plant. The samples were analyzed by XRD, PLM, and TEM. In no sample were chrysotile or asbestiform amphiboles observed.

Southern Vermont Talc

I understand that Johnson & Johnson used the Hammondsville, Argonaut, and Rainbow mines and potentially other mines in southern Vermont as source mines used for Johnson & Johnson's talcum powder. I have evaluated the scientific literature related to the geology of the talc formations in southern Vermont. It is my opinion that the talc mined in southern Vermont is not contaminated with asbestos, nor has it been contaminated in the past.

The development of plate tectonics last century was a unifying theory in geology. Briefly, the theory states that the earth's crust is composed of several large plates that move with respect to one another. When the plates separate, oceans form (e.g., the Atlantic Ocean) and when they collide, mountain chains are built (e.g., the Alps). Another important point is that the continental plates are lighter than ocean plates; thus, when the two collide, the ocean plate is "subducted" below the continental plate.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Currently, the east coast of North America is not geologically active; however, this was not the case in the geologic past. Over the past 600 million years this region has undergone geological development favorable to talc formation mainly by occurring at a convergent and divergent plate boundary. This caused Vermont's geology to be composed of differing rock types trending in a more or less north-south direction that formed as a result of a converging plate boundary (Van Diver, 1987 and Doolan, 1996). As these geological processes occurred ocean sediments were changed by heat and pressure into a metamorphic rock type called schist when ancestral North America collided with ancestral Africa. Next, these rocks were uplifted forming the Appalachian Mountains. During this process portions of them were also altered into a rock type known as serpentinite, and in local areas, the serpentinite was further altered to talc. Serpentinite gains its name from the fact it is composed predominantly of serpentine group minerals (all with the composition of $Mg_3Si_2O_5(OH)_4$) of which there are three: antigorite, lizardite, and chrysotile, with only the latter being an asbestos mineral.

Talc ($Mg_3Si_4O_{10}(OH)_2$) forms from alteration of other minerals. The southern Vermont talc deposits form as lower pressure and temperature metasomatic induced reactions between serpentinite and the silica rich country rock. McCarthy et al. (Table 1, 2006) noted that Vermont talc contained trace amounts of serpentine and no tremolite. Van Gosen et al. (2004) also gives a summary of talc formation and likewise points out that amphiboles only occur at higher temperatures of formation.

Even though Van Gosen et al. (2004) notes the lack of amphiboles in Vermont-style talc deposits, some clarification of his section on "Vermont talc" is needed regarding both amphibole and asbestos content of Vermont talc. He cites a paper by Zodac (1940) which notes fibrous actinolite occurs in the blackwall at the former Chester, Vermont talc deposit located in Windsor County. However, Zodac is quoted as saying the material is "needle-like;" this would preclude it being a morphological fiber of asbestos. Regardless, all of the discussion in Veblen and Burnham (1978a, 1978b) are from samples removed from the blackwall and not the talc ore itself. In the last sentence of the Vermont talc section, Van Gosen et al. state fibrous amphiboles are in the blackwall at Chester, and cite Veblen and Burnham (1978b). However, Veblen and Burnham (1978b) never mention fibrous amphiboles, but fibrous biopyriboles instead. Thus, the sentence in Van Gosen et al. (2004) should be rewritten to read: "These newly found biopyriboles represent intermediate products of incomplete reactions during the conversion of anthophyllite and cummingtonite to talc." Van Gosen has, in fact, acknowledged this rewording would be more accurate (Van Gosen personal communication). As noted above, the Chester deposit was in Windsor County, as is the former Frostbite mine. Robinson (et al. 2006) discuss the geology of the Frostbite mine and make no mention of asbestos minerals occurring in the deposit, although they note the as-expected occurrence of antigorite, a serpentine-group mineral.

To further understand the potential for Vermont talc in general and southern Vermont talc in particular to contain asbestos: 1) published literature outside of geology was sought and 2) samples of southern Vermont talc ore and Johnson & Johnson products were obtained and

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

characterized. Along with the geological studies noted above workers in the health-related fields became interested in Vermont talc as a method to ascertain the health effects of talc not contaminated with asbestos. McCrone (1977) undertook a study of 100 samples, with 23 from Vermont and found no asbestos in any of the Vermont samples. Boundy et al. (1979) also collected and found no asbestos in any samples from three operating talc mines in Vermont. Dr. Gunter obtained seven samples of talc from the Argonaut Mine and Buzon (2016) determined, by X-ray powder diffraction, that all seven were asbestos free.

I was provided hundreds of internal documents from Johnson & Johnson from the different mines and mills in southern Vermont. The clear majority of these reports and testing documents found talc ore and products from this mining district to be asbestos-free. These testing results include XRD, PLM, and TEM reports from multiple independent laboratories starting in the early 1970s. However, out of the hundreds of tests performed there are some testing documents that did at first mention observing chrysotile in trace quantities, but follow-up analysis of the same samples found them to be asbestos free. There were several reasons for this, but mainly lab contamination was cited. I was aware of the testing work by Lewin as I had reviewed it earlier. Even in my earlier review, I questioned his results. In the documents provided by Johnson & Johnson, I discovered my skepticism to be correct as they had hired some of the most competent mineralogists in the world to review his work. As expected, they found considerable scientific inaccuracies with it. Finally, there was the occasional report of non-asbestiform tremolite/actinolite, but never any reports of anthophyllite.

Dr. Fred Pooley also performed an evaluation in Vermont and collected samples from both the ore footwall and hangingwall in order to characterize the minerals that would be possible contaminants of the talc ore. No asbestos was observed. In regard to amphibole and serpentine minerals he concluded:

> *"The amphibole minerals were found in discrete locations and not disseminated throughout the talc ore and were not asbestiform in character. Serpentine mineral was found in the specimens located at the centre of the orebody but no fibrous components were observed."*

Based on the past geological investigations, the geological development of the southern Vermont talc deposit, and past peer-reviewed/refereed publications, it is my opinion to a reasonable degree of scientific certainty that it appears very unlikely that asbestos occurred in these talc deposits, or in turn in products produced from them. It is also worth pointing out that many of the past testing documents need to be critically evaluated in light of the above and not taken at face value. Most certainly serpentine group minerals do occur in these deposits, but investigators mostly only reported finding the antigorite variety, as geological conditions did not favor the formation of chrysotile. The occurrence of amphiboles appears rare in the deposit, and there is no evidence that any amphiboles in the deposit, or the schist enclosing it, are asbestiform.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

To further summarize, this talc deposit formed by low-temperature alteration of serpentinite, a geological condition not favorable for the formation of asbestos, but where non-asbestiform serpentine occurs. Several published studies found no asbestos in talc produced in this mining district (Blount, 1991; Boundy et al., 1979; McCrone, 1977), while to my knowledge no published study found asbestos. In fact, Vermont talc was chosen by Boundy et al. (1979) to determine the health effects to miners and millers exposure to asbestos-free talc. IARC (2010) and McCarthy et al. (2006) report no asbestos in Vermont talc.

Lastly, I have conducted testing on 15 samples collected from the Argonaut Mine collected by Professor Mickey Gunter (Sanchez report dated April 6, 2018 "Analytical Test Report of the Gunter Argonaut Samples"). No asbestos was observed in any of the talc samples. In two non-talc samples composed of primarily serpentine group minerals a trace quantity of chrysotile was observed by TEM. No asbestiform amphiboles were observed in any sample. Non-asbestiform tremolite-actinolite amphibole was the primary component of one sample, which is also not a talc sample.

Guangxi, China Talc

I understand that Guangxi, China is a source mine used for Johnson & Johnson's talcum powder. I have evaluated the scientific literature related to the geology of the talc formations in Guangxi, China. It is my opinion that the talc mined in Guangxi, China is not contaminated with asbestos, nor has it been contaminated in the past.

There are at least three major talc mining regions in China: Liaoning, Guangxi, and Shandong, in order of volume of talc produced. Each of these regions are geologically unique. Johnson & Johnson sources their talc from the Guangxi Province talcs. The talc mines are located in the mountainous regions west of Guilin City in the northern part of the Province. The geology of northern Guangxi is complex. The respective mines are located in the Danzhou Formation which is equivalent with the Banxi formation in Hunan and the Dengshan Group in Jiangxi province. These sedimentary formations were deposited in the Mesoproterozoic and deposited in a rift related basin (Wang and Li 2003). These sedimentary groups were subsequently metamorphosed to low-grade green-schist facies assemblage and folded during the Jiangnan Orogeny in the Neoproterozoic (Wang et al. 2006), and likely uplifted during the Mesozoic. The mountainous region that trends northeast and southwest to the west of the city of Guilin is also referred to as the Jiangnan old land (Yan et al. 2003). These metamorphosed sedimentary formations consist of primarily siliceous sediments composed of pelitic schists, phyllites, slates, siltstones, sandstones, conglomerates (Li, X.H. 1999), and sequences of carbonate bearing rocks (Wang and Li 2003). These carbonate rock sequences are likely the protolith for the talc bearing zones that compose the Guangxi China talc deposits.

Observed country rock (i.e. non-talc ore) in contact with the talc ore consists of quartzite and phyllitic slates. Within the mining area are veins of non-talc rocks composed of grey carbonates

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

(primarily dolomite) and some veining of hydrothermal quartz. They do not exhibit any fibrous mineralization. The country and non-talc rocks are removed from the talc ore prior to milling during the various stages by hand sorting. The sorting is done based on the distinct color differences between the non-talc rock and talc ore.

The talc bearing zones and talc ore consist of pale green to white and grey colored bands; the talc is the primary component of the pale green to white bands while carbonate minerals are the primary component in the grey bands.

Mining is accomplished by open pit methods and the talc ore is initially sorted at the mine prior to transportation off-site. The talc is initially screened, washed, and hand sorted based on coloration of the ore. The pale green to white ore constitutes nearly pure talc and the more grey carbonate-rich rock is either wasted or sorted into separate production lines at the mine and plant sites. The talc ore from the Guiguang mine is transported to Guilin for further beneficiation, transportation as lump talc, or milled and packaged.

Sorting of the talc from non-talc rock is primarily done by hand, this means that workers physically separate the talc from non-talc rocks. For larger rocks, they are either separated as lump talc or where they are impure, pneumatic hammers are used to break the rocks into manageable pieces for further beneficiation.

Quality Control (QC) testing of the milled talc on site is done on a routine basis. The testing involves sieving, whiteness testing, density testing, X-ray Fluorescence, wet chemistry for heavy metals, and powder X-ray diffraction (XRD). The testing conducted is in accordance with the Chinese Pharmacopeia. With regard to asbestos, XRD is used to screen for the presence of the potentially asbestos minerals serpentine and amphibole. The test method being employed is the Chinese Pharmacopeia standard GB/T15344-2012 “Methods of the Physical Test of Talc” and which the QC technicians use to screen for asbestos. Microbial testing is also performed for food and cosmetic grades of talc.

The analytical testing conducted is composed of a combination of powder X-ray diffraction (XRD), polarized light microscopy (PLM) –generally in accordance with the current United States Pharmacopeia (USP) or CTFA J4-1, and transmission electron microscopy (TEM).

In 2009, the FDA conducted off-the-shelf product sampling of cosmetic talcum powders as well as solicited USP grade talcs from talc mining and trading companies. At that time, three grades of pharmaceutical talc labeled Imperial 200, 250, and 400 USP were known to come from Guangxi. A contract laboratory on the FDA’s behalf conducted the testing and they performed PLM and TEM testing. No asbestos was detected in the three USP grade talcs submitted. In addition to these Guangxi source talcs they also tested a sample of Johnson’s Baby Powder with the result of no asbestos detected. This is relevant as Guangxi talc was the source of Johnson’s Baby Powder during this time period.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

Starting in 2009, RJ Lee Group, Inc. has conducted both talc surveys and quarterly monitoring for Johnson & Johnson of Guangxi-sourced talcs. The testing incorporated the current USP talc monograph with PLM and TEM testing of each sample submitted. Results of these analyses showed no serpentine or amphibole group minerals were detected, let alone chrysotile and/or amphibole asbestos.

Additional mineralogical based testing on Guangxi-sourced talc were performed by Buzon in 2016 wherein she examined seven specimens by XRD and found no serpentine or amphibole minerals present.

Early in 2019 I undertook additional analyses of current Johnson & Johnson talc products purchased in California. A total of 12 samples were tested by XRD, PLM, and TEM methodologies. No asbestos was observed in any of the 12 bottles. Additionally, I analyzed another 10 samples of Johnson & Johnson talc products in the Shawn and Holly Johnson v. Johnson & Johnson, et al matter filed in California. No asbestos was observed in any of those 10 bottles.

Product formulation

My opinion that Johnson & Johnson talcum powder did not contain asbestos is also based upon my review of internal Johnson & Johnson documentation requiring that only talc free of asbestos be used in Johnson & Johnson's talcum powder. I have reviewed Johnson & Johnson's Raw Material Purchase Specifications, which confirm that suppliers were required to analyze each shipment of talc for asbestos content and certify that each shipment of talc was asbestos free.

Product testing record

My opinion that Johnson & Johnson's talcum powder did not contain asbestos is based on a decades-long testing record, including historical testing by Johnson & Johnson and its suppliers, independent, third-party testing, and historical government testing. Review of the entire testing record leads me to conclude Johnson & Johnson's talcum powder did not contain asbestos.

Historical testing by Johnson & Johnson and its suppliers

I have reviewed documentation regarding Johnson & Johnson's testing protocols for its talc supply. My understanding is in the early 1970s, Johnson & Johnson developed a state-of-the-art, reliable testing method and internally tested its talc supply, along with talcs never intended to be used in finished Johnson & Johnson talcum powder products, for the presence of asbestos using several different testing methods. This was a response to false alarms raising the issue of possible contamination of cosmetic talc with asbestos. *CTFA-FDA Scientific Liaison Report*, CTFA Cosmetic Journal, Vol. 3, No. 4 (1971). Johnson & Johnson's policy required it to discard any talc lot that was sampled and determined to be contaminated with asbestos. I have reviewed Johnson

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

& Johnson's internal testing results from the relevant time periods and confirmed that the overwhelming majority of these results were negative for amphibole or serpentine minerals.

Independent, third party testing

I have reviewed numerous independent testing results submitted by McCrone Laboratories, RJ Lee Group, and other third-party testers comprising test results covering Johnson & Johnson's talcum powder for the past 40+ years. These test results show that these experts have consistently determined that Johnson & Johnson's talcum powder was not contaminated with asbestos. These testing results are consistent with the bulk of reported studies and testing by the government, academics, and other laboratories.

In addition to these tests, RJ Lee Group has recently completed sixteen (16) samples as part of the MDL process. The testing conducted was in accordance with generally accepted methods and found non-asbestiform amphibole in each of the 16 samples. The amphibole identified in fifteen (15) of the samples is cummingtonite with clear indications of talc alteration and tremolite in one (1) sample. These findings of cummingtonite are consistent with another bottle tested in March 2018 of a "museum" specimen from 1978 wherein non-asbestiform cummingtonite was observed. For these same 17 samples both Dr. Longo (one sample) and Mr. Poye (8/16 samples) misidentified the amphibole present as anthophyllite asbestos. Thus, they misidentified both the habit of the amphibole and the species of amphibole. These mistakes are a result of not following generally accepted methodologies for the testing of talc for asbestos.

Twenty-three (23) additional reports from the MDL process were reported on December 12th, 27th, and 31st, 2018. Non-asbestiform amphiboles were observed in numerous of these samples. Depending on the specific samples the amphibole types observed were tremolite and cummingtonite. In addition to these phases on three samples intergrowths of anthophyllite and the pyriboles jimthompsonite and clinojimthompsonite were observed. In one sample the suspected amphibole particles observed by PLM were intergrowths of talc and clinojimthompsonite with no observed amphibole component by TEM-SAED analysis.

In addition to the above sixteen samples RJ Lee Group has recently completed an additional ten (10) samples and seven (7) samples that are from Asia obtained through the MDL process. In none of these 17 samples were any asbestiform minerals detected. In regard to the 10 samples, non-asbestos amphibole was observed in seven of the samples. These amphiboles were mixtures of cummingtonite and tremolite. For the seven Asian samples six of the seven samples contained non-asbestiform tremolite.

RJ Lee Group has completed testing of two (2) additional samples from the Philippines market, one of which would likely be Korean sourced talc and obtained through the MDL process. Trace non-asbestiform tremolite was observed in one of the samples that based on year of manufacture would have contained Korean talc. The latter sample was from the 1990s and is

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

likely Chinese source and no asbestos or amphibole mineral were observed. In neither sample were any asbestiform minerals detected.

In further testing in June 2019, RJ Lee Group tested fifteen (15) samples identified as Imerys railcar samples obtained through the MDL process. No asbestiform minerals were observed in any of these fifteen samples. Non-asbestos cummingtonite was observed in five samples. Non-asbestos tremolite was observed in two samples. Non-asbestos or platy serpentine was observed in one sample.

In May of 2023, I tested a single bottle of Johnson & Johnson Baby Powder that was also tested by Dr. Longo. No asbestos was detected in the testing. Further, no amphibole or serpentine minerals were detected.

In February 2024, I tested a single split of material from MAS simply identified as M71740-001. No asbestos was detected. My report on this testing is dated February 12, 2024.

I have also reviewed the Blount 1991 article wherein Sample I was reported to contain amphibole asbestos. As I have previously testified, Dr. Blount's methodology is based on sound mineralogical principles and does allow the determination of whether an amphibole is asbestiform and thus asbestos (unlike the methods of plaintiff's experts in this case). Thus, I agree that for Sample I asbestos was observed and reported. However, the issue is the identity of Sample I. I have reviewed Dr. Blount's depositional testimony from April 2018, wherein she alleges that Sample I was Johnson Baby Powder, and then produced the bottle at the same deposition. However, Dr. Blount testified that the bottle produced and identified as Sample I was purchased in New Jersey after 1991 just prior to her moving to Vermont ca. 1996. Furthermore, Dr. Blount prior to her April deposition sent to Dr. Mickey Gunter what she represented as the samples in her 1991 article. The bag labeled Sample I contained three vials, one of which had the date 1976 written on it. Unfortunately, due to this confusion of fact I am unable to verify what the identity of Sample I is at this time. I am aware that Dr. Blount would not let the parties test this sample. Lastly, none of the other samples have been made available to me in order to test.

Historical government testing

In addition to the independent testing performed by McCrone Laboratories, RJ Lee Group, and others, historical testing by the FDA found no asbestos in Johnson & Johnson's talcum powder. In 1973, the FDA commissioned a study in which 195 products described as "Cosmetic talcum-type powders" were tested for possible asbestos contamination. As part of that study, eleven samples of Johnson & Johnson's talcum powder products were tested. Prof. Lewin did not find any asbestos in nine of the samples. As for the remaining two samples, the report concluded that one sample had inconclusive results for chrysotile and another sample contained trace amounts of tremolite. *See* Prof. Seymour Lewin, Final Report: Determination of Asbestos Contents of Commercial Talcum Powders (July 10, 1973).

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

The FDA hired DCST to verify Prof. Lewin's XRD results by analyzing the same samples with both light microscopy and differential thermal analysis. After testing Johnson & Johnson's samples (including the two implicated in Prof. Lewin's final report), the FDA concluded that both samples did not have any detectable levels of chrysotile or tremolite. See Heinz, Tabulated Results of DCST's Analyses for Asbestos Minerals in Prof. Lewin's Study (Jan. 7, 1976).

In July 1986, the FDA responded to a November 1983 citizen's petition seeking "labeling of warning of hazardous effects produced by asbestos in cosmetic talc." The FDA's response found there was no basis at that time for the agency to conclude there is a health hazard attributable to asbestos in cosmetic talc and, without such evidence there was no need for a warning label. *See* 1986 Citizen's Petition Response. Even more recently, the FDA published a study conducted in 2009 and 2010 of 27 samples of cosmetic-grade raw talc and 34 samples of cosmetic products containing talc, finding no asbestos in all samples—including Johnson & Johnson's talcum powder. FDA, "Ingredients>Talc," available online at http://www.fda.gov/cosmetics/productsingredients/ingredients/ucm293184.htm (last visited November 13, 2019).

In October of 2019, the FDA, using AMA (the same testing laboratory as 2009-10), reported finding chrysotile by TEM analysis in two of three splits drawn from a bottle of Johnson & Johnson Baby Powder Lot #22318RB. Johnson & Johnson recalled this specific lot as it investigated this claim. Both RJLG and Bureau Veritas tested, on behalf of Johnson & Johnson, additional talcum powder samples related to this lot. The analytical testing methodology of the three laboratories was similar. Furthermore, the analytical sensitivity for both RJLG and Bureau Veritas testing was greater than that of AMA.

In AMA's report, they had analyzed Lot #22318RB in triplicate using PLM NY ELAP 198.6 and a modified TEM NY ELAP 198.4. During the TEM analysis, they reported data from three of the observed chrysotile structures. The first structure, "308006-6A Chrysotile Structure 1", appears to be consistent with chrysotile based on the EDS and SAED provided. The next two structures, "308006-6B Chrysotile Structure 1a-c" and "308006-6B Chrysotile Structure 2", do not appear to be chrysotile from the SAED provided by AMA. The first structure "308006-6B Chrysotile Structure 1a-c" does not have an observed diffraction pattern. This could indicate that this structure is a) not chrysotile, or b) the fiber was not stable during observation with the TEM. From the image provided of this structure, there appears to be no hollow tube in the center of the structure as would typically be observed in chrysotile. This structure is inconclusive at best and further data would have to be collected in order to confirm the identification as chrysotile. The third structure "308006-6B Chrysotile Structure 2" does not appear to be chrysotile from the provided SAED. The streaking in the [110] gap is reversed from what it should be. Therefore, AMA can only definitively state that one chrysotile fiber was observed during their analysis.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

With regard to the control samples and blank samples reported by AMA, there are discrepancies of the dates of preparation of the unknown Johnson & Johnson sample and the dates of the provided data. For example, in the report it is stated that a 10% chrysotile spiked talc was prepared at the same time as the unknown sample. However, the data produced for the 10% spiked sample was prepared at a later date. Further, these 10% chrysotile spiked samples are prepared per batch. Also, the blank samples produced represent a different time period of preparation other than that of the Johnson & Johnson sample subsamples. Since the blank data presented is not that described in the report and, based on the fact that it is not from the same time frame, it is not representative of the environment where the Johnson & Johnson samples were prepared and analyzed. The chronology for preparation and analyses are as follows:

- August 30, 2019 samples 308006-6, 308006-6a, 308006-6b are prepared.
- September 3, 2029 sample 308006-6 analyzed.
- September 5, 2019 blank samples NB19-645, NB19-646, and NB19-647 are prepared.
- September 5, 2019 10% reference control chrysotile spike prepared.
- September 7, 2019 samples 308006-6a, 308006-6b are analyzed.
- September 18, 2019 samples NB19-645, NB19-646, and NB19-647 are analyzed.
- September 18, 2019 10% reference control chrysotile spike analyzed.
- No dates given for EB-54155 described as a carbon coating filter blank.

Furthermore, blanks samples do not encapsulate every potential for contamination. For instance, if the contamination is due to an unclean or partially cleaned pair of tweezers, and if those tweezers, while contaminated, did not handle the blank filter because it was prepared either at a different time or on a separate day, then no transfer of particulate would have been possible, thus no chrysotile observed in the blank sample. Another example described by AMA is the fact that multiple times a year they document asbestos contamination in samples from routine laboratory practice. This is in no way meant as a crimination of the AMA laboratory; it is a fact that in an asbestos testing laboratory, contamination is always a possibility and does happen.

With respect to RJLG testing, each sample or replicate of a sample was analyzed by XRD, PLM and TEM. Two splits were obtained from the original sample provided to AMA, one split labeled "blinded" and the other labeled "original". The analysis of the "blinded" sample was replicated three times, and the analysis of the "original" was replicated twenty times. RJLG was not able to duplicate the findings of chrysotile in the same bottle. These reports are dated October 28, 2019 (the original triplicate analysis) and November 5, 2019 (the additional 17 analyses of the "original" sample). Five samples (four milled talc and one baby powder) provided by Johnson & Johnson were analyzed in triplicate from the same lot that AMA tested. These samples were reported on October 28, 2019 and no asbestos was detected in any of the replicates[2]. RJLG

[2] See RJLG Incident report 10\28\2019: "During the analyses of several samples by transmission electron microscopy (TEM), it was observed that some of the samples that were prepared in one room (room 107I) were found to contain

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

received and tested six additional lots of talc provided by Johnson & Johnson, wherein no asbestos was detected in any of those lots. The results of these tests were reported on October 29, 2019. In all, 41 tests were performed; no asbestos, amphibole, or serpentine minerals were observed in any of the tested material.

Regarding the Bureau Veritas testing, the preliminary report dated October 27, 2019 showed no asbestos observed on three replicates of the sample lot tested by AMA. The final report, dated November 27, 2019, included the preliminary report data plus additional analysis of four other samples. These are the same samples analyzed by RJLG in the October 28, 2019 report. Bureau Veritas tested each sample in triplicate by four different methods which include PLM 400 point count, PLM 1000 point count, TEM ASTM 5756, and TEM EPA/600/R-93/116. During the analysis of lot #H06228-D7(A1910246-001C and -00D) using TEM ASTM 5756, fibers were observed but Bureau Veritas determined that these structures were sepiolite rather than chrysotile. Further discussion of sepiolite and chrysotile follows. Upon review of the data provided in their report, I agree with this conclusion that these fibers are not chrysotile. Additionally, they observed two possible amphibole structures on H06228-D7 (A1910246-001C). Based on the data provided, I cannot independently verify whether or not these particles are amphibole.

Between RJ Lee Group and Bureau Veritas, a total of 155 independent tests were conducted, 74 of which were TEM tests. In none of these tests could the presence of chrysotile be confirmed. Thus, the observation of chrysotile by AMA is most likely the result of contamination during sample handling and not from the material itself.

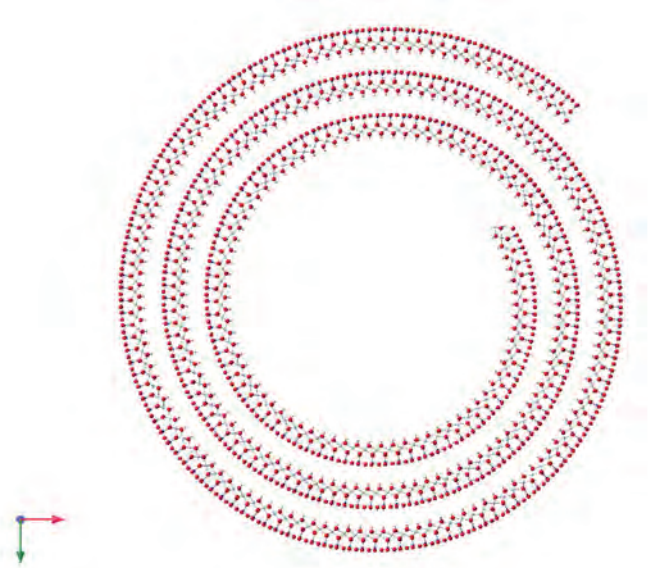
I reserve my right to offer opinions as more information is made available about this event.

Much has been written on the mineralogy of chrysotile as it formerly had a very significant role in many industrial processes and products (See Deer et al. 2009, Ledoux 1979, and references therein). The general structure of chrysotile consists of a 1:1 layer silicate composed of a sheet of tetrahedrally coordinated silicon and a sheet of octahedrally coordinated magnesium. Because of the mismatch between the optimum bond length between the apical oxygens of the tetrahedral sheet and the octahedral sheet, the stresses created are compensated for by bending of the sheets. As the sheet extends, this curvature results in the formation of a scrolled structure around the crystallographic axis in chrysotile (see image below). The composition of chrysotile is ideally $Mg_3Si_2O_5(OH)_4$ but small amounts of other elements can substitute for magnesium in the octahedral sites (e.g. iron, nickel, manganese). Chrysotile occurs in serpentinite rocks found in

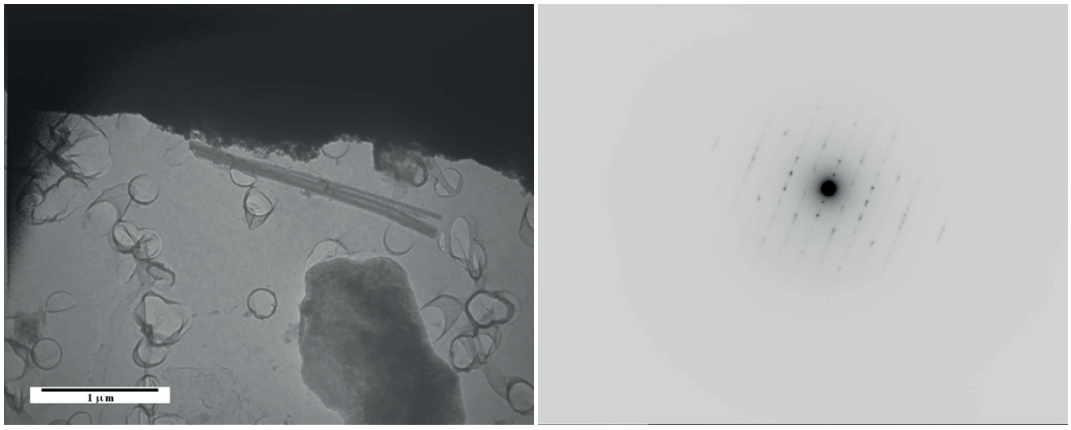
trace levels of chrysotile. Duplicate and triplicate testing of the same sample, prepared in our standard preparation room (room 122), did not contain any asbestos. Repeat testing of all samples, prepared in triplicate in our standard preparation room, indicated the samples did not contain any asbestos. Based on these results, it was concluded that some of the samples prepared in room 107I were somehow contaminated by the environment". Of the 52 total tests in the known clean environment, no sample tested positive for asbestos. Meanwhile, of the 7 tests from the known contaminated environment, 3 showed positive for chrysotile.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ophiolite sequences. The scrolled structure of chrysotile is a characteristic feature of the mineral and is exhibited by the morphology and electron diffraction patterns observed in the TEM.



Simulated chrysotile scroll.

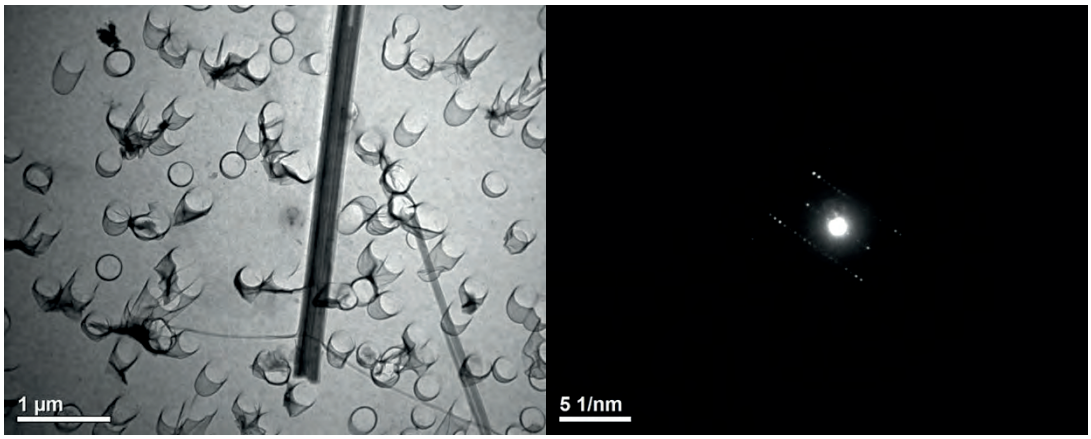


TEM electron micrographs of chrysotile bundle (left) and the observed SAED pattern (right). Note the distinct streaking of the SAED caused by the scrolling structure of chrysotile. Also, on the image one can observe the hollow tube running down the center of the fiber represented by a lighter grey region in the center of the fiber.

Sepiolite is a 2:1 sheet silicate clay mineral with the ideal composition of $Si_{12}Mg_8O_{30}(OH)_4(OH_2)_4 \cdot 8H_2O$. Sepiolite is included as a sheet silicate as the structure contains a two-dimensional sheet composed of T_2O_5 (T=Si, Al, etc.), however, sepiolite does not contain a continuous octahedral sheet. This results in a ribbon structure composed of 2:1 layer silicate sheets. These ribbons are joined by apical oxygens of adjacent tetrahedral ribbons where the adjacent tetrahedral ribbons have alternating directions of the apical oxygens (see Jones & Galan 1988, and reference therein, for discussion). The arrangement of these ribbons creates a large

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

channel in the structure capable of weakly holding water as well as other cations. This ribbon structure causes sepiolite to form typically in a fibrous habit. Sepiolite occurs in a wide variety of environments, but seldom in significant abundance (Jones & Galan 1988). Electron microscopy of sepiolite is difficult as the structure degrades quickly as a result of dehydration of the structure in the vacuum of the electron microscope.



TEM electron micrographs of a sepiolite fiber (top) and SAED (bottom). Notice the lack of streaking within the SAED pattern.

1970s Testing

I am aware of historic testing that took place in the 1970s, including testing in 1972 by Professor Lewin at NYU and in 1976 by Drs. Rohl and Langer. It is important to note that it would be improper to rely solely on Dr. Lewin's preliminary results. Dr. Lewin's preliminary results have been described by McCrone as "grossly wrong" and by NIOSH as "erroneous." Walter C. McCrone, *The Asbestos Particle Atlas* (1980) at 3-4; NIOSH, *Analysis of Talc by X-Ray Diffraction and Polarized Microscopy* 34 (May 1977) at iii.

Likewise, Drs. Rohl and Langer's 1976 article has been discredited because it did not reliably identify asbestos. On the face of their article, Rohl and Langer stated that their methodology did not distinguish between asbestos and non-asbestos. They defined "asbestiform" as "formed like or resembling asbestos." based solely on a 3:1 aspect ratio.

Academic, private, and government scientists, including IARC, the U.S. Bureau of Mines, and the McCrone Institute, are in agreement that Drs. Rohl and Langer's 1976 report is unreliable (IARC 2010) wherein they state that "criticisms [of Rohl et al. 1976] were reasonable and little reliance can be placed on the reported concentration of tremolite or anthophyllite. The Working Group also noted that Rohl *et al.* (1976) stated that their methodology did not distinguish between asbestos and non-asbestiform mineral fragments." A same problem was noted by Campbell *et al.* 1977 wherein they state that: "In many instances, cleavage fragments of common amphibole minerals have been mistakenly identified as microscopic fibers of the related asbestiform variety.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

Such lack of precision in identifying these particulates is a handicap to scientific decision making". Walter McCrone (1980) commented on the use of a 3:1 aspect ratio and its use in asbestos analysis in talc as "silly". Lastly, Krause (1977b) states in regard to the work by Rohl et al. "conclusions drawn are without scientific basis and are therefore misleading and invalid".

Indeed, for these reasons, in its 1986 review of whether cosmetic talcum powder should be affixed with a warning label, the FDA rejected this testing:

> *"During the early 1970s, FDA became concerned about the possibility that cosmetic talc did contain significant amounts of this material. The agency received several reports about such contamination. However, at that time, the analytical procedures for determining asbestos in talc were not fully developed, and most of the analytical work was conducted without scientific agreement as to which methods were well-suited for the identification of asbestiform minerals in talc. Consequently, FDA considered all analytical results to be of questionable reliability. This assessment proved to be correct because many questions were subsequently raised about results reported in the literature in the early 1970s (see enclosed copy of National Bureau of Standards Special Publication 506 entitled "Misidentification of Asbestos in Talc.)"*

1986 Citizen's Petition Response at FDA00003601.

Plaintiff Expert Testing

MVA Scientific Consultants

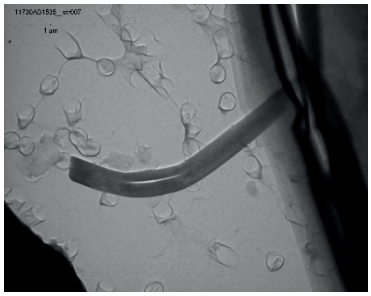
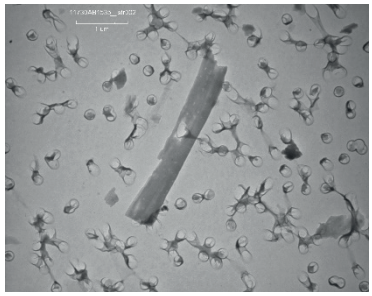
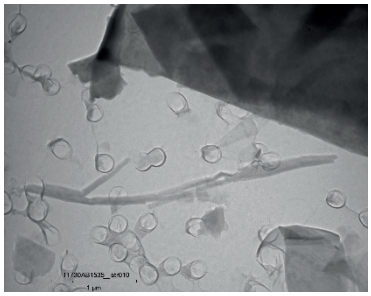
I have reviewed the August 1, 2017 and April 23, 2018 reports of Plaintiffs' testing expert Dr. Compton of MVA Scientific Consultants. It is my opinion that MVA's testing methods are not adequate to reliably identify amphibole minerals in an electron microscope, and where amphiboles are observed they do not differentiate between the asbestos and non-asbestos habits of these same minerals. Thus, MVA cannot reliably report the identification or quantification of asbestos in talc derived from the mines in Val Germanasca Italy.

From the as received photographs of the splits from Bureau Veritas of these samples it is clear that the vast majority of the samples were rock samples. This means that important mineralogical and sample characteristics were simply ignored during the analysis, the most important of which was the examination of mineral crystallization. This is the key feature in determining if asbestiform minerals are indeed present. Furthermore, MVA had every opportunity to perform both powder X-ray diffraction and polarized light microcopy on these samples and chose to simply perform TEM analysis following an air methodology where the data is the most difficult to interpret objectively.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

MVA selected the ISO 10312 method, which is equivalent to ASTM D6281 for their bulk testing by AEM. As stated above this methodology is designed by ambient air measurements and not for bulk sample analysis. ISO 22262 is the bulk sampling methodology, which is based in polarized light microscopy techniques and requires the same standard to identify asbestos as the EPA 600/R-93/116 method. The ASTM D6281 method states that the analyst must evaluate three components of each particle: "the morphology, the ED pattern, and the qualitative and quantitative EDXA" in order to determine whether that particle is or is not asbestos. ASTM D6281 ¶ 4.2. As set forth below, MVA did not meet their methods' requirements for each of these three types of AEM analyses—morphology, the ED[3] pattern, and quantitative EDXA[4]—as applied to analysis of bulk samples whether talc or other matrix.

Morphology. The ASTM D6281 method defines a "fiber" as "an elongated particle that has parallel or stepped sides." ASTM D6281 ¶ 3.2.22. Several of the particles MVA identified as "fibers" do not meet this definition because they are not parallel and/or do not have stepped sides. For example, MVA identified the particles in the images below as asbestos "fibers," but none has parallel or stepped sides:

August 1, 2017 report sample 11730AB1535 Stru_002, Str_007, and Str_010. ASTM D6281 also requires that, for fibers with stepped sides, aspect ratio be calculated by using a "width equal to the average of the minimum and maximum widths." ASTM D6281 ¶ A3.2.1.1. There are numerous instances where MVA failed to follow this morphological requirement resulting in erroneous aspect ratios for observed particles.

For those particles that MVA correctly identified as "fibers" under their cited method, it is important to note that "fibers" are not necessarily equal to asbestos. Yet MVA equated "fibers" with "asbestos" and thus reported detecting "asbestos" in these samples because the definition of "fiber" in MVA's chosen method (an elongated particle, with parallel or stepped sides and at least a 5:1 aspect ratio) includes non-asbestiform cleavage fragments. Indeed, as ASTM D6281 recognizes, the "test method cannot always discriminate between individual fibers of the

[3] ED stands for "electron diffraction," ASTM D6281-09 ¶ 3.4, which is equivalent to the SAED (selected area electron diffraction) analysis discussed above.

[4] EDXA stands for "energy dispersive X-ray analysis," ASTM D6281-09 ¶ 3.4, which is equivalent to the EDS (energy dispersive spectroscopy) analysis described above.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

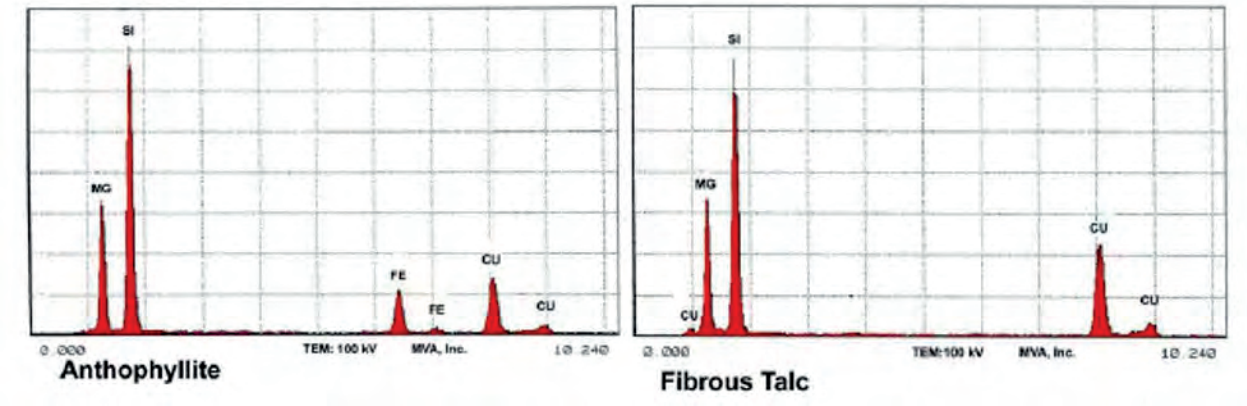
asbestos and non-asbestos analogues of the same amphibole mineral." ASTM D6281 ¶ 1.1.2; *see also* ASTM D6281-09 ¶ 3.2.13 (defining "cleavage fragment" and stating "[s]ome cleavage fragments would be included in the fiber definition used in this method"). Thus, even for the particles MVA found that meet the method's definition of a "fiber," the method acknowledges that these fibers could still be cleavage fragments. *Id.* And MVA performed no additional analysis on those fibers observed during their AEM analysis to determine whether they grew in the asbestiform habit and exhibit the generally accepted characteristics of asbestos; such as very high aspect ratios (20:1 to 100:1 or higher), parallel fibers occurring in bundles, fiber bundles with splayed ends, matted masses of individual fibers, and/or fibers showing curvature.

In a crushed and milled product like talcum powder, if either asbestiform or non-asbestiform amphibole is in fact present, as well as talc, they will produce particles with aspect ratios greater than 5:1. Hence, the morphological requirements of a fiber used in ASTM D6281do not reliably differentiate asbestos fibers from non-asbestos fibers.

Chemical composition by energy dispersive x-ray analysis. In addition to a particle's morphology, the ASTM D6281 method require the analyst to evaluate the fiber's EDXA spectra to determine its chemical composition in order to properly identify it. ASTM D6281 ¶ 4.2. EDXA analysis can be performed quantitatively and non-quantitatively. Quantitative EDXA analysis is preferred, and in some contexts is required, for samples where known interferences have overlapping elemental composition. See NIOSH 7402 (stating that there are "several minerals," including "talc fibers[] which are chemically similar to asbestos and can be considered interferences"); Int'l Agency for Research on Cancer, Vol. 93, at 286 ("Anthophyllite and sepiolite have chemical compositions that are very similar to talc and require quantitative chemical analysis to differentiate them, including the use of well characterized standards in the case of dispersive X-ray analysis used in conjunction with electron microscopy.") I have reviewed MVA's reports and have not seen any evidence that MVA performed a quantitative EDXA analysis of any of the particles they claimed were asbestos, nor did they do any comparative analysis to known interferences, such as talc where they report findings of anthophyllite.

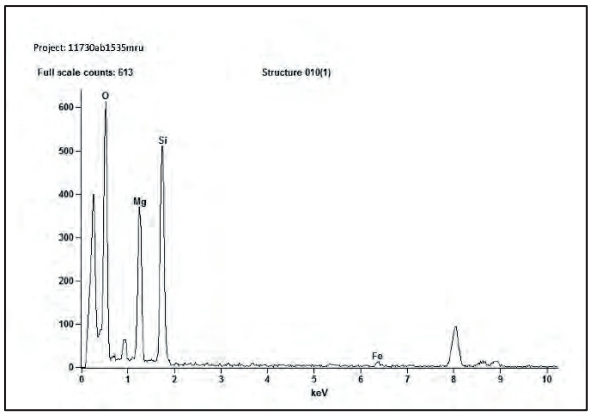
MVA also made substantial errors in their analysis of the elemental chemistry of the fibers they claimed were asbestos. The most common asbestos mineral that MVA claimed to find was anthophyllite, and anthophyllite typically has iron in it. Dr. Compton teaches a course on AEM analysis at MVA, and those materials include images of EDXA spectra for both anthophyllite and talc:

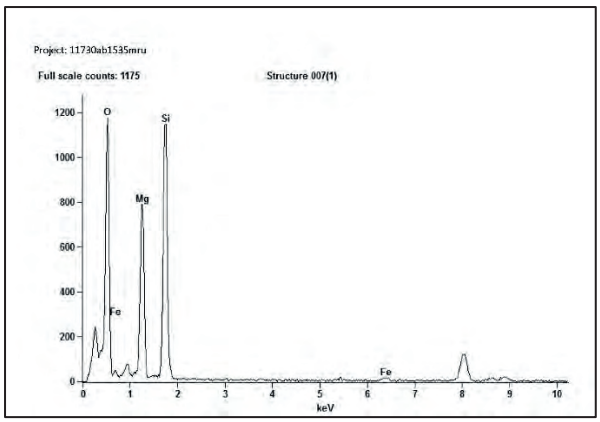
ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472



MVA, "Fundamentals of Asbestos Analysis by TEM" at 145-47. As can be seen in the images above, talc has similar elemental chemistry to anthophyllite in all respects but one: talc generally lacks iron (note the "FE" peak near the center-right of the anthophyllite spectra, but the absence of the FE peak in the talc spectra).

The EDS spectra that MVA obtained from analyzing what it called "anthophyllite," however, often had no iron peak, and was therefore more consistent with a typical talc particle than a typical anthophyllite particle. Two examples of MVA's EDS spectra (EDS from 1173AB1535 Str_010 and Str_002) from particles MVA identified as anthophyllite are below, and neither have the iron peak characteristic of anthophyllite:





Theoretically, some talcs may have minor amounts of iron and some anthophyllites may have little to no iron, but as far as I am aware, the only documented source of iron-free anthophyllite in nature originates from an industrial grade talc deposit in upstate New York—an area that is not at issue in these cases as Johnson & Johnson did not use these mines as a source for its talcum powder production and it is my understanding that these mines were never a source for cosmetic or pharmaceutical talc.

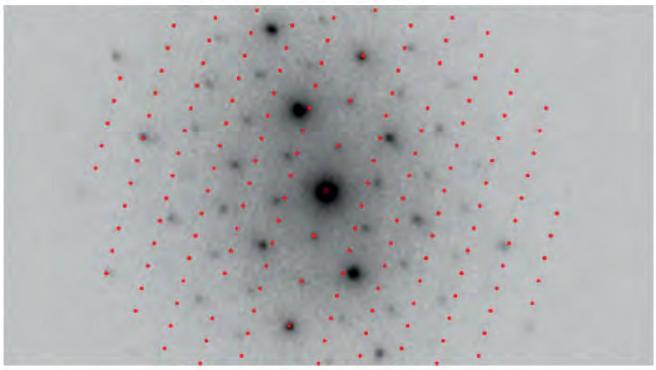
ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Crystal structure by electron diffraction. In addition to analyzing a particle's morphology and chemical composition, ASTM D6281 require an analyst to evaluate the particle's SAED pattern to determine information about its crystal structure. ASTM D6281 ¶ 4.2. There are both non-quantitative and quantitative types of SAED analysis, and ASTM D6281 requires employing *quantitative* methods in order to "[c]onfirm amphibole" particles in samples whose contents are "unknown" (i.e., where asbestos is not known to be present), ASTM D6281-09 ¶ A4.4.3. The analyst does this by quantitatively comparing the zone axis SAED patterns from the particle to the published data for "all of the fibrous minerals likely to be encountered in TEM analysis of air samples." ASTM D6281 ¶ A4.3.2.1. The analyst must therefore compare a particle's SAED pattern not only to data for serpentine and amphibole minerals, but also to known non-asbestos interferences that may be in the sample. *Id.* at ¶ A4.3.2.3 ("Test even the structures of nonamphibole minerals in this preselected list against the zone-axis data obtained for the unknown fiber since nonamphibole minerals in some orientations may yield similar patterns consistent with amphibole structures.") For the case of a talc sample, the interferences include talc itself, as well as other non-asbestos minerals that can sporadically be found in talc, e.g. sepiolite.

Dr. Compton admitted that MVA failed to compare the measured SAED patterns against published data for talc and other common non-asbestos minerals found in talc. Apr. 13, 2017 Compton Dep. at 216:4-218:20. In other words, when analyzing talcum powder for the presence of amphibole, MVA failed to determine whether the data yielded a better fit for talc. If they had performed this analysis, MVA would have realized that the vast majority of the particles they called anthophyllite were, in fact, talc.

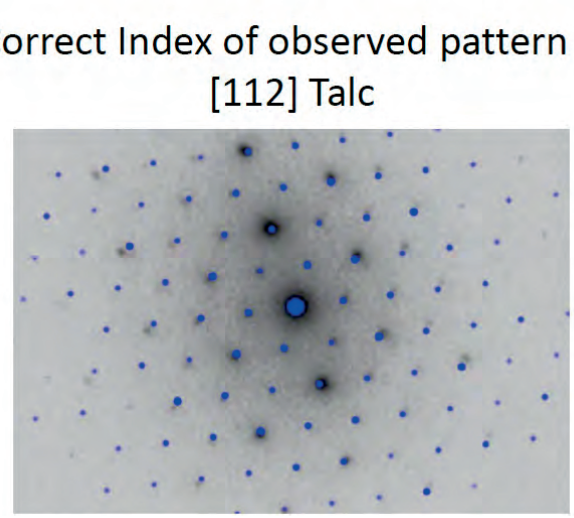
For example, the first image below shows the expected diffraction pattern for an anthophyllite particle at the [213] zone (d, which is how MVA indexed the pattern) laid over the diffraction pattern that MVA recorded. It is readily apparent that the observed pattern and calculated pattern (red dots) do not match anthophyllite:

Observed SAED
overlain with $[213]_{An}$ simulated



ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

Conversely, the observed diffraction pattern matches the expected pattern (in blue) for talc at the [112] orientation.



(Sanchez List of Materials Reviewed and/or Relied Upon, Jan. 15, 2016 Examples of Incorrect Approach to Indexing Zone Axis SAED by MVA) at 5, 13.) The diffraction pattern, in other words, is a match for talc, not anthophyllite. But MVA did not check their SAED patterns against talc, and instead only checked them against anthophyllite and other amphibole minerals, which caused them to misidentify talc as anthophyllite. In fact, in one instance they incorrectly indexed a tremolite particle as anthophyllite).

In addition to failing to compare their SAED patterns to talc, MVA also failed to obtain two separate zone axis SAED patterns with consistent interaxial angle[5] for each of the particles they analyzed, in violation of ASTM D6281. In an unknown sample, when the analyst finds fibers with non-tubular morphology,[6] ASTM D6281 states that the analyst can "[c]onfirm amphibole only by" employing three types of analyses, which are called AZQ, AZZ, and AZZQ. ASTM D6281 ¶ A4.4.3. The acronyms AZQ, AZZ, and AZZQ are defined terms that represent quantitative SAED and/or EDXA analyses.[7] For two of these analyses (AZQ and AZZQ), quantitative EDXA is required where the analyst measures and quantifies the chemical elements found in the particle. ASTM D6281

[5] The "interaxial angle" is the angle between the two zone axes.

[6] Chrysotile asbestos has a "tubular" morphology, and amphibole asbestos has a non-tubular morphology. Because MVA never reported detecting chrysotile asbestos, I focus here on the ASTM D6281's methods for identifying fibers with non-tubular morphology.

[7] AZQ means that the analyst has confirmed the amphibole mineral by obtaining a zone axis SAED pattern and quantitative EDXA consistent with amphibole. ASTM D6281 Table A4.2. AZZ means that the analyst has confirmed the amphibole mineral by obtaining two zone axis SAED patterns with a consistent interaxial angle that is consistent with amphibole. *Id.* And AZZQ means that the analyst has confirmed the amphibole mineral by obtaining two zone axis SAED patterns with a consistent interaxial angle and a quantitative EDXA, all of which are consistent with amphibole. *Id.*

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Table A4.2. Because there is no evidence that MVA performed quantitative EDXA, MVA cannot satisfy the requirements of AZQ and AZZQ. ASTM D6281 Table A4.2. MVA was therefore required to confirm amphibole by AZZ analysis. ASTM D6281 Table A4.2.

MVA failed to perform an AZZ analysis that complied with ASTM D6281. An AZZ analysis requires obtaining two zone axis SAED patterns with interaxial angles that are *both* consistent with amphibole. ASTM D6281-09, Table A4.2, Fig. A4.4. If the first pattern is consistent with amphibole but the second pattern is not, or even if both patterns are consistent but the interaxial angle is not, then the analyst cannot report finding asbestos and must report "NAM," or "non-asbestos mineral." *Id.*

Dr. Compton admitted in deposition that he failed to follow all of these requirements. Apr. 13, 2017 Compton Dep. at 216:4-218:20. Based on the testing reports I have reviewed, for the majority of the particles MVA analyzed, MVA performed only one zone-axis analysis on those particles. One zone axis measurement is not sufficient to meet an AZZ analysis, and none of those particles can be identified as asbestos under ASTM D6281. ASTM D6281 ¶ A4.4.3; Table A4.2.

MAS

I have reviewed reports by Dr. Longo of MAS as well as various deposition and trial testimony as it relates to his testing of alleged bottles of Johnson & Johnson talcum products. The specific reports I have reviewed are dated August 2, 2017, August 21, 2017, September 2017, October 2017, February 16, 2018, March 2018, March 11, 2018, October 2018 (two reports), November 5, 2018, November 14, 2018, January 15, 2019, February 2019, February 9, 2021, and April 13, 2021. Criticisms of the MAS testing conducted on the MDL samples are expounded in a report dated February 12, 2019 and summarized herein. Additional criticisms of MAS testing are found in a report dated May 10, 2023.

Dr. Longo and MAS used the same counting rules as employed by MVA (discussed at length above) that are incapable of differentiating asbestos from non-asbestos minerals. The finding of small amounts of amphiboles in sporadic samples potentially originating from these deposits is consistent with the geology and testing records of both the Vermont and Italian source mines, and do not constitute a finding of asbestos. MAS further failed to use any objective measurements of observed electron diffraction patterns and without this data they cannot show that the observed particles are in fact amphibole and even if these were proven to be amphibole by supplemental work the diffraction data alone is insufficient to determine if any particle is asbestiform.

Dr. Longo does not properly follow the ISO 22262-1 Method for PLM analysis. 1. Dr. Longo's report claims he analyzed 42 talc samples using the ISO 22262-1 Method for PLM analysis. (See Nov. 14, 2018 MAS Report, at p. 16.) Dr. Longo fails to measure correctly the refractive index of the alleged minerals observed, this results in his incorrect identification of anthophyllite asbestos

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

by PLM. In Figure 10.1 are two images from Dr. Longo reports showing the refractive index measurement in both the parallel and perpendicular directions -arrows added- (See Nov. 14, 2018 MAS Report, at p. 581-582.) Note, that the color observed (which is a function of the refractive index) does not change as a function of orientation. Shown directly below are the correct colors that would be displayed if these particles were in fact anthophyllite. The lower pair of images are taken from ISO 22262-1 (at p. 51) and illustrates both the refractive index and morphology of anthophyllite asbestos in same two particle orientations as the images supplied by Dr. Longo.

Dr. Longo anthophyllite vs. ISO 22262-1 anthophyllite asbestos

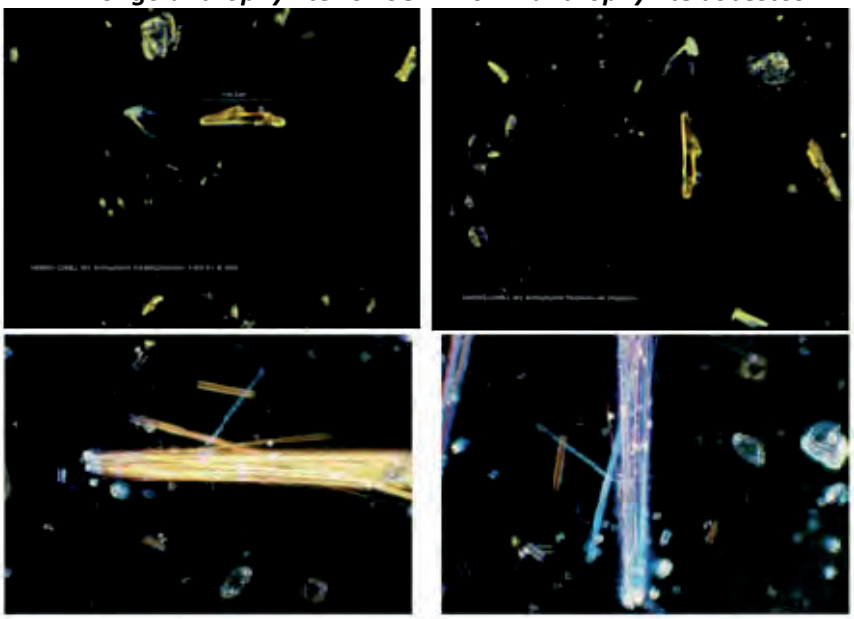


Figure D.47 — HSE anthophyllite in 1,605 RI liquid viewed in dispersion staining — Fibre lengths parallel to polarizer vibration direction

Figure D.48 — HSE anthophyllite in 1,605 RI liquid viewed in dispersion staining — Fibre lengths normal to polarizer vibration direction

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ISO 22262-1

7.2.3.7 Identification of asbestos

7.2.3.7.1 Morphology

A detailed description for the morphology that is characteristic of asbestos is as follows. This morphology is characteristic of the larger fibres seen in stereomicroscope examinations and of fibres selected from laboratory samples for PLM identification of fibre type.

In the light microscope, the asbestiform habit is generally recognized by the following characteristics:

a) the presence of fibre aspect ratios in the range of 20:1 or higher for fibres longer than 5 µm;

b) the capability of longitudinal splitting into very thin fibrils, generally less than 0,5 µm in width;

c) in addition, observation of any of the following characteristics for the fibre type under consideration provides additional confirmation that the fibres are asbestiform:

1) parallel fibres occurring in bundles,

2) fibre bundles displaying splayed ends,

3) fibres in the form of thin needles,

4) matted masses of individual fibres,

5) fibres showing curvature.

In practice, if chrysotile, crocidolite or amosite is identified in a commercial product, the assumption can safely be made that the fibres are asbestiform and that these fibres conform to the description above. This assumption can be made because these three types of asbestos were mined and processed to yield fibres with specific properties for intentional incorporation into products. Some anthophyllite asbestos was used in a few commercial products, but very little was mined and used commercially. Tremolite asbestos has been found in some surfacing and fireproofing applications in Japan. However, other than these occurrences, the amphiboles tremolite, actinolite, and richterite/winchite were not generally used in commerce, and their presence in a product is more likely a consequence of naturally occurring contamination of one or more of the major constituents. Accordingly, no assumption can be made as to whether the amphibole is asbestiform or non-asbestiform. Anthophyllite can occur as contamination of other mineral products, and in such situations no assumption can be made as to whether it is asbestiform or non-asbestiform. In some samples, these amphiboles may exhibit a mixture of morphological types, and quantitative determination of the regulatory status of such samples may require a detailed study of the fibre size distribution that is beyond the scope of this part of ISO 22262.

In general, for this part of ISO 22262, the presence of either the asbestiform or the non-asbestiform analogues of tremolite, actinolite, anthophyllite or richterite/winchite can usually be specified. If the majority of the amphibole fibres longer than 5 µm have aspect ratios equal to or lower than 5:1, and if the fibres do not exhibit any of the characteristics in c), it can be concluded that the amphibole is probably non-asbestiform, with the degree of certainty increasing with decreasing maximum aspect ratio. If any amphibole fibres longer than 5 µm with aspect ratios in the range of 20:1 or higher are observed, then it can be concluded that amphibole asbestos is probably present, with the degree of certainty increasing with increasing aspect ratio.

(ISO 22262-1 Method, at pp. 22-23.)

In his application of the method, however, Dr. Longo disregards the method's definition of asbestiform. (See Nov. 14, 2018 MAS Report, at pp. 19-20.)

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ISO 22262-1

2.8
asbestiform
specific type of mineral fibrosity in which the fibres and fibrils possess high tensile strength and flexibility

[ISO 13794:1999,[4] 2.6]

(*Id*. at p. 2.)

Rather, Dr. Longo assumes any amphibole that is elongated (>3:1 aspect ratio) are asbestiform. (Ibid.) This is especially problematic as the method specifically states no assumptions can be made as to whether observed anthophyllite, tremolite, and actinolite are asbestiform. Furthermore, ISO 10312 (an air method), which uses a 3:1 aspect ratio counting criteria specifically states, "The method cannot discriminate between individual fibres of the asbestos and non-asbestos analogues of the same amphibole mineral." (ISO 10312 "Ambient air – Determination of asbestos fibres – Direct-transfer transmission electron microscopy method" p. 1 sec. 1.1).

Dr. Longo's report also fails to identify how he identified the particular structures as bundles other than describing the structures as "parallel fibers in an asbestos structure that are closer than one fiber diameter to each other." (Nov. 14, 2018 MAS Report, at p. 19.) This is particularly concerning as Dr. Longo concedes an outside laboratory was unable to identify any asbestiform particles in the 38 samples of the Defendants' talc it tested from the same time period using the same methodology followed properly. (Id. At 13.)

In sum, Dr. Longo materially deviates from the ISO 22262-1 method in a manner that is novel and not generally accepted by the scientific community.

Furthermore, Dr. Longo's comparison of his observed data to the data found in the 1977 Bureau of Mines report to conclude a finding of asbestos is a false comparison. The MAS data consists of only amphiboles that have aspect ratio's greater than 5:1 and longer than 0.5um in length (MAS's chosen counting criteria). When one compares the Bureau of Mines report the comparisons of the asbestos vs. non-asbestiform amphiboles were conducted on measurements of all particles in all size and shape ranges. Thus in order to use the Bureau of Mines data for comparative purposes MAS must collect all the dimensional data of the particles within the product samples and then compare the aspect ratio distributions. Furthermore, MAS must show that the TEM preparation process does not bias the particle distributions through loss of the larger particulate. When I used a one-to-one comparison of the observed MAS particle population the distribution is consistent with non-asbestiform amphibole. By not comparing the same type of dimensional data MAS compared two disparate data sets and arrived at a false positive result for asbestos.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

The claim of Dr. Longo that the mineral chesterite is a polymorph of anthophyllite is false. The term polymorphism refers to minerals that have the same chemical composition but different crystal structures. This is not the case between chesterite and anthophyllite, they both have a unique chemical composition (end member formulas $Mg_{17}Si_{20}O_{54}(OH)_6$ and $Mg_7Si_8O_{22}(OH)_2$) and unique orthorhombic crystal structures (a= 18.64, b= 45.31, c=5.29 and a=18.54 b=18.02, c=5.28 respectively). The methods used for both compositional and diffraction analysis conducted by MAS is incapable of distinguishing these two minerals.

The comparison of a modern day talcum powder's particle size distribution does nothing to verify whether a talcum powder obtained from a third party seller is the same material that would have been placed in the bottle during manufacturing. Talc products are milled to certain size parameters for a variety of applications. The end user of the talc defines the particle size needed for the intended application and these sizes are not unique to any given product or manufacturer. For example, an industrial grade talc that is milled to 200 mesh would have a comparable particle size distribution to a cosmetic grade talc milled to a 200 mesh. The particle size comparison between the two simply confirms that the talcum powder tested has been milled to the same specification but it does not establish provenance of a material or the end use application of the powder. The particle size distribution would only be a unique marker if Johnson & Johnson used a uniquely milled particle size, this is not the case with current production nor have I seen evidence that this was true in the past.

Furthermore, I have tested thirty-one (31) of the alleged Johnson & Johnson powders analyzed by MAS and relied upon by Dr. Longo and found that only one of the samples contained tremolite asbestos which was observed despite the presence of non-asbestiform amphibole in sample 3149796, a sample drawn from a pre-1953 cardboard container. This container is from the early 1940's and is unique when compared to the remainder of the samples analyzed. It is in no way representative of the whole sample set of containers. The asbestiform component is clearly observable by PLM and TEM without any concentration techniques being employed. Any other amphibole observed in the other samples were non-asbestiform and consistent with amphiboles of the monoclinic crystal system, i.e. cannot be anthophyllite.

I have also reviewed the two MAS Baby Study Simulations dated January 2019 and June 28, 2019 rev. 1 as well as the MAS Supplemental Baby Study dated May 2020. There are numerous incongruities in the data presented in these reports which need to be addressed. The two samples selected for the studies are the two highest amphibole containing talc samples drawn from Johnson & Johnson containers. The sample used in the January 2019 report (M66173-003) contains primarily non-asbestos amphibole with a subordinate amphibole asbestos component. The sample used in the Baby II Study contained no detectible amphibole asbestos component. Thus, the assumption that all the amphibole observed in a simulation must be asbestos is erroneous and this assumption will exaggerate amphibole asbestos f/cc values in both studies. The concentration of amphibole in these two samples are orders of magnitude greater than other talc samples (where amphibole is observed) drawn from Johnson & Johnson product containers.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

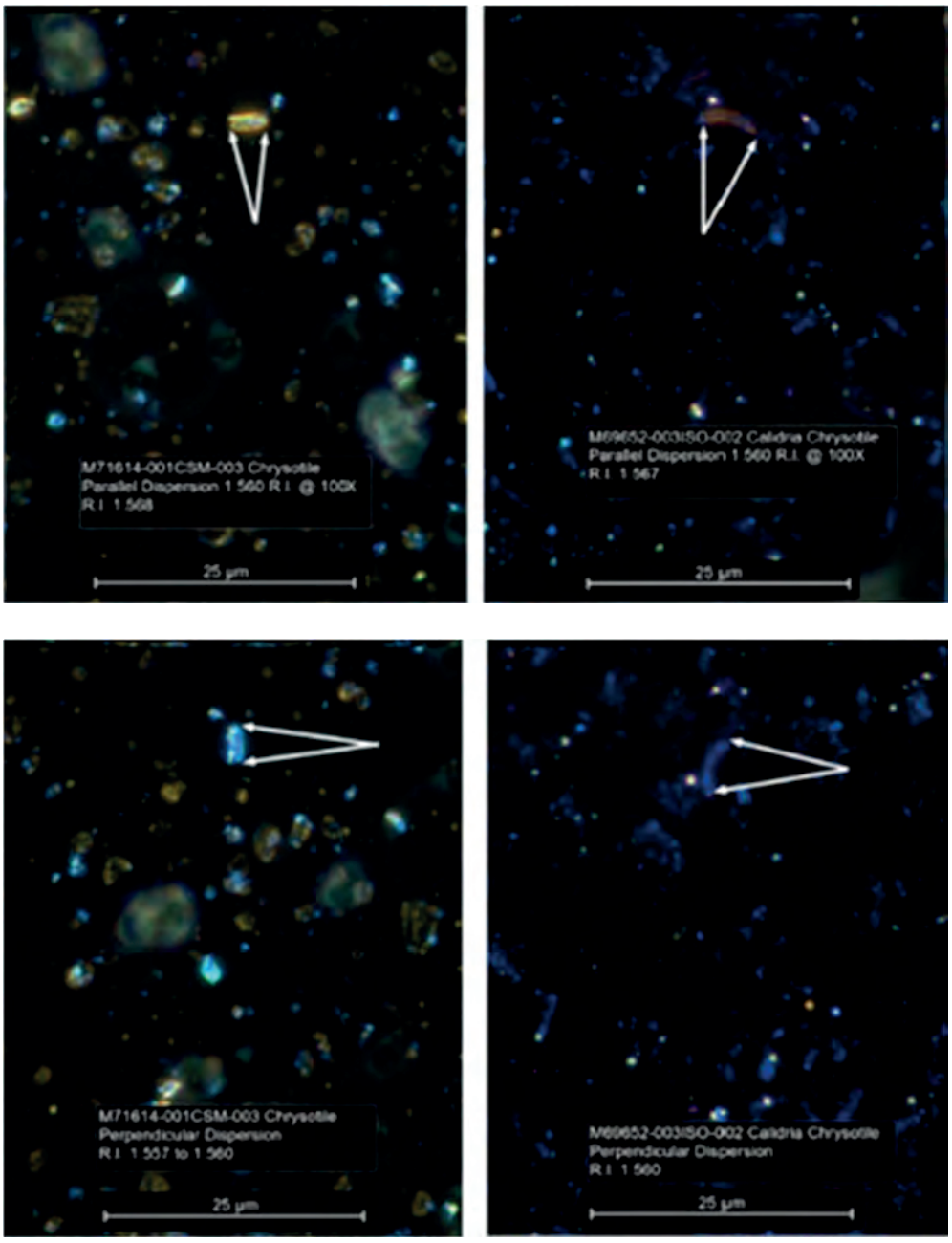
Furthermore, for the January 2019 report, 74 out of 74 counted amphibole particles all were identified as tremolite by MAS and no chrysotile was observed in any of the air samples generated in this study. However, in the fabric sample WC-1-C, MAS reported chrysotile (n =5) and no tremolite. The source of chrysotile needs to be determined as there is no evidence to support a conclusion that it came from the talc. When comparing the NIOSH 7400 (PCM) and NIOSH 7402 (TEM) data for the six personal samples from the January 2019 report, the percentage of fibers that were identified as asbestos by TEM ranged from 0 (P-1-A) and 100 (P-1-D). The minimum and maximum asbestos fiber to total fiber ratio presented in this small sample set, from the same simulation and the same material source, is highly suggestive of either a sampling or analysis error. Talc fiber is always a component of any talc based sample (not to be confused with either fibrous or asbestiform talc). The near lack of recorded talc fiber in the TEM analysis for both studies further indicates that the total fiber count of the TEM data is not reliable, thus the "asbestos" percentages reported are not valid.

Dr. Longo has also issued a number of reports (Zimmerman Feb 24, 2020; Citizen Mar 6, 2020; Doyle Mar 20, 2020; Titley Mar 18, 2020 and May 14, 2020; and Colley Apr 6, 2020) wherein he purports to identify chrysotile using an iodine staining procedure. Discussion of this procedure and the effects thereof are discussed in my reports dated March 9, 2020 (Zimmerman) and April 29, 2020 (Titley).

I have reviewed reports dated September 16, 2020, and September 17, 2020 (supplemental dated September 29, 2020) which comprised testing of GuangXi Chinese source talc and "off the shelf" testing of Johnson & Johnson baby powder. In these reports, Dr. Longo continues to misidentify talc as chrysotile. This error is the same error as discussed in my rebuttal reports of March 9, 2020 and April 29, 2020. Dr. Longo has demonstrated a lack of understanding of optical crystallography and how it is used in mineral characterization and identification. Furthermore, the optical measurements given by Dr. Longo, even though erroneous, are still inconsistent with chrysotile optical data in the published literature and generally accepted PLM based general methods. For example, Longo's chosen method for this analysis is ISO 22262, however he completely disregards the published known chrysotile ranges for γ and α, see Figure C.1. Ironically the matching (λ_o) color that MAS interprets as γ for chrysotile is the same color (same refractive index) as the talc plates in the same photograph.

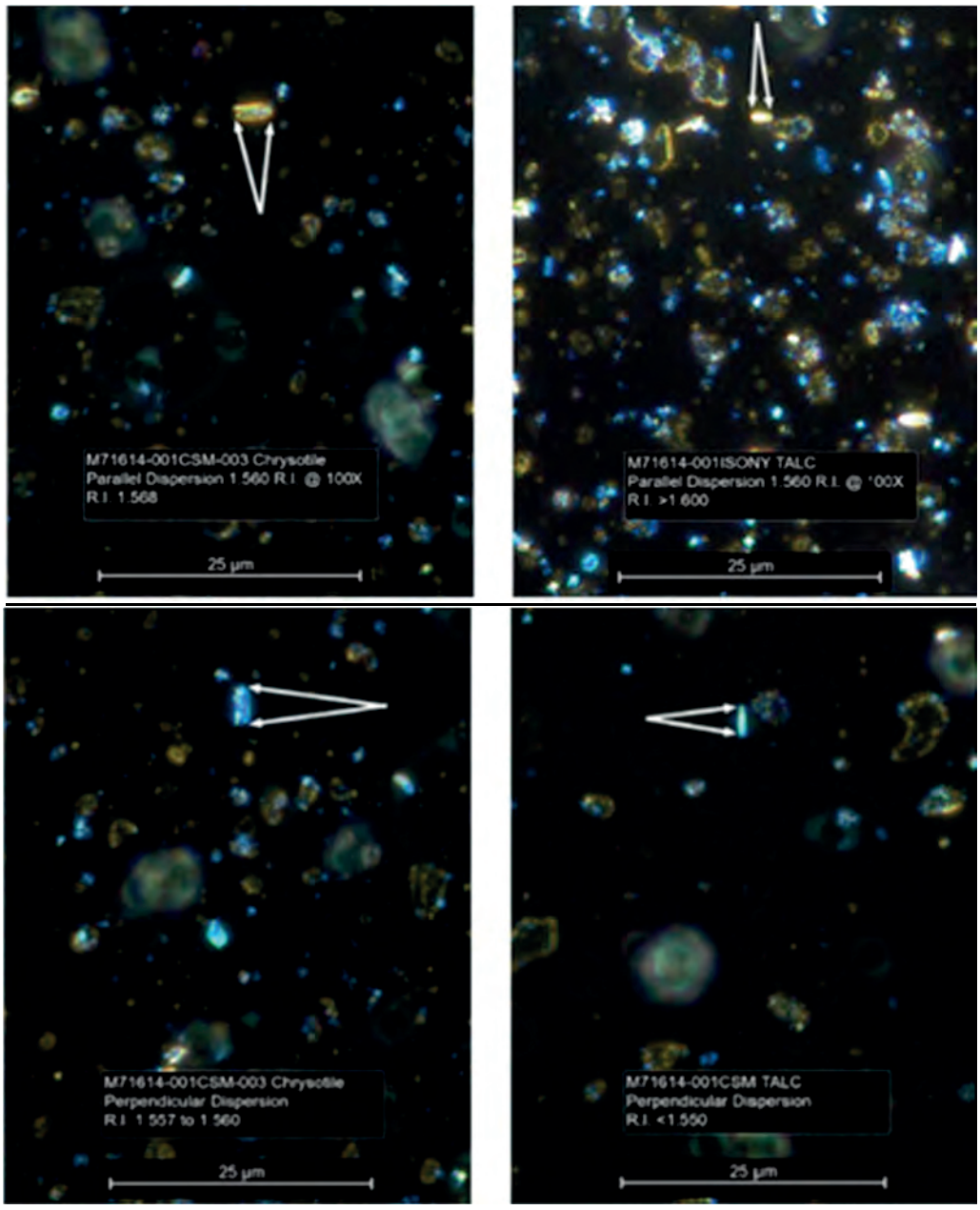
I have reviewed a single bottle test report of Dr. Longo dated February 28, 2023. In this report Dr. Longo again changes his testing approach by PLM as it relates to the alleged findings of chrysotile. The primary change is using a 1.560 instead of the previously used 1.550 refractive index liquid. This further demonstrates that, as discussed above, talc is being misidentified as chrysotile. I discuss these findings in a report dated May 10, 2023, and its revision dated June 20, 2023. Below are comparisons of what Dr. Longo is alleging is chrysotile in the 1.560 liquid to the Calidria chrysotile.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072



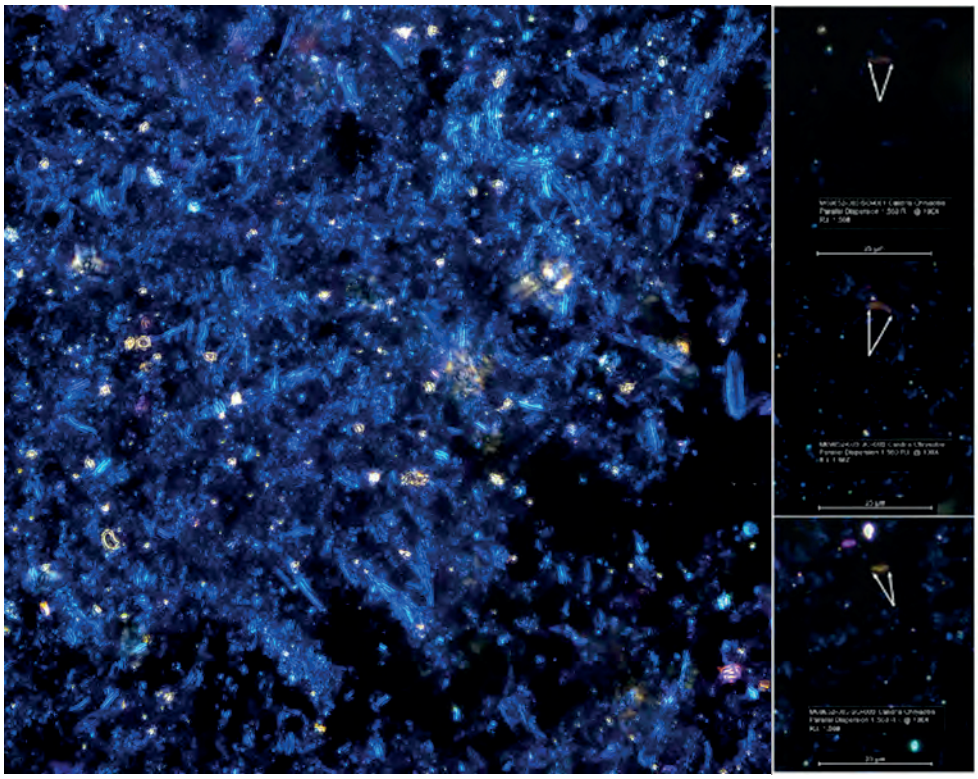
Note that the colors are not the same, meaning that they cannot be the same mineral. Further, note below this same particle compared to what Dr. Longo reports as talc (this I agree with). The alleged chrysotile exhibits the same colors as the talc. Thus, the alleged chrysotile is talc.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072



Dr. Longo also misrepresents the refractive index of the Calidria chrysotile in his reports and prior testimony. The comparisons made above are to a mineral phase within the Calidria material, but it is not representative of that chrysotile. Below on the left is an image of a representative field of view of the Calidria chrysotile material in a 1.560 liquid. The three images on the right were produced by Dr. Longo as representative of the Calidria material. Supporting this are refractive index measurements provided in the literature for Calidria sourced chrysotile; both McCrone 1974 and Campbell et al. 1980 provide refractive indices measurements for both γ' and α' in either λ_o or in n_D, respectively. McCrone 1974 reports 590nm and 630nm in 1.550 reference liquid and Campbell reports 1.562 and 1.557 respectively.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072



I have reviewed the deposition of Dr. Longo in the Cardillo case given on September 1, 2023 wherein Exhibit 13 is an affidavit dated August 28, 2023. Exhibit 13 included a report of Dr. Shu-Chun Su regarding the misinterpretation of Dr. Su's work cited by Dr. Longo to support Dr. Longo's erroneous chrysotile findings. The testing reviewed by Dr. Su relevant to this case as Dr. Longo uses the same systematically flawed approach and rational in his testing on Johnson & Johnson talc products. In his review Dr. Su states:[8]

"MAS misinterpreted my conversion tables for chrysotile in Cargille 1.550 (Series E) R.I. liquid. Those tables do not define the ranges of chrysotile's refractive indices. Instead, they are used to convert RI matches between the liquid and solid at matching wavelengths other than 589nm, back to the reported values that are given at 589 nm."

Dr. Longo misinterprets Dr. Su's work to justify his chrysotile findings by falsely comparing his observed refractive indices (albeit incorrectly measured) with the tables of Dr. Su to claim his observations are chrysotile and that his approach is consistent with the scientific literature. Dr. Longo is using both a novel and unsound testing protocol.

[8] Exhibit 13 – Deposition of Dr. William Longo in Cardillo vs. American International Industries et al. New York September 1, 2023.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

J3 Resources

As noted above, Mr. Poye analyzed 16 samples of Shower to Shower obtained through the MDL process. A more thorough review of J3 Resources testing of these samples was produced in a separate report dated February 12, 2019. I will summarize that report here.

As noted above, Mr. Poye of J3 Resources analyzed 16 samples of Shower to Shower obtained through the MDL process. A more thorough review of J3 Resources testing of these samples was produced in a separate report dated February 12, 2019. I will summarize that report here.

The analysis of Mr. Poye failed to screen adequately by PLM for amphibole mineral phases and did not find any asbestos because it is simply not present in those bottles. Regarding his TEM testing, he failed to conduct quantitative zone axis indexing correctly and arrived at the false positive result of anthophyllite asbestos in 11 of the 16 samples. This false positive result is due to his failure to index his zone axis diffraction patterns, when evaluating his zone axis diffraction patterns and indexing them, one finds that they are consistent with particles derived from talc to amphibole reactions and many of the particles are in fact transitional particles, or intergrowths of various biopyribole phases, (e.g. talc, cummingtonite, and clinojimthompsonite). Thus, Mr. Poye's own testing and back-up data has in fact shown that there is no asbestos present in the 16 samples tested when mineral identification is conducted correctly.

R. Mark Bailey, P.G.

I have reviewed reports of Mr. R. Mark Bailey regarding Italian and Vermont sourced talcs used by Johnson & Johnson dated May 9, 2018, March 1, 2020 and November 16, 2020. I have also reviewed Mr. Bailey's deposition in the Biermann matter and other cases along with various affidavits and exhibits to said depositions. I have provided sworn testimony regarding many of Mr. Bailey's geological opinions where he is in error in previous cases as it regards his erroneous conclusions of cosmetic grade Italian talc mined in Val Germanasca, Italy and Vermont.

With regard to Italy, while I agree with Mr. Bailey that primarily tremolite and possibly actinolite may be found in some of both the country rock and in the inclusions within the talc ore, the crystallization habit of these amphiboles are non-asbestiform i.e. not asbestos, thus the amphiboles present are not amphibole asbestos. To assume that a reference to the detection of tremolite is proof of tremolite asbestos is not based in sound science and cannot be made unless methodologies are used that make such a distinction. Mr. Bailey has conducted no such tests and instead relies on local mineralization in other rock units in the Alps or in the United States.

The paper by Van Gosen et al. 2007 in regard to the presence of both asbestiform and non-asbestiform amphiboles occurring with talc comes from direct observations of specific talc mines located in southern Death Valley, California. The formation of the talc in southern Death Valley is by contact metamorphism with the emplacement of an intrusive mafic sill in contact with the Crystal Spring formation. This talc formation process is not the same as the talc formation

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

conditions at Val Germanasca (or Vermont) and it is inaccurate to equate the two. The "mixing" of wall rock and the inclusions with the talc is minimal and in order for asbestos to be introduced by these materials asbestos would have to be present in these rocks. No asbestos is present in these rocks, thus no asbestos can contaminate the talc ore from these sources as a result of the mining process.

The efficiency of the talc beneficiation process is well documented in the testing records of Val Germanasca that I reviewed and in my personal observations during my site visit in 2015. Furthermore, where one compares the finished milled talc to hand samples of the talc ore – with no contribution of inclusions or wall rock- there is no significant difference in the mineralogy of the samples. This shows that the contribution of the inclusions in the talc and/or inclusions of wall rock is minute and is insignificant to the bulk mineralogy of the final ground talc product. Even if a significant portion of the wall rock and inclusions were included in the final talc product the wall rock and inclusions do not contain asbestos.

Mr. Bailey states: "The geologic processes and conditions which create talc ore deposits (burial at depth, elevated temperatures, the presence of fluids, etc.) are in almost all cases the same as those which cause amphibole asbestos minerals to form…" This statement is without basis and is too general. It is true that these same mechanisms, e.g. temperature, fluids, burial, enable etc. minerals to form, but to state categorically that since both talc and asbestos are minerals these natural processes must always form talc and asbestos together is in error. Furthermore, in various talc deposits studied by NIOSH in 1977, and more recently by the USGS (Van Gosen et al. 2007) in the United States, it was found that a minority of talcs tested contained amphibole, and even fewer contained asbestos. Furthermore, Mr. Bailey continually equates amphibole with findings of amphibole asbestos. While it is true all asbestos is fibrous not all fibers are asbestiform. In other words, Mr. Bailey is conflating the identification of asbestos with the counting of asbestos.

In regard to Vermont Van Gosen et al. 2007, Mr. Bailey grossly misconstrues the findings. The only talc sources studied in that paper wherein Van Gosen reports asbestos are not at issue to Johnson & Johnson, and to my knowledge were never used for cosmetic purposes. For example, the asbestos in talc reported from North Carolina are associated with the Day Book Dunite and any talc associated with that deposit was never of cosmetic grade or quality. Ironically, Mr. Bailey ignores that Van Gosen looked at the Vermont type deposits and does not report any asbestos present (discussed above).

To support his conclusions, Mr. Bailey cites to Chidester 1951. Chidester worked for the USGS and studied, among other interests, the talc deposits in Vermont. In fact, Chidester had personally visited some of the talc mines active during the 1940's through 1960's. Mr. Bailey summarizes many of the observations reported by Chidester, however none of the citations report amphibole asbestos nor deal with the mines at issue for Johnson & Johnson. For example, "actinolite in rosettes from 1 to 3 inches across are found" is not the asbestiform habit.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Chidester, in his work for the USGS, was familiar with asbestos and in his work cites to occurrences of asbestos in relatively unserpentinized peridotites and dunites in Vermont (Chidester and Shride 1962). He does not report asbestos associated with the talc deposits, only amphibole in spatially constrained areas primarily of the black wall zone.

Sanford 1982 is also cited by Mr. Bailey and provides a detailed mineralogical examination of the reaction that forms the talc over a range of pressure and temperature conditions as one proceeds from the south to the north of Vermont. Mr. Bailey focuses on what is identified at the Grafton locality. Sanford describes this locality as a series of abandoned soapstone quarries, not talc mines. Regardless, the scale of the reaction is important as the cross section of the entire talc reaction zone is approximately 50 cm (or 1.6 feet). Contrast this to the isopach map of the Hammondsville talc ore (Figure 10 November 16, 2020 report) where the talc ore thickness being mined varies from 25 to 100 feet thick. Furthermore, the ore bodies at Hammondsville and Argonaut are in talc carbonate zones that are absent at Grafton. Thus, any direct inferences between talc ores at Hammondsville or Argonaut, or other past producing talc mine for Johnson & Johnson are not supported by the data. More recently, the USGS (Robinson et al. 2006) outlines the reaction zones within the Frostbite mine and they do not report any amphiboles nor similar mineral assemblages and modes as that referenced by Sandford at Grafton, or any of the other areas Sandford studied. Sanford also does not report asbestos in any of the localities he studied.

Mr. Bailey cites the work performed by Dr. F.D Pooley on behalf of Johnson & Johnson and while Dr. Pooley does not report asbestos, Mr. Bailey somehow finds it in the very same photographs Dr. Pooley presented in his report where he clearly states his findings as not asbestos in nature. This procedure of taking a poorly rendered copy of a copy of a photograph from the 1970s and somehow being able to interpret them in a manner such to contradict the findings of the original researcher who actually examined the samples by comparing it to other images from localities is not objective and not scientifically valid.

Furthermore, for Mr. Bailey to criticize techniques developed and being used in the early 1970's and somehow compare it to what we do today is not an objective means of analysis. For example, on page 32 of the November 16, 2020 report, Mr. Bailey criticizes the lack of compositional information by TEM. However, TEM did not have compositional analysis available at the time this study was conducted; the incorporation of EDS technology on TEM analysis was developed later. Another such example is the criticism of XRD results not distinguishing tremolite from actinolite. This differentiation could be done reliably using standard XRD techniques of that time or even today. Dr. Pooley did find monoclinic amphibole in discrete locations in the mine, and the nature of that amphibole was not asbestiform.

Lastly, Mr. Bailey has not tested any samples of talc from Johnson & Johnson (whether from Italy or Vermont) that I am aware of. There is some reference to potentially three samples from another plaintiff attorney, but he will not speak to results, citing privilege. Mr. Bailey, I

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

have examined numerous talc samples of Johnson & Johnson using modern and generally recognized testing procedures of the talc that would have been derived from Hammondsville and Argonaut. In no sample to date have I found amphibole asbestos. These testing results are discussed further in this report and in my reliance materials for the testing of the specific samples.

Conclusion

In my expert opinion, Johnson & Johnson talcum powder and talc from the source mines was and is free of asbestos. This opinion is offered to a reasonable degree of scientific certainty. This opinion is based on my expertise, education, training, and experience in analyzing materials, including talc, for possible asbestos content. This opinion is supported by my own site visits to both Val Germanasca Italy and Guangxi China, testing that I have conducted of the relevant talcs and upon my review, analysis, and interpretation of decades of study conducted by scientists in academia, federal government, and industry. This opinion is also supported by my review, analysis, and interpretation of the available analytical testing data on Johnson & Johnson talcum powder.

I reserve the right to amend this report if additional relevant information is made available to me.

Sincerely,

Matthew S. Sanchez, PhD
Principal Investigator
msanchez@rjleegroup.com

Reference cited

Blount, A.M. (1991) Amphibole Content of Cosmetic and Pharmaceutical Talcs. Environmental Health perspectives Vol. 94, pp. 225-230.

Boundy, M.G., Gold, K., KP Martin, K.P., Jr., Burgess, W.A., and JM Dement, J.M. (1979) Occupational exposures to non-asbestiform talc in Vermont. In: Dusts and Diseases. R. Lemen & JM Dement (eds). Pathotox Publishers, Inc., Park Forest, IL. pp. 365-378.

Buzon, M.E. (2016) Talc Characterization: A Provenance Study. PhD Dissertation, The University of Idaho, College of Graduate Studies.

Dyar, M.D. and Gunter, M.E. (2008) Mineralogy and Optical Mineralogy. Mineralogical Society of America, Chantilly, Virginia, 708 pp.

Cadoppi, P., Camanni, G., Perrone, G., Damiano, A., and Monticelli, F. (2012) Geometry reconstruction of the Fontane talc mineralization (Germanasca Valley, Italian Western

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Alps): integration of geological-structural analysis and geomatics methods. Rend. Online Soc. Geol. It., 22, 33-35.

Campbell, W.J., Blake, R.L., Brown, L.L., Cather, E.E., and Sjoberg, J.J. (1977) Selected Silicate Minerals and Their Asbestiform Varieties. Mineral Definitions and Identification-Characterization. United States Department of the Interior. Bureuar of Mines Information Circular 8751.

Ciocan, C., E. Pira, M. Coggiola, N. Franco, A. Godono, C. La Vecchia, E. Negri, P. Boffetta. (2022) Mortality in the cohort of talc miners and millers from Val Chisone, Northen Italy: 74 years of follow-up. Environmental Research. 203 111865.

Coggiola, M., Bosio, D., Pira, E., Piolatto, P.G., La Vecchi, C., Negri, E., Michelazzi, M., and Bacaloni, A. (2003) An update of a mortality study of talc miners and millers in Italy. American Journal of Industrial Medicine, 44, 63-69.

Doolan, B.J. (1996) The geology of Vermont. Rocks and Minerals, Vol. 71, pp. 218-225.

Gattinoni, P., Scesi, L., Abdin, E.Cand Cremonesi, D. (2013) Hydrogeological risk and Mining Tunnels: the Fontane-Rodoretto Mine Turin (Italy). World Academy of Science, Engineering and Technology, 73, 224-228.

Gunter, M.E. (2010) Defining asbestos: Differences between the built and natural environments. CHIMIA, 64, 747-752.

Gunter, M.E., Belluso, E., and Mottana, A. (2007a) Amphiboles: Environmental and health concerns. In Amphiboles: Crystal Chemistry, Occurrences, and Health Concerns, Reviews in Mineralogy and Geochemistry, 67, 453-516.

Gunter, M.E., Sanchez, M.S., and Williams, T.J. (2007b) Characterization of chrysotile samples for the presence of amphiboles from the Carey Canadian deposit, southeastern Quebec, Canada. Canadian Mineralogist, 45, 263-280.

IARC (2010) IARC Monographs on the Evaluation of the Carcinogenic Risks to Humans: Volume 93, Carbon, Titanium, and Talc. Lyon, France.

Krause, J.B., and Ashton, W.H. (1977a) Misidentification of Asbestos in Talc. National Bureau of Standards Special Publication 506.

Krause, J.B. (1977b) Letter to the editor RE: Consumer talcums and powders: Mineral and chemical characterization. Journal of Toxicology and Environmental Health. Vol. 2 pp. 1223-1226.

Li, X.H. (1999) U-Ph zircon ages of granites from the southern margin of the Yangtze Block: timing of Neoproterozoic Jinning: Orogeny in SE China and implications for Rodinia Assembly. Precambrian Research, 97, 43-57.

Lollino, G., Giardino, M., Allasia, P., Baldo, M., and Giordan (2004) Instrumented experimental sites for the control of landslide hazards in mountain environments: The Germanasca and Susa Valleys (Northwestern Italy). 32nd International Geological Congress, Field Trip Guide – P41.

McCarthy, E.F., Genco, N.A., and Reade, E.H., Jr. (2006) Talc. In Industrial Minerals and Rocks, eds., Kogel, J.E., Trivedi, N.C., Barker, J.M., and Krukowski, S.T. Society for Mining, Metallurgy, and Exploration, Inc., Littleton, Colorado, 971-986.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

McCrone, W.C. (1980) The Asbestos Particle Atlas. Ann Arbor Science Publishing Inc. The Butterworth Group, Michigan.

National Institute Occupational Safety and Health (NIOSH or McCrone) (1977) Analysis of Talc by X-ray Diffraction and Polarized Light Microscopy. Walter C. McCrone Associates, Inc. Chicago IL.

Peila, D., Oggeri, C., Orester, P., Polizza, S., and Monticelli, F. (2008) Rodoretto talc mine (To, Italy): studies for the optimization of the cemented backfilling. RMZ – Materials and Geoenvironment, 3, 283-306.

Peretti, L. (1978) Geologia e genesi dei giacimenti di talco nel Pinerolse [translated title = Geology and genesis of the talc deposits in the Pinerolese]. Boll. Ass. Min. Subalpina, 3, 283-306.

Pira, E., Coggiola, M. Ciocan, C., Romano, C., La Vecchia, C., Pelucchi, C., Boffetta, P. (2017) Mortality of Talc Miners and Millers from Val Chisone, Northern Italy. JOEM, Vol. 59, Number 7, pp. 659-664.

Pooley, F.D., Lightfoot, J., Kingston, G.A. (1972) An Examination of Italian Mine Samples and Relevant Powders. University College Cardiff, Wales, UK. Report to Johnsons & Johnson September 8, 1972.

Pooley, F.d. (1972) Report of the Examination of Rock Samples from the Vermont Mine. University College Cardiff, Wales, UK. Report to Johnson & Johnson.

Robinson, G.R. Jr., Van Gosen, B.S., and Foley, N.K. (2006) Ultramafic-hosted talcmagnesite deposits. 2nd Forum, Geology of Industrial Minerals, Ashville, North Carolina.

Rohl, A.N., Langer, A.M., Selikoff, I.J., Tordini, A., Klimentidis, R. Bowes, D.R., Skinner, D.L. (1976) Consumer talcums and powders: Mineral and chemical characterization. Journal of Toxicology and Environmental Health Sciences. Vol. 2, pp.255-284.

Rubino, G.F., Gcansetti, G., Piolatto, G., Romano, C.A. (1976) Mortality Study of Talc Miners and Millers. Journal of Occupational Medicine, Vol. 18, No. 3.

Rubino, G.F., Scansetti, G., and Piolatto, G. (1979) Mortaligy and morbidity among talc minerals and millers in Italy. Dusts and Disease, 357-363.

Sandrone, R. and Borghi, A. (1992) Zoned garnets in the northern Dora-Maira Massif and their contribution to a reconstruction of the regional metamorphic evolution. European Journal of Mineralogy, 4, 465-474.

Sandrone, R. and Zucchetti, S. (1988) Geology of the Italian high-quality cosmetic talc from the Pinerolo district (Western Alps). Zuffar' Days – Symposium held in Cagliari, 105-113.

Sandrone, R., Got, D.T., Respino, D., and Zucchetti, S. (1987) Osservazioni geo-giacimentologiche sulla miniera di talco di Fontane (Val Germanasca, Alpi Cozie) [translated title = Geological and mining-geology observations concerning the talc mine at Fontane (Germanasca Valley, Cottian Alps)]. Memorie di Scienze Geologiche, 49, 175-186.

Sandrone, R., Colombo, A., Fiora, L., Fornaro, M., Lovera, E., Tunesi, A., and Cavallo, A. (2004) Contemporary natural stones from the Italian Western Alps (Piedmont and Aosta Valley Regions). Periodico di Mineralogia, 73, 211-226.

Thompson, B.D., Gunter, M.E., and Wilson, M.A. (2011) Amphibole asbestos soil contamination in the USA: A matter of definition. American Mineralogist, 690-693.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

United States Environmental Protection Agency (EPA) (1992) Health Assessment Document for Talc. EPA-600/8-91/217.

Van Diver, B.B. (1987) Roadside Geology of Vermont and New Hampshire. Mountain Press Publishing Company, Missoula, Montana, pp. 230.

Van Gosen, B.S., Lowers, H.A., Sutley, S.J., and Gent, C.A. (2004) Using the geologic setting of talc deposits as an indicator of amphibole asbestos content. Environmental Geology, 45, 920-939.

Veblen, D.R. and Burnham, C.W. (1978a) New biopyriboles from Chester, Vermont: I. Descriptive mineralogy. American Mineralogist, 63,1000-1009.

Veblen, D. R., and Burnham, C.W. (1978b) New biopyriboles from Chester, Vermont: II. The crystal chemistry of jimthomsonite, clinojimthompsonite, and chesterite, and the amphibole-mica reaction. American Mineralogist, Vol. 63, pp. 1053-1073.

Wang, J. and Li, Z.X., 2003. History of Neoproterozic rift basins in South China: implications for Rodinia break-up. Precambrian Research, 122, 141-158.

Wang, X.L., Zhou, J.C., Qui, J.S., Zhang, W.L., Liu, X.M., Zhang, G.L. (2006) LA-ICP-MS U-Pb zircon geochronology of the Neoproterozic igneous rocks from Northern Guangxi, South China: Implications for tectonic evolution. Precambrian Research, 114, 111-130.

Yan, D.P., Zhou M.F., Song, H.L., Wang, X.W., Malpas, J. (2003) Origin and tectonic significance of a mesozoic multi-layer over-thrust system within the Yangtze Block (South China). Tectonophysics, 361, 239-254.

Zucchetti, S. (1972) Caratteri lito-mineralogici e genetici del giacimenti di talco della Val Germanasca nelle Alpi Occidentali (Italia) [translated title = Lithological, mineralogical and genetic characteristics of the Germanasca Valley talc deposits in the western Alps, Italy]. Geologija, 15, 263-279.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

EXHIBIT 3

Using the geologic setting of talc deposits as an indicator of amphibole asbestos content

Bradley S. Van Gosen · Heather A. Lowers · Stephen J. Sutley · Carol A. Gent

Abstract This study examined commercial talc deposits in the U.S. and their amphibole-asbestos content. The study found that the talc-forming environment directly influenced the amphibole and amphibole-asbestos content of the talc deposit. Large talc districts in the U.S. have mined hydrothermal talcs that replaced dolostone. Hydrothermal talcs, created by siliceous fluids heated by magmas at depth, consistently lack amphiboles as accessory minerals. In contrast, mineable talc deposits that formed by contact or regional metamorphism consistently contain amphiboles, locally as asbestiform varieties. Examples of contact metamorphic deposits occur in Death Valley, California; these talc-tremolite deposits contain accessory amphibole-asbestos. Talc bodies formed by regional metamorphism always contain amphiboles, which display a variety of compositions and habits, including asbestiform. Some industrial mineral deposits are under scrutiny as potential sources of accessory asbestos minerals. Recognizing consistent relations between the talc-forming environment and amphibole-asbestos content may be used in prioritizing remediation or monitoring of abandoned and active talc mines.

Keywords Talc · Amphibole-asbestos · Geologic setting · Hydrothermal · Metamorphic · USA

Introduction

The presence of amphibole asbestos as minor accessory minerals in some talc deposits, and its potential health impacts on the human respiratory system, have been the focus of considerable research and contentious debate for at least 30 years (Goodwin 1974; Occupational and Safety and Health Administration 1992). Talc-asbestos issues have drawn renewed attention, such as news reports in 2000 contending that the fibrous talc used to add strength to the best-selling brands of children's crayons contained amphibole asbestos (Beard and others 2001). To investigate the extent and character of amphibole minerals in talc deposits, a group at the U.S. Geological Survey (USGS) is examining the relationships between amphiboles and talc in U.S. deposits. This study, involving field examinations and sampling, laboratory analyses, and an extensive literature review, has revealed that a consistent relationship occurs within large (commercial) and small U.S talc deposits—that is, the primary talc-forming environment directly controlled the ultimate amphibole content of the talc deposit.

Talc deposits are the products of metasomatism caused by regional metamorphism, contact metamorphism, or hydrothermal processes (meteoric fluids or brines heated by distant or buried intrusions). Two of these talc-forming mechanisms—contact metamorphism and hydrothermal processes—are well represented by large, historically mined deposits in the Death Valley region of southern California. Results of field and laboratory studies on these Death Valley deposits, described herein, reflect the consistent associations of amphibole-rich talc deposits with contact metamorphism versus amphibole-poor talc with hydrothermal processes.

A number of U.S. talc deposits of commercial size (under past or present economic conditions) were formed by metasomatic processes driven by regional metamorphism; these large bodies consistently contain talc intergrown with amphiboles, such as tremolite and (or) anthophyllite. Debate over the asbestos mineral content (major versus trace amounts) within these talc-amphibole deposits is the result of differing interpretations of the predominant habit (asbestiform versus non-asbestiform) of the amphibole particles. The complicating factors that face analysts examining this type of talc ore material are discussed.

Received: 26 September 2003 / Accepted: 24 November 2003
Published online: 21 January 2004
© Springer-Verlag 2004

B. S. Van Gosen (✉) · H. A. Lowers · S. J. Sutley · C. A. Gent
U.S. Geological Survey, Denver Federal Center, M.S. 905,
Box 25046, Denver, CO 80225, USA
Email: bvangose@usgs.gov
Tel.: +1-303-2361566
Fax: +1-303-2361425

Asbestos

Asbestos is a commercial-industrial term with a long history, and is not a mineralogical definition. "Asbestos" in the

DOI 10.1007/s00254-003-0955-2

RoA_04850

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

latter half of the 20th century became widely used in regulatory language to refer to well developed, long, thin particles (fibers or fibrils) and fiber bundles of specific mineral compositions, which have fulfilled particular industrial applications. In the U.S., asbestos is most commonly defined as the asbestiform variety of 6 naturally occurring hydrated silicate minerals; these include chrysotile, the asbestiform member of the serpentine group, and five minerals of the amphibole group: the asbestiform varieties of (1) riebeckite (commercially called crocidolite), (2) cummingtonite-grunerite (commercially called amosite), (3) anthophyllite (anthophyllite asbestos), (4) actinolite (actinolite asbestos), and (5) tremolite (tremolite asbestos) (Occupational Safety and Health Administration 1992). The qualities of asbestos that make it useful and desirable for commercial use are its high tensile strength, flexibility, and its resistance to heat, chemicals, and electricity.

The inherent properties of asbestos—fibers that are durable, long, and thin—appear to contribute to the toxicity of these mineral particles when lodged inside the human respiratory system (Stanton and others 1981; Wylie and others 1993). Occupational exposures to asbestos have been linked to asbestosis (scarring of the lungs, "pulmonary interstitial fibrosis"), lung cancer, and malignant mesothelioma (tumor development within the pleural membrane lining the chest cavity and (or) in the peritoneum lining the abdominal and pelvic walls and their viscera) (Skinner and others 1988; Mossman and others 1990; Guthrie and Mossman 1993; Nolan and others 2001). Historically, chrysotile has accounted for more than 90% of the world's asbestos production, and presently over 99% of the world production (Ross and Virta 2001; Virta 2001, 2002). Whereas mining, processing, and use of chrysotile has been much more common, several studies suggest that amphibole asbestos, even when occurring as a minor accessory in chrysotile deposits, may be the primary cause of mesothelioma in asbestos-related occupations (Ross 1981, 1984, 2001; Mossman and others 1990; Browne and Wagner 2001; Gibbs 2001; Langer 2001; Pooley 2001a, 2001b). As noted by Mossman and others (1990, p. 296): "The persistence of amphiboles in human lungs may be attributed to their increased ability to penetrate the peripheral lung, lack of clearance, or durability". Wagner and others (1960) described the high rates of malignant mesothelioma in workers and nearby residents of crocidolite (asbestiform riebeckite) mines in the Cape Province of South Africa. Following publication of that study in 1960, mesothelioma became increasingly recognized as an occupational risk in the mining, milling, and handling of rocks that contain amphibole asbestos and their by-products.

In recent years, there has been a renewed focus upon the hazards related to inhalation of amphibole asbestos; in particular, exposures due to the mining and processing of some amphibole-bearing industrial mineral deposits, as well as environmental exposures to amphibole-rich bedrock, such as road cuts and excavations that expose asbestos-bearing rock (Browne and Wagner 2001). For example, unusually high incidences of asbestos-related mortality and respiratory disease in the small town of Libby, Montana, have been attributed to amphibole mineral fibers intergrown with the vermiculite deposits mined and milled near the town from 1923 to 1990 (U.S. Senate Committee on Environment and Public Works 2000; Dearwent and others 2000). The California Division of Mines and Geology has mapped outcrops of ultramafic rocks in California to indicate country rocks with the potential to host chrysotile and actinolite-series asbestos (Churchill and Hill 2000). Other examples of occupational and environmental exposures to asbestos are described in Nolan and others (2001).

The history and study of naturally occurring asbestos, its associated health impacts, and the multiple, complex issues that revolve around asbestos are discussed in Campbell and others (1977), Ross (1981), Zoltai (1981), Levadie (1984), Skinner and others (1988), Mossman and others (1990), Occupational Safety and Health Administration (1992), Guthrie and Mossman (1993), Nolan and others (2001), and Virta (2001, 2002). Current federal regulations are provided in the Code of Federal Regulations (CFR), including regulations on occupational exposures to asbestos excepting construction and ship-related work (CFR 29, part 1910.1001); CFR regulations are updated as needed on July 1.

Exploitable talc deposits and amphiboles

Talc is a hydrous silicate with an idealized composition of $Mg_3Si_4O_{10}(OH)_2$, but can contain major amounts of Fe, minor Al and F, and trace Mn, Ti, Cr, Ni, Ca, Na, and K (Evans and Guggenheim 1988; Greenwood 1998). Significant talc deposits occur in the U.S. in the Appalachians, from Vermont to Alabama, in the West in Montana, California, Nevada, Washington, Idaho, and New Mexico (Piniazkiewicz and others 1994). Large deposits also occur in Texas, and small soapstone mines once operated in Arkansas, but economic deposits are otherwise lacking between the Appalachians and the Rocky Mountains. Commercial talc deposits have replaced two general rock types: (1) Dolostone (dolomite or dolomitic marble), which were selectively replaced by reactions with large volumes of heated waters carrying silica in solution, mobilized by magmatic or metamorphic mechanisms. The dolostone-hosted replacement deposits range from cm-thick pods to the 29-m-thick talc body at the Treasure Chest mine near Dillon, Montana (Berg 1979). Today and in the past, the largest talc producing districts in the U.S. exploited talc deposits replacing dolostone, and to a lesser extent, magnesite. (2) The second common talc hosts are ultramafic rocks, mainly dunites and peridotites, altered by metasomatism through contact or regional metamorphism. Magnesium silicates in these rocks reacted with SiO_2-saturated aqueous pore fluids during metamorphism to form nearly monomineralogic bodies of talc adjacent to zoned sequences of talc-carbonate-, calcic amphibole-chlorite-, and chlorite-dominant zones in addition to complexly mixed zones (described by Sanford 1982). These deposits

RoA_04851

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

form rinds on the ultramafic bodies or nearly replace them; they are typically tabular or lenticular talc bodies that can reach 100 m in thickness and extend more than 300 m in length. Large deposits of this type are mined in Vermont, and smaller deposits have been mined in other eastern states, California, and Texas. The ultramafic-hosted deposits have been equally important sources of pure talc and darker talc (soapstone), the dark talcose bodies owing their coloration to amphibole, serpentine, and chlorite impurities (Piniazkiewicz and others 1994).

The host rock composition and process of formation determines the qualities of talc, which in turn affects the industrial applications of a particular deposit. The grain size and shape, color, and purity of talc influence its uses (Piniazkiewicz and others 1994). In addition, the talc-forming mechanism—hydrothermal processes, contact metamorphism, or regional metamorphism—directly influenced the ultimate amphibole content of the talc ore body, described below through examples. Within a single mineral deposit, such as some talc ore bodies, amphibole crystals may range in habit from blocky to prismatic to acicular to asbestiform. In describing amphibole asbestos, Wylie (2000, p. 56) notes that: "Amphibole-asbestos fibrils range in width from about 1 to 0.01 μm" and "individual fibrils and bundles of fibrils may attain lengths of hundreds to thousands of times their widths".

Study methods

Samples of talc ore material were collected at several mine sites, which are described below. Each sample was collected as a composite, containing at least 30 pieces of randomly selected talcose rock at each particular sample spot. The samples are intended to represent the talcose material mined at each site, collected mainly from mines that are inactive and abandoned, excepting those samples collected from an active open pit of the Yellowstone mine, southwest Montana.

Dust coating the inside of the plastic sampling bag was examined using a JEOL 5800-LV scanning electron microscope (SEM), equipped with an Oxford ISIS energy-dispersive system (EDS) with ultra-thin window detector. The EDS provided semi-quantitative chemical data that was reduced using the Oxford ISIS standardless software with the ZAF correction procedure selected. Analyses were performed on single, isolated structures, not on fibers that lay across other mineral particles. The operating conditions of the instrument were 15 kV, 0.5–3 nA (cup), and approximately 30% dead time. These conditions would excite an analysis volume of ~2 μm.

The matrix corrections used do not account for particle geometry. However, Small and Armstrong (2000) demonstrated that at 10–15 kV (utilized by this study) geometry-induced errors in the analyses of particles can be relatively small. One of the amphibole-rich study samples was analyzed by EDS and by electron probe microanalysis with wavelength dispersive spectroscopy (WDS) to evaluate the accuracy of the EDS measurements. Table 1 shows the comparison of analytical results by EDS and WDS. The amphibole nomenclature used in this study follows the recommendations of Leake and others (1997).

Samples for x-ray diffraction (XRD) analyses were pulverized and mechanically split. The minerals identified by XRD in the samples were categorized as major, minor, and trace mineral constituents of the analyzed split. "Major" minerals are estimated to comprise >25 wt% of the

Table 1
Comparison of the analyses of tremolite particles in one tremolite-rich specimen from the Death Valley region, as measured by two techniques: (1) energy dispersive x-ray analysis (EDS) on polished and single unpolished grains, and (2) electron probe microanalysis with wavelength dispersive spectroscopy (WDS) on polished grains. Data are expressed in cation proportions, which were calculated by stoichiometry using 23 oxygen atoms

Mount type	Particle L x W (μm)	Analysis method	K	Na	Ca	Mn	Fe	Mg	Ti	Al	Si
Polished	203×106	WDS	0.01	0.06	1.88	0.01	0.04	4.93	bdl	0.03	7.99
		EDS	bdl	bdl	1.7	bdl	0.1	4.9	bdl	bdl	8.1
Polished	362×226	WDS	0.01	0.06	1.88	0.01	0.05	4.94	bdl	0.03	7.97
		EDS	bdl	bdl	1.7	bdl	bdl	5.0	bdl	bdl	8.1
Polished	620×228	WDS	0.01	0.06	1.87	0.02	0.06	4.90	bdl	0.03	8.00
		EDS	bdl	bdl	1.7	bdl	0.1	5.0	bdl	bdl	8.1
Polished	241×28.8	WDS	0.01	0.05	1.88	0.02	0.06	4.94	bdl	0.03	7.99
		EDS	bdl	bdl	1.8	bdl	bdl	4.9	bdl	bdl	8.1
Polished	140×14.3	WDS	0.01	0.05	1.85	0.02	0.06	4.93	bdl	0.04	8.00
		EDS	bdl	bdl	1.8	bdl	0.1	5.0	bdl	bdl	8.1
Loose	225×170	EDS	bdl	bdl	1.8	bdl	0.1	4.9	bdl	bdl	8.1
Loose	445×166	EDS	bdl	bdl	1.8	bdl	0.1	4.8	bdl	bdl	8.1
Loose	104×27.1	EDS	bdl	bdl	1.7	bdl	0.1	5.0	bdl	bdl	8.1
Loose	20.2×3.4	EDS	bdl	bdl	1.7	bdl	0.1	5.1	bdl	0.1	8.0
Loose	18.5×0.9	EDS	bdl	bdl	1.8	0.1	0.1	5.2	bdl	bdl	7.9
Loose	5.8×0.8	EDS	bdl	bdl	1.7	0.1	0.2	5.1	bdl	0.1	7.9
Loose	6.7×1.1	EDS	bdl	bdl	1.9	bdl	0.1	5.3	bdl	bdl	7.8
Loose	3.9×1.5	EDS	bdl	bdl	1.8	bdl	bdl	5.0	bdl	0.1	8.0
Loose	13.4×1.0	EDS	bdl	bdl	1.8	0.1	0.1	5.1	bdl	0.2	7.9

bdl, below the detection limit of the analytical technique

RoA_04852

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

sample, "minor" minerals form 5–25 wt% of the sample, and "trace" minerals form <5 wt% of the sample. These estimates were based on the experience of the XRD operator with his instrumentation and its data output. The pulverized splits examined by this study provide snapshots of the mineralogy and variability in the talcose ores. However, quantitative estimates of the talc or amphibole content should not be interpreted from the XRD results shown in this report.

The XRD technique can identify the amphibole minerals within a sample as members of the tremolite-actinolite-ferroactinolite series, but is not able to determine the specific amphibole species. It is also not possible to positively distinguish between tremolite and the sodic-calcic amphiboles winchite and richterite by XRD.

Amphibole-poor talc deposits formed by hydrothermal processes

Geologic environments that host hydrothermal talc deposits

The term "hydrothermal" is commonly used in a general sense to describe the actions and products of hot fluids, often, but not always, implying an association with igneous processes. In this discussion, hydrothermal talc refers to deposits thought to be the products of fluids heated by a distant magma source, usually at depth. For example, in the Talc City district, California, no evidence of contact or regional metamorphism is apparent in the host or country rocks; the source of the heat that drove the talc-forming process is not obvious, and has been attributed to buried or distant igneous intrusions. Heat sources for the southwest Montana talc event(s) are speculated to be sills that intruded an overlying Proterozoic basin, heating and circulating basin brines towards underlying Archean marbles. Thus, "hydrothermal talc" refers to talc ore bodies that are not directly associated with regional metamorphism and are not found directly against an igneous intrusion.

The large, amphibole-poor, hydrothermal talc deposits of southwest Montana, Talc City, California, and west Texas, as examples, may represent the products of saline, siliceous fluids mobilized by basin-scale or localized magmatic activity. This genetic association is supported by the recent fluid-inclusion study by Gammons and Matt (2002) of the hydrothermal talc deposit currently excavated at the Yellowstone mine, southwest Montana, which indicated the presence of highly saline fluids during the talc formation. They proposed that "high heat flow, enhanced by injection of thick sills into the (Proterozoic) sedimentary pile, forced connate brines out of the bottom of the (Proterozoic) Basin and into the underlying or adjacent Precambrian basement, where they caused retrograde metamorphism and formation of economic talc and chlorite deposits" (replacing dolomitic marble and quartzo-feldspathic gneiss, respectively) (Gammons and Matt 2002, p. 44).

Talc City district, California

The historical significance of the Talc City mining district in California from World War I through the 1940s is well documented by Page (1951). The district is in the Talc City Hills about 47 km southeast of Lone Pine, California. Page visited and sampled the district during its peak of production in the mid 1940s; the reader is referred to his report (Page 1951) for descriptions of the district's geology, talc deposits, and mines. Gay and Wright (1954) completed a geologic map of the Talc City area.

The talc deposits of the Talc City district are thick lenses and irregular masses hosted mainly by dolomite. To a much lesser extent talc bodies occur in "silica rock", named by Page (1951) for an unstratified, massive rock composed mostly of interlocking quartz; it resembles quartzite in outcrop. Limestone is also nearby. Bedded dolomite is altered to massive dolomite adjacent to the talc deposits; both are often closely associated with silica rock. The silica rock is discontinuous at the mine sites, forming isolated lenses surrounded by massive dolomite. Silica rock appears to be partially replaced by talc at some of the deposits. Petrographic examination of the silica rock reveals microscopic patches of talc in interstitial areas between quartz grains (Page 1951).

Granitic bodies crop out from about 0.8 to 3.2 km distance from the mines. The granitic rocks locally have been hydrothermally altered, suggesting they were affected by the talc-forming hydrothermal event(s) and were not the source of fluids. Dikes ranging in composition from basalt to diorite to felsite crop out near the Talc City and Frisco mines (Page 1951). These dikes are also hydrothermally altered and interpreted to predate the talc alteration (Page 1951). A magmatic source of hydrothermal fluids is not obvious within the district. If buried, it may be best viewed by geophysical methods.

Page (1951) proposed a model for talc formation in the Talc City area that involved the following events:

1. The area was originally covered by mostly limestone, with lesser interbeds of dolomite, shale, and sandstone;
2. Hydrothermal fluids rich in Mg rose through and fractured the overlying limestones and altered them into massive dolomite, perhaps also converting sandstones to the "silica rock";
3. A second event of fracturing accompanied another influx of hydrothermal waters enriched in Si and Mg, which replaced massive dolomite with large talc deposits and replaced silica rock with talc lenses. Page (1951) suggested the talc formed by the addition of silica and water to dolomite, and the addition of silica, water, and Mg to silica rock. This general reaction, shown below, is commonly invoked to explain the replacement of dolomite by talc:

$$3\ \text{dolomite} + 4SiO_{2(aq)} + 1H_2O = 1\ \text{talc} + 3\ \text{calcite} + 3CO_2$$

Abundant fracturing and shearing of country rocks in the district suggest that fracture systems controlled and aided fluid flow and talc formation. Page's interpretations are based on field relationships. However, by general

RoA_04853

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

appearances, the talc deposits and associated rocks of the Talc City district do not display features typical of regional metamorphic processes, such as prominent foliation or compression structures.

The study sampled talc ore from pits or dumps at five sites in the Talc City district (Tables 2 and 3). No evidence of amphibole minerals was found in ore samples from this district based on x-ray diffraction (Table 2) and SEM-EDS analyses of the samples. Platy talc is mixed with small amounts of calcite, clinochlore, dolomite, quartz, kaolinite, vermiculite (uncertain identification) and K-feldspar (listed left to right in decreasing abundance). A friable white layer interlayered with the talc ore body at the Frisco mine consists of mostly quartz with accessory plagioclase, muscovite, dolomite, talc, and kaolinite. Thus, none of the descriptions of Page (1951), nor the results of our sampling and mineralogical analyses, indicate the presence of amphiboles in the talc deposits of the Talc City district.

Yellowstone mine, southwest Montana

The Yellowstone talc mine is on the northeast flank of the Gravelly Range near Ennis, Montana. This enormous talc body (greater than 5.5 million short tons of known reserves) is the largest known in southwestern Montana, a region that contains a total of 57 talc mines, talc prospects, and known talc occurrences (Berg 1979; Van Gosen and others 1998). The Yellowstone mine is the largest talc-producer in the U.S., and two other large talc mines, the Regal and Treasure State mines, currently operate farther to the west in the Ruby Range. All three mines are open-pit operations.

All of the economically important talc deposits in the Ruby and Gravelly Range region of southwest Montana replaced dolomitic marbles of Archean age. In much smaller amounts, talc also replaced magnesite, quartz, tremolite, serpentine, and calcite, which are accessory constituents of the host marble (Berg 1979). Talc occurrences range from veinlets and pods centimeters thick up to huge masses, such as the thick talc body at the Yellowstone mine, which is at least 30 m thick (bottom not yet found). Most of the southwest Montana talc bodies are lenticular and elongate, and in most places, talc lenses are parallel to the lithologic layering of the marble. However, talc bodies cut across layering at the Yellowstone mine (Cerino 2002).

The origin of the southwest Montana talc deposits is not completely understood, but recent work has reaffirmed earlier observations that the talc bodies appear to have formed during the Precambrian because they are restricted to Archean dolomitic marbles and do not replace overlying Cambrian dolomites. This observation was supported by a published age of 1.36 Ga by the $^{40}Ar/^{39}Ar$ method for muscovite intergrown with talc in the Ruby Range (Brady and others 2003). A recent fluid inclusion study of the Yellowstone mine deposits (Gammons and Matt 2002, p. 44) determined that "the fluids responsible for talc formation were saline brines (roughly 7x saltier than modern seawater), and were enriched in $CaCl_2$". They calculated burial depths during talc formation of more than 3 km at formation temperatures of 190 to 250 °C. Their model for talc formation at the Yellowstone mine site involves saline fluids that descended along growth faults in an overlying Proterozoic basin that may have existed above the Archean dolomitic marbles at about 1.36 Ga; they suggested the saline fluids were either supplied by connate brines in the basin sediments or by overlying seawater. Their model, as well as earlier models for talc formation in southwest Montana (Olson 1976; Anderson and others 1990; Brady and others 2003), invoke very large water to rock ratios to form these deposits, through the general reaction:

$$3\,\text{dolomite} + 4SiO_{2(aq)} + 4H_2O = 1\,\text{talc} + 3Ca^{2+} + 6HCO_3^-$$

Anderson and others (1990) suggested that water to rock ratios of more than 600 are required by this reaction to carry sufficient silica in solution and flush most of the calcite out of the system.

Regardless of the source of the hydrothermal fluids or the circulation mechanism, the end result at the Yellowstone mine site is large bodies of mainly massive talc with light

Table 2
Mineral abundances in samples of hydrothermal talc ore collected from abandoned talc mines in the Talc City district near Lone Pine, California. The latitude and longitude values were measured by GPS using the North American Datum of 1927, CONUS. In regard to the x-ray diffraction results (see text), "major" minerals are estimated to comprise >25 wt% of the sample analyzed; "minor" minerals form 5–25 wt%; and "trace" minerals comprise <5 wt%

Site name, sample number	Latitude, longitude	Minerals identified by x-ray diffraction		
		Major	Minor	Trace
Talc City mine	36.3315, -117.6677			
11ADV02		Talc		Quartz, clinochlore
11CDV03		Talc	Clinochlore, vermiculite(?)	Quartz, calcite
11FDV03		Talc		Kaolinite
12ADV02		Talc, calcite		Dolomite, kaolinite
Silver Dollar mine	36.3371, -117.6617			
13ADV02		Calcite, talc	Clinochlore	Quartz, dolomite
Alliance mine	36.3421, -117.6717			
14ADV02		Talc		Quartz
14DDV03		Talc, quartz		Vermiculite(?), kaolinite
Frisco mine	36.3303, -117.6800			
15ADV02		Clinochlore		Talc, K-feldspar
Viking mine	36.3543, -117.7104			
16ADV02		Talc		Clinochlore, quartz

RoA_04854

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

green coloration, which contains trace amounts of limonite and goethite that replaced pyrite, along with traces of graphite. The light green color is attributed to 1% Fe^{2+} substituting for Mg in octahedral sites within the talc lattice (Cerino 2002). Minor substitution of F^- for OH^- is also noted. The bulk chemical compositions of talcose ores are shown in Table 3.

This study analyzed four samples of massive pale-green talc ore collected by the lead author from the floor of two open pits of the Yellowstone mine—two samples from an active pit and two from an inactive pit. XRD and SEM-EDS analyses of these samples revealed talc, with no other mineral impurities found. Late-stage (post-talc), large euhedral crystals of quartz and dolomite, accompanied by fine-grained Fe oxide minerals, commonly line cavities developed along faults that cut the talc bodies and country rock. These faults, which display normal displacements, are interpreted as growth faults (Cerino 2002) with intermittent movement through time. Magnesite is plentiful in the dolomitic marble that borders the talc deposits.

Allamoore district, west Texas

The ceramic-grade and paint-grade (higher purity) talc bodies currently being mined in the Allamoore district of west Texas were formed by the selective replacement of magnesite. Bourbon (1982, p. 77) suggested: "the [host] magnesite deposits were formed by chemical precipitation in isolated hypersaline lagoons or in associated ephemeral lakes." Desiccation cracks and pseudomorphs of anhydrite and halite, preserved on bedding surfaces in the talcose intervals, indicate the hypersaline depositional environment of the host magnesite. Bourbon (1981, 1982) concluded that Allamoore talc formed via replacement of magnesite by hydrothermal connate or meteoric waters that carried silica in solution.

The Allamoore district presents a dilemma to the otherwise consistent relationships between geologic environment and amphibole content that are described in this paper. The talc bodies that are actively mined in the district are amphibole-free deposits. Yet, an undeveloped prospect on the edge of the district contains talc beds interlayered with long-fiber amphibole asbestos (potassium richterite to potassium winchite, Wylie and Huggins 1980). Microscopic studies of this asbestos deposit by Wylie and Huggins (1980) found that the ends of some of the asbestos fibers were altered to talc forming pseudomorphic fibrous talc, indicating the replacement of asbestos by talc. The amphibole asbestos in this prospect may represent an early fluid event driven by metamorphic processes. In contrast, the amphibole-free talc deposits that comprise the bulk of the district may have formed by a subsequent district-scale hydrothermal event, as suggested by Bourbon (1982). Basic igneous intrusions are exposed within a few talc deposits in the district (Bourbon 1981), perhaps sources of heat and convection for the talc-forming fluids.

Fluid inclusion studies of hydrothermal talc deposits

The geologic literature contains relatively few examples of fluid-inclusion research associated with large (commercial) talc deposits. Especially sparse are fluid-inclusion studies of the major talc bodies in the U.S. Relevant published fluid inclusion data are primarily investigations of deposits described as "hydrothermal talc" that replaced dolostones or magnesite; most of these deposits lack amphibole. Examples are described below.

As noted earlier, analyses of fluid inclusions linked to the large talc deposits of the Ruby and Gravelly Ranges of southwest Montana were recently published. Gammons and Matt (2002) reported analyses and interpretation of fluid inclusions associated with the large talc bodies at the Yellowstone mine, Gravelly Range, Montana. They determined that the talc-forming fluids were brines at 190° to 250 °C containing about 10 wt% NaCl (2.2 m Na^+), 11 wt% $CaCl_2$, and relatively low dissolved CO_2; trapping pressures were estimated at 1–4 kbar. Brady and others (2003) examined the isotope geochemistry of muscovites and fluid inclusions in dolomite and calcite related to the formation of talc bodies in the nearby Ruby Range; they determined the metasomatic fluids were water-rich and CO_2-poor, and that the talc crystallized below ~350 °C.

Large, amphibole-deficient talc deposits at Rabenwald, eastern Alps of Austria, are thought to have formed by saline hydrothermal SiO_2-rich fluids that reacted with magnesite (Moine and others 1989). Fluid inclusions in quartz associated with the talc deposition show a wide range of salinities, with up to 32 wt% NaCl and 3.7 wt% CaCl; analyses indicate that the inclusions were trapped at a minimum of 350 °C and 3 kbar vapor pressure (Pohl and Belocky 1999).

Talc deposits of Puebla de Lillo in northern Spain are replacement bodies in dolostones adjacent to quartzites. Fluid inclusion studies in dolomite and quartz related to the talc deposits, conducted by Tornos and Spiro (2000), suggest the talc-forming fluids were NaCl-$CaCl_2$-rich brines at between 280° and 405 °C with variable salinities (0–23 wt% NaCl eq), under fluid pressures of only 165 to 450 bars. They attribute the dolomitization of pre-existing limestone here and the superimposed talc deposition to be the products of upwelling silica- and Mg-rich brines, heated and convected upward through extensional fault zones by igneous intrusions at depth.

The Mount Bischoff cassiterite-sulfide-rich skarn deposit in western Tasmania replaced a dolomitic horizon. The deposit contains a gangue assembly of quartz, talc, phlogopite, and carbonates. Halley and Walshe (1995) examined the fluid inclusions of this deposit and determined that the talc-bearing assemblage formed from hydrothermal fluids of 320° to 360 °C containing about 2 m NaCl and 1.5 m CO_2. They suggest that an Sn-enriched granite magma at ~1–2 km depth heated and convected the talc-forming fluids.

Several characteristics appear to be consistent within hydrothermal talc deposits, as evidenced by the fluid-inclusion studies described above. The common attributes of hydrothermal talc-forming fluids include: (1) high salinity contents typical of brines (high Na^+ and Ca^+, low CO_2); (2) temperatures below ~400 °C; and (3) trapping pressures below ~4 kbar. The studies described above each suggest that the source of heat and convection

RoA_04855

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Table 3

Major-element composition (wt%) of: (1) talc ores from the Yellowstone mine, southwest Montana; (2) talcose rocks of the Talc City district, California (Table 2); and (3) talcose rocks of talc-tremolite ore bodies of the southern Death Valley region, California (Tables 4and 6). Analyses by wavelength-dispersive X-ray fluorescence spectrometry, conducted by Joseph E. Taggart, USGS laboratories in Lakewood, Colorado. See Taggart and others (1981, 1987) for descriptions of methods

Site/sample	Rock type	SiO_2	Al_2O_3	Fe_2O_3	MgO	CaO	Na_2O	K_2O	TiO_2	P_2O_5	MnO	LOI
Yellowstone mine, southwest Montana												
02AYM02	Talc ore	61.9	<0.10	1.54	30.5	0.04	<0.15	<0.02	<0.02	<0.05	0.01	4.90
03AYM02	Talc ore	61.8	<0.10	1.44	30.4	0.08	<0.15	<0.02	0.02	<0.05	0.01	4.99
Talc City district, California												
Talc City mine												
11ADV02	Talc ore	61.6	0.62	1.19	30.5	0.12	<0.15	0.02	0.03	0.05	0.01	5.13
11CDV03	Talc ore	57.5	2.58	1.23	28.2	2.29	<0.15	<0.02	0.19	0.08	0.01	7.45
11FDV03	Talc ore	62.2	0.39	1.12	30.9	0.25	<0.15	<0.02	0.03	<0.05	0.01	5.14
12ADV02	Talc ore	44.6	0.45	0.51	23.2	14.7	<0.15	<0.02	0.03	<0.05	0.03	16.0
Silver Dollar mine												
13ADV02	Talc rock	33.5	4.76	0.36	22.1	18.1	<0.15	<0.02	0.13	0.06	0.02	20.4
Alliance mine												
14ADV02	Talc rock	63.1	0.21	0.59	30.7	0.05	<0.15	<0.02	0.03	0.05	<0.01	4.77
14DDV03	Talc rock	70.8	0.69	0.86	23.2	0.07	<0.15	<0.02	0.07	<0.05	0.01	3.99
Viking mine												
16ADV02	Talc rock	61.7	0.64	1.20	30.6	0.18	<0.15	<0.02	0.04	0.10	0.01	5.09
Southern Death Valley region, California												
Great Wanamingo mine												
07DDV02	Talc ore	54.9	0.52	1.07	26.4	5.95	<0.15	0.02	0.03	<0.05	0.08	9.84
09ADV02	Talc ore	58.9	0.37	0.79	27.6	6.15	<0.15	0.09	0.03	<0.05	0.06	3.73
Grantham mine												
21CDV03	Talc ore	52.2	0.23	0.22	25.9	9.13	0.32	0.20	0.05	<0.05	0.01	11.0
21FDV03	Talc rock	27.6	0.81	0.82	11.9	31.1	0.69	0.49	0.07	<0.05	0.11	26.0
Number 3 workings												
23DDV03	Talc ore	62.1	0.32	0.20	30.9	1.20	<0.15	0.09	0.03	<0.05	0.01	4.67
White Point workings												
23EDV03	Talc ore	54.7	0.35	0.25	26.3	9.48	0.78	0.37	0.04	<0.05	0.02	6.79
23FDV03	Talc ore	56.2	0.44	0.32	27.1	6.98	0.94	0.45	0.05	<0.05	0.02	7.17
Moorehouse mine												
30CDV03	Talc rock	37.2	0.69	0.31	19.0	21.5	<0.15	0.67	0.02	<0.05	0.08	19.7
30DDV03	Talc ore	54.9	0.26	0.23	27.8	6.40	<0.15	0.27	0.03	<0.05	0.03	9.39
30EDV03	Talc schist	42.1	3.80	1.19	20.9	13.1	1.59	3.96	0.10	<0.05	0.05	12.7
30GDV03	Talc ore	57.0	0.73	0.71	25.4	4.92	3.63	1.74	0.05	<0.05	0.02	5.11
Pleasanton mine												
36BDV03	Talc ore	50.9	0.61	0.36	24.0	7.76	<0.15	0.52	0.04	<0.05	0.01	15.0
36DDV03	Talc ore	51.7	0.41	0.37	24.9	10.7	0.91	0.59	0.05	<0.05	0.04	9.89
36EDV03	Talc ore	49.8	0.48	0.29	19.9	10.4	<0.15	0.31	0.03	<0.05	0.02	18.1
Acme mine												
24CDV02	Talc ore	60.3	0.57	0.38	28.4	3.51	0.72	0.32	0.08	<0.05	0.02	4.67
25BDV02	Talc ore	44.8	1.20	0.46	25.0	9.98	0.59	0.93	0.06	<0.05	0.03	16.1
27BDV03	Talc ore	53.9	0.31	0.29	24.6	11.4	0.58	0.24	0.04	<0.05	0.02	7.84
27CDV03	Talc ore	49.8	1.26	1.32	23.2	11.3	1.85	1.09	0.07	<0.05	0.04	8.98
27EDV03	Talc ore	56.9	0.72	0.61	24.9	9.41	2.59	0.43	0.06	0.06	0.03	3.15
27FDV03	Talc ore	55.0	0.51	0.37	25.3	10.5	1.83	0.31	0.05	<0.05	0.03	5.40
Kingston Range												
28ADV02	Talc rock	58.7	0.17	2.95	26.2	6.33	<0.15	0.02	0.07	0.05	0.08	4.30
29ADV02	Talc ore	57.1	0.44	0.34	24.9	11.5	<0.15	0.21	0.05	<0.05	0.03	3.77

LOI, loss-on-ignition; total Fe calculated as Fe_2O_3

RoA_04856

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Table 4
Names and locations of talc-tremolite deposits sampled by this study within the southern Death Valley region, California. The deposits replaced dolostones along their contacts with intruding mafic sills. The references cited provide descriptions of geology and historic production at these sites, as well as for similar mines and prospects in these areas. The latitude and longitude values were measured by GPS using the North American Datum of 1927, CONUS

District, site name	Latitude, longitude	References
Yucca Grove district		
Great Wanamingo mine	35.4268, -115.8498	Wright and others (1953)
Warm Spring Canyon, Death Valley National Park		
Grantham mine (Big Talc)	35.9611, -116.8955	Wright (1957; 1968); Norman and Stewart (1951); Franklin (1965); Papke (1975b); Evans and others (1976)
Number 3 workings	35.9663, -116.9213	
White Point workings	35.9684, -116.9283	
Ibex Hills, Death Valley National Park		
Monarch mine	35.7767, -116.4083	Wright (1957; 1968); Wright and others (1953); Evans and others (1976)
Moorehouse (Ibex) mine	35.7802, -116.4160	
Pleasanton mine	35.7775, -116.4110	
Alexander Hills, near Tecopa		
Acme mine	35.7682, -116.1275	Wright (1957; 1968); Wright and others (1953)
Kingston Range		
Talcose outcrop	35.7842, -115.9290	Wright (1957; 1968); Wright and others (1953)
Abandoned talc ore pile	35.7900, -116.0000	

that warmed and circulated the talc-forming brines was a buried igneous mass (or masses) with localized hydrothermal fluid circulation assisted by extensional faults that served as fluid conduits. Note that another consistent characteristic of the hydrothermal talc deposits is the absence of amphiboles in the talc ore bodies or wall rocks. In contrast, amphiboles are found to coexist with talc in deposits that formed in higher temperature systems. For example, a fluid-inclusion study was conducted on metasomatic tremolite-talc vein deposits at Campolungo, Switzerland. Here, Walther (1983) analyzed fluid inclusions within thin reaction zones (4 cm in width) between vein quartz and dolomite; the zones contain calcite + tremolite + phlogopite + talc. Walther (1983) determined that the metasomatic fluids were at 500 °C, had an approximate composition of ~5 wt% NaCl and 0.5 mole fraction CO_2, and were emplaced at ~3.25 kbar. A fluid-inclusion study was also performed on the Dongyang talc deposit in Korea by Park and others (1997). They determined that an early event of talc-tremolite replacement of dolomite was due to fluids of ~440–480 °C under ~1.64–2.53 kbar pressure, while a subsequent event of talc deposition that lacked tremolite was due to fluids of ~360–390 °C under pressures of ~1.4–2.2 kbar.

Based on the results of the fluid-inclusion studies described above, it appears that the temperature of ore-forming fluids was an important factor in the presence or absence of amphibole crystallization in the talc bodies. Specifically, talc deposits that formed from fluids of less than ~400 °C, typical of hydrothermal systems, share a distinct absence of accessory amphibole minerals. In contrast, talc deposits formed in higher temperature environments, typical of contact and regional metamorphic settings, consistently contain amphiboles. However, attributing the control on amphibole crystallization to simply the temperature of the fluids may be an oversimplification of these complex ore-forming systems, as is discussed at the end of this paper.

Amphibole-rich talc deposits formed by contact metamorphism

Talc bodies categorized herein as "contact metamorphism" types refer specifically to deposits found in direct contact with an igneous body that are thought to have formed by metasomatism due to the emplacement of that igneous body.

Death Valley region, California

Probably the best examples of talc ore bodies formed within a geologic setting of contact metamorphism are 55 deposits mined and prospected in the southern Death Valley region of California. The mines, most now inactive and (or) abandoned, are clustered in widely separated but discrete districts. Samples were collected from ten of these deposits (Table 4).

The Yucca Grove district, about 29 km northeast of Baker, California, comprises four groups of mines that extracted talc-tremolite rock (Wright and others 1953). The largest operation was the Great Wanamingo mine, consisting of several open-pit workings. The deposits are lens-shaped bodies of massive talc-tremolite rock bounded by a greenish calc-silicate hornfels. Mafic dikes and granitic pegmatites (less than 1 ft thick) also bound the ore zone (chemical compositions shown in Table 5). Thin layers composed of phlogopite, muscovite, and clinochlore formed along the contacts of granitic pegmatites with talc ore. The talc bodies apparently replaced carbonate intervals of a Precambrian-age metasedimentary sequence (Wright and others 1953).

Three samples of friable, massive, white ore material were collected from pit walls of the Great Wanamingo mine, and later analyzed by XRD and SEM/EDS. The samples of ore material contained talc and tremolite, with talc content apparently exceeding tremolite content, and accessory calcite, dolomite, clinochlore, quartz, sepiolite, and kaolinite (Table 6). Asbestiform fibers, with compositions

RoA_04857

Table 5
Major-element composition (wt%) of intrusive and dolomitic host rocks associated with talc-tremolite ore bodies of the southern Death Valley region, California (Table 4). Analyses by wavelength-dispersive X-ray fluorescence spectrometry, conducted by Joseph E. Taggart, USGS laboratories in Lakewood, Colorado. See Taggart and others (1981, 1987) for descriptions of methods

Site/sample	Rock type	SiO_2	Al_2O_3	Fe_2O_3	MgO	CaO	Na_2O	K_2O	TiO_2	P_2O_5	MnO	LOI
Southern Death Valley region, California												
Great Wanamingo mine												
07ADV02	Mafic dike	55.5	17.6	8.09	3.16	1.01	2.26	8.71	0.87	0.16	0.07	1.78
07BDV02	Granite dike	70.9	14.4	2.58	1.53	2.88	3.90	1.56	0.45	0.13	0.03	1.36
Grantham mine												
21ADV03	Dol. ls	38.4	8.49	1.81	3.86	21.4	0.77	7.32	0.18	<0.05	0.03	17.3
22ADV03	Gabbro sill	43.2	16.3	15.8	6.17	6.21	3.41	1.02	3.41	0.47	0.18	3.03
21GDV03	Gabbro sill	45.6	14.0	16.2	5.29	4.94	4.63	0.49	4.20	0.71	0.26	3.19
White Point workings												
23GDV03	Gabbro sill	49.6	13.5	13.6	4.24	7.14	5.33	0.40	2.74	1.51	0.24	1.04
Moorehouse mine												
31ADV03	Gabbro sill	43.8	13.4	15.3	8.72	6.51	2.72	1.00	2.20	0.37	0.20	5.20
Pleasanton mine												
36ADV03	Gabbro sill	47.6	14.5	15.2	4.55	6.34	2.39	3.28	2.92	0.57	0.20	2.05
Acme mine												
26BDV02	Dol. ls	57.0	0.21	1.27	8.33	12.7	<0.15	0.10	0.03	<0.05	0.06	19.6
24ADV02	Gabbro sill	45.6	14.7	15.5	6.47	2.69	4.24	3.07	3.72	0.69	0.22	2.70
27DDV03	Gabbro sill	39.5	13.0	14.4	10.6	3.78	2.10	5.82	3.91	0.67	0.14	2.54

LOI, loss-on-ignition; total Fe calculated as Fe_2O_3

compatible with tremolite (by EDS analyses), were found in one of the talc samples (Tables 6 and 7), but were widely scattered.

The Silver Lake mining district consisted of eight talc mines (Wright 1954) about 20 km north-northeast of Baker. Although these were deemed "talc" mines, Wright (1954, p. 13) noted: "tremolite forms an estimated three-fourths of the volume of the bodies." Talc is the next largest ore-body component. The tremolite-talc bodies are hosted by a diopside-feldspar-quartz-calcite hornfels unit, part of a metasedimentary rock sequence thought to be Precambrian in age. The tremolite-talc rock and the hornfels are interpreted to have replaced carbonate rock. Wright (1954) estimated that the mineable bodies range from about 10 to 240 m long and from 1.5 to 4.5 m wide. Wright related the contact metamorphism to the emplacement of large bodies of granitic rocks found near the tremolite-talc bodies. Thin mafic dikes are also found near the borders of several ore zones. Thin laminae of mostly phlogopite are interlayered with the ore body; these laminae often form a selvage along the ore-hornfels contact.

The other 43 tremolite-talc mines of the region lie in mountain ranges that surround the southern half of Death Valley National Park; the talc-bearing belt is about 120 km long by 24 km wide. The geology of the region, the mine sites, and their early mining history are well described by Wright (1968). These deposits are geologically rather similar across the region (Wright 1957, 1968; Evans and others 1976). Thick mafic (gabbroic) sills (Table 5), mostly medium-grained, intruded a siliceous (cherty) dolomitic member of the Proterozoic-age Crystal Spring Formation, forming friable tremolite-talc-rich rock along the sill-carbonate contact zones. The gabbro sills were emplaced during the Mesoproterozoic, based on age determinations by the U-Pb method from baddeleyite crystals in two sills (1,087 ±3 and 1,069 ±3 Ma, Heaman and Grotzinger 1992). The consistent stratigraphic position of the sills at or near the base of the carbonate horizon of the Crystal Spring Formation, but not higher, suggests the sills were emplaced before deposition of the overlying rocks and also indicates that the talc-tremolite deposits are Mesoproterozoic in age.

The tremolite-talc replacement bodies are typically from 150 up to 1,500 m long and 3 to about 30 m thick. The deposits locally contain more tremolite than talc, or more talc than tremolite. SEM observations of the ore material suggest that the tremolite and talc formed by coeval crystallization. Most commonly, acicular amphiboles and platy talc occur intergrown on a microscopic scale (Fig. 1), with only sporadic evidence of talc replacing amphibole.

The largest talc-tremolite mining district of the Death Valley area, and likely the largest producer, was the Grantham-Warm Spring district, which consisted of a series of adits and open pits spread out for just over 3.2 km along Warm Spring Canyon in southwestern Death Valley National Park (Franklin 1965; Wright 1968; Papke 1975b). The second largest mine complex, consisting of adits and large open pits, was the Western-Acme

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

RoA_04858

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Table 6
Analyses of talcose samples from talc mines, dumps, and outcrop in the southern Death Valley region, California (see Table 4). For the x-ray diffraction results (see text), "major" minerals are estimated to comprise >25 wt% of the sample analyzed; "minor" minerals form 5–25 wt%; and "trace" minerals comprise <5 wt%

Site name, Sample number	Minerals identified by x-ray diffraction			Amphibole fibers by SEM/EDS
	Major	Minor	Trace	
Great Wanamingo mine				
07DDV02	Talc		Dol, cal, qtz, amph, sep, kaol	Extremely rare
08ADV02	Talc	Cal, amph	Clino, sep, qtz	None were found
09ADV02	Talc	Amph	Cal, qtz, kaol	None were found
Grantham mine				
20ADV03	Talc	Cal	Amph, qtz, phl	Trace
21BDV03	Talc, qtz	Cal	Amph, sep	Trace
21CDV03	Talc	Cal	Amph, vrm	Extremely rare
21FDV03	Cal, talc		Amph, mus, phl, qtz	Trace
Number 3 workings				
23DDV03	Talc		Amph, vrm	Trace
White Point workings				
23ADV03	Talc		Amph, phl, cal, dol	Trace
23BDV03	Talc	Amph	Phl, cal, dol, qtz, sap	Trace
23CDV03	Talc	Amph, cal	Phl, dol, qtz, sap	Trace
23EDV03	Amph, talc	Dol	Mus, qtz, cal, vrm	Trace
23FDV03	Talc	Amph	Qtz, cal, vrm, ant, dol, mus	Extremely rare
Monarch mine				
30ADV03	Talc	Amph, cal	Phl	Trace
30BDV03	Talc		cal, qtz, dol, amph, phl	Trace
Moorehouse (Ibex) mine				
30CDV03	Cal, talc		Mus, amph	Trace
30DDV03	Talc	Cal	Mus, qtz, phl	Trace
30EDV03	Cal, phl	Amph, talc		Trace
30GDV03	Talc, amph		Qtz, dol, mus, cal	Trace
31BDV03	Talc, dol	Phl		Trace
31CDV03	Talc, dol, cal		Amph, phl, sep	Trace
Pleasanton mine				
36BDV03	Talc, dol	Qtz	Mus	Extremely rare
36DDV03	Talc, cal	Amph, mgh	Dol, mus(?)	Extremely rare
36EDV03	Qtz, dol, talc		mus	Trace
Alexander Hills				
24CDV02	Talc		Amph, cal, phl	Trace
24DDV02	Talc, dol	Cal, amph	Phl	Trace
25ADV02	Cal	Talc	Amph, phl	Trace
25BDV02	Talc	Cal, dol, sep	Phl, amph	Extremely rare
26ADV02	Talc	Cal	Amph, phl	Trace
27BDV03	Amph, mgh	Talc, dol	Cal	Trace
27CDV03	Amph, talc, mgh	Qtz, dol	Ant	Extremely rare
27EDV03	Amph, mgh		Talc, cal, mus, ant	Extremely rare
27FDV03	Amph	Talc	Ant, cl-chry, dol, cal	Trace
Kingston Range				
28ADV02	Amph	Talc	Cal, kaol(?)	Trace
28BDV02	Qtz	Amph, talc		Trace
29ADV02	Talc, amph, cal		Qtz, k-spar	Trace

Mineral abbreviations: dol, dolomite; cal, calcite; qtz, quartz; amph, amphibole of the tremolite-actinolite series; sep, sepiolite; kaol, kaolinite; clino, clinochlore; sap, saponite; mgh, ferroan magnesiohornblende; ant, antigorite; k-spar, K-feldspar; mus, muscovite; phl, phlogopite; vrm, vermiculite; cl-chry, clinochrysotile (best fit identification by mineral structure). Fibrous amphibole particles were identified by visual scans of the sample by SEM and analyses of the particle by EDS (see text); asbestiform amphiboles were described as "trace" in occurrence (a number of fibers, up to 1% by volume but usually less), "extremely rare" (a few fibers found, widely scattered), or "none were found"

mine in the Alexander Hills southeast of Tecopa (Wright 1968).

Samples of talcose rock were collected from abandoned mines, dumps, and outcrops in the southern Death Valley area (Tables 3, 4, and 6). The samples suggest talc is the predominant ore mineral; however, as noted in earlier publications, tremolite is typically a major constituent of these deposits (Fig. 1, Tables 6 and 7). Other major to minor components of the ore material include calcite, dolomite, quartz, phlogopite, magnesiohornblende, and sepiolite (Table 6).

The tremolite particles in the Death Valley ores, as is typical in tremolitic talc deposits, range in habit from blocky to prismatic to acicular to asbestiform, commonly

RoA_04859

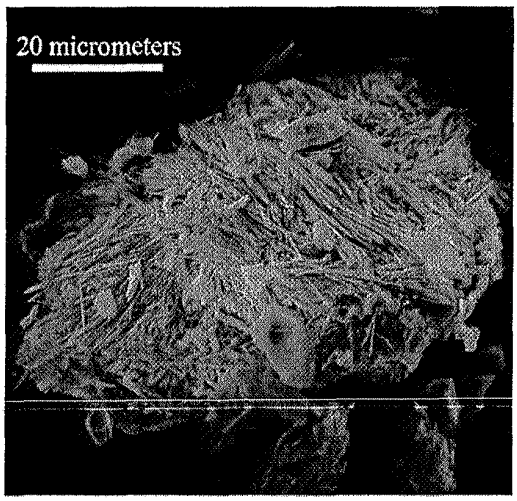


Fig. 1
SEM photomicrograph of a bundle of fibrous tremolite mixed with talc platelets in talc-tremolite ore material from the White Point mine (Table 4), Warm Spring Canyon, Death Valley National Park, California. (Sample 23ADV03, Tables 6 and 7)

within a single sample. Scattered amphiboles in the Death Valley talc deposits occur in asbestiform habits, as bundles of fibers (Figs. 1 and 2) and loose fibers (Figs. 3 and 4). Using SEM/EDS, examination of talc ore samples from the southern Death Valley mines found asbestiform amphiboles in most of the samples. Whereas amphibole particles with prismatic to acicular habits were most common, particles with asbestiform habit (less than 1 μm in diameter, 10 μm and greater in length, curved, splayed ends; Virta 2001) were locally numerous.

In addition to the previously recognized tremolite, EDS analyses indicated that a number of the asbestiform particles in talc ore collected from several mines (Figs. 2, 3, 4, Table 7) have compositions consistent with the sodic-calcic amphiboles richterite and winchite (Leake and others 1997; Wylie and Verkouteren 2000).

A quantitative assessment of the "asbestos" content in the Death Valley talc ores was beyond the scope of this study. The study's SEM/EDS analysis of the mineral residues caused by light handling of the ore samples suggests that prismatic particles are the most common amphibole habit in the talcose rocks. Blocky, prismatic, and acicular examples of the amphiboles in each sample yielded compositions similar to those measured in the fibrous particles (representative fiber compositions shown in Table 7). No obvious correlation between particle composition and morphology was found—tremolite, richterite, and winchite compositions were found in crystals that range from non-fibrous to highly fibrous in habit.

It should be emphasized that the sampling and SEM/EDS studies of these talc deposits were reconnaissance in fashion. Importantly, asbestiform amphiboles in the ore samples were often encountered in SEM scans of the ore material; asbestiform particles locally occur in amounts as high as one percent (by volume), but typically less, in ore samples (described as "trace" in Table 6).

North Carolina deposits

Other examples of talc-amphibole deposits that formed within geologic environments of contact metamorphism occur in western North Carolina; these relatively small talc deposits are spatially and genetically associated with the Day Book dunite body (Murdock and Hunter 1946). Where pegmatites intruded the dunite body, the reaction of magnesian olivine in the dunite with silica in solution formed contact aureoles, which are a several centimeters to a couple of meters thick. The alteration haloes that bound the contacts of pegmatite with dunite contain zones of talc, anthophyllite asbestos, and phlogopite (weathered to vermiculite near the surface) in a serpentine-rich groundmass (Kulp and Brobst 1954).

Talc-amphibole formation in conditions of contact metamorphism

The talc-tremolite deposits of the southern Death Valley-Kingston Range region of California (Wright 1968) were clearly formed by metasomatism caused by intruding gabbro sills. The study samples from inactive talc mines of this region (Tables 3, 4, 5, 6, and 7) represent aspects of these deposits.

Fluid inclusion analyses of the southern Death Valley talc-tremolite deposits have not been performed, so the genetic model presented here is speculative. Wright (1968) determined through field relations that the gabbroic sills intruded the lower and basal horizons of the carbonate section of the late Precambrian Crystal Spring Formation before much of the overlying strata were deposited; he estimated that the overlying sediment load during sill emplacement is now represented by 60 to 760 m of overlying metasedimentary rock. Wright (1968) also suggested that during sill intrusion, the limy strata (now siliceous dolomitic limestone) were poorly consolidated and saturated with water from an overlying sea. Thus, during sill emplacement (and corresponding talc-tremolite deposition) the pore fluids were likely as saline as connate seawater or perhaps more saline. The constituents required to form talc and calcic amphiboles—Si^{4+}, Mg^{2+}, Ca^{2+}, and H_2O—were locally abundant within the contact metamorphic environments associated with the southern Death Valley deposits. A migration of heated silica-rich waters through cherty, dolomitic sediments or rock can explain the coexisting talc-tremolite intergrowths that are common within the Death Valley deposits (Fig. 1). Silica saturation is evidenced by the silicification of the dolomitic limestones that overlie the tremolite-talc deposits (samples 21ADV03 and 26BDV02, Table 5). The gabbroic sills provide an obvious source for the heat and additional silica required to drive these reactions.

Amphibole-rich talc deposits formed by regional metamorphism

Gouverneur district, upper New York State

Talc has been mined for more than a century in the Gouverneur mining district in the western part of

RoA_04860

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Table 7
Representative cation proportions of fibrous amphibole and platy talc particles as calculated from SEM/EDS analyses of samples from talc-tremolite deposits of the southern Death Valley region, California

Site, Sample no	Fiber shape L x W (μm)	Probable amphi-bole	Amphibole particle									Talc particle		
			K	Na	Ca	Mn	Fe	Mg	Ti	Al	Si	Mg	Fe	Si
Great Wanamingo mine														
07DDV02	33.5×1.2	Tremolite	bdl	bdl	1.7	bdl	0.1	5.2	bdl	bdl	8.0	3.0	bdl	4.0
Grantham mine														
20ADV03	17.6×0.9	Winchite	0.4	1.0	1.0	bdl	0.2	4.7	bdl	0.1	8.1	3.0	bdl	4.0
21BDV03	21.4×0.7	Richterite	0.3	1.4	0.8	bdl	0.3	4.8	bdl	0.1	8.0	2.9	bdl	4.0
21CDV03	17.3×1.3	Winchite	0.2	0.7	1.3	bdl	bdl	5.1	bdl	bdl	8.1	2.7	bdl	4.1
21FDV03	60.3×0.5	Richterite	0.1	1.9	0.9	bdl	0.3	5.1	bdl	0.1	7.8	2.9	bdl	4.0
Number 3 workings														
23DDV03	22.5×1.5	Tremolite	bdl	bdl	1.8	bdl	0.1	5.0	bdl	bdl	8.1	3.0	bdl	4.0
White Point workings														
23ADV03	No data	Tremolite	bdl	bdl	1.9	bdl	bdl	4.9	bdl	0.2	8.0	3.0	bdl	4.0
23BDV03	56.3×3.4	Tremolite	0.1	0.2	1.6	bdl	bdl	4.9	bdl	bdl	8.2	3.1	bdl	3.9
23CDV03	20.5×1.0	Tremolite	bdl	0.2	1.5	bdl	0.1	5.3	0.1	bdl	7.9	3.0	bdl	4.0
23EDV03	26.2×0.9	Tremolite	bdl	0.2	1.6	bdl	bdl	5.2	bdl	bdl	8.0	3.0	bdl	4.0
23FDV03	9.0×0.6	Winchite	0.1	0.7	1.3	0.1	0.1	5.0	bdl	0.1	8.0	3.0	bdl	4.0
Monarch mine														
30ADV03	12.3×0.7	Winchite	0.3	1.1	0.9	bdl	0.6	4.5	bdl	0.1	8.1	2.9	bdl	4.0
30BDV03	75.3×2.3	Winchite	0.2	0.9	1.2	bdl	0.2	4.9	bdl	bdl	8.0	2.8	bdl	4.1
Moorehouse mine														
30CDV03	25.2×1.8	Richterite	0.3	1.4	1.0	bdl	0.3	4.9	bdl	bdl	8.0	2.9	bdl	4.0
30DDV03	31.6×1.4	Richterite	0.3	1.9	0.7	bdl	0.2	5.1	bdl	0.1	7.9	2.9	bdl	4.0
30EDV03	60.5×2.0	Winchite	0.4	1.2	0.8	bdl	0.2	5.0	bdl	0.3	7.9	2.9	bdl	4.0
30GDV03	44.8×1.6	Richterite	0.1	1.8	0.8	bdl	bdl	5.2	bdl	bdl	8.0	3.1	bdl	4.0
31BDV03	18.4×0.8	Tremolite	0.1	0.1	1.7	bdl	0.1	5.1	bdl	0.1	8.0	2.9	bdl	4.0
31CDV03	56.7×1.3	Tremolite	0.1	0.2	1.7	bdl	bdl	5.1	bdl	bdl	8.0	2.9	bdl	4.1
Pleasanton mine														
36BDV03	29.9×0.5	Richterite	0.1	2.0	0.6	0.1	0.2	5.0	bdl	0.1	7.9	2.9	bdl	4.0
36DDV03	26.4×0.4	Winchite	0.2	1.6	0.6	bdl	0.2	5.2	bdl	0.2	7.9	2.9	bdl	4.1
36EDV03	34.8×1.6	Richterite	0.2	1.9	0.6	bdl	0.1	5.0	bdl	bdl	8.1	2.8	bdl	4.1
Alexander Hills														
24CDV02	22.0×0.8	Tremolite	0.1	0.3	1.6	bdl	bdl	5.1	bdl	bdl	8.0	2.9	bdl	4.0
24DDV02	24.5×0.9	Richterite	0.1	2.1	0.5	bdl	0.2	5.1	bdl	0.1	7.9	2.9	bdl	4.1
25ADV02	22.4×1.6	Winchite	0.3	0.9	1.0	bdl	0.1	5.1	bdl	bdl	8.1	2.9	bdl	4.1
26ADV02	12.9×1.3	Richterite	0.4	1.6	0.9	bdl	0.1	5.2	bdl	bdl	7.9	3.0	bdl	4.0
27BDV03	59.0×0.7	Tremolite	bdl	bdl	1.7	bdl	0.2	5.1	bdl	bdl	8.0	3.0	bdl	4.0
27CDV03	20.3×0.7	Tremolite	bdl	bdl	1.8	bdl	0.4	5.1	bdl	0.1	7.8	3.0	bdl	4.0
27EDV03	24.1×1.0	Tremolite	0.1	0.1	1.9	bdl	0.1	5.1	bdl	bdl	7.9	3.0	bdl	4.0
27FDV03	19.6×1.2	Tremolite	0.1	0.2	1.6	bdl	0.1	5.0	bdl	bdl	8.0	3.0	bdl	4.0
27FDV03	15.9 x 0.7	Tremolite	bdl	bdl	1.8	bdl	0.1	5.1	0.1	bdl	7.9			
Kingston Range														
28ADV02	20.3×1.1	Tremolite	bdl	bdl	1.8	bdl	0.3	5.0	bdl	bdl	8.0	2.9	0.1	4.0

RoA_04861

Table 7 (Contd.)

Site, Sample no	Fiber shape L x W (μm)	Probable amphibole	Amphibole particle								Talc particle			
			K	Na	Ca	Mn	Fe	Mg	Ti	Al	Si	Mg	Fe	Si
28BDV02	92.0x1.4	Tremolite	0.1	0.2	1.7	bdl	0.1	4.9	bdl	bdl	8.1	2.9	0.1	4.0
29ADV02	22.9x1.6	Winchite	0.2	0.6	1.4	bdl	bdl	4.9	bdl	bdl	8.1	3.1	bdl	3.9

Sample localities are listed in Table 4. Cation ratios were calculated by stoichiometry using 23 oxygen atoms for amphibole and 11 oxygen atoms for talc. (OH) was assumed to be 2 for amphiboles and talc. The EDS technique cannot distinguish between the oxidation states of Fe (Fe^{3+} versus Fe^{2+}). Most of the amphibole analyzed in this study had negligible Fe; therefore, the oxidation state of Fe would not greatly affect the compositional calculations. Amphiboles are identified as the most likely amphibole species based on semi-quantitative results. Amphibole nomenclature used is based on the recommendations of Leake and others (1997). bdl, below the detection limit of the EDS analytical method

Fig. 2
SEM photomicrograph of a fibrous amphibole bundle (likely richterite) in talc ore material from the Grantham mine (Table 4), Death Valley National Park. Sample collected just inside the ore body within a couple of inches of its outer contact with dolomitic limestone country rock. (Sample 21BDV03, Tables 6 and 7)

Fig. 3
SEM photomicrograph of asbestiform richterite (?) and platy talc in ore material from the Grantham mine (Table 4), Death Valley National Park. (Sample 21BDV03, Tables 6 and 7)

north-central New York State. These talc deposits replaced dolomitic marble in sinuous belts several kilometers long. The talc-forming event in the district has been interpreted to represent late retrograde metasomatism accompanying significant fluid flow during waning stages of regional metamorphism (Engel 1962). The talcs of the Gouverneur district are often cited as an example of "fibrous talc." Fibrous talc describes talc-rich rocks consisting of an intergrowth of acicular talc (Fig. 5) and

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

RoA_04862

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

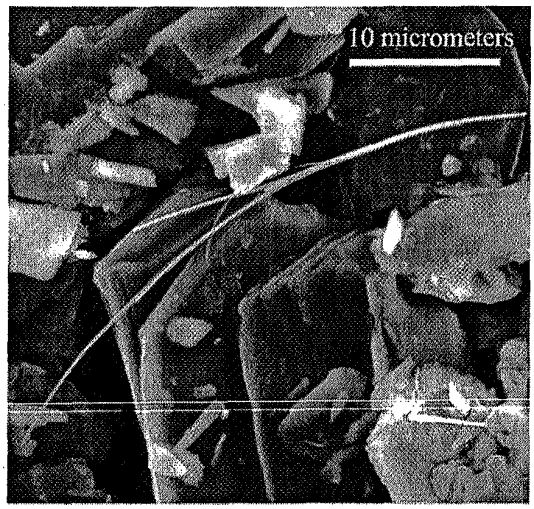


Fig. 4
SEM photomicrograph of platy talc with asbestiform amphibole (winchite?). Coexisting talc and fibrous amphibole are common in the talc deposits formed by contact metamorphism in the southern Death Valley region. This example is from the ore zone of the Acme mine (Table 4) near Tecopa, California (sample 26ADV02, Tables 6 and 7)

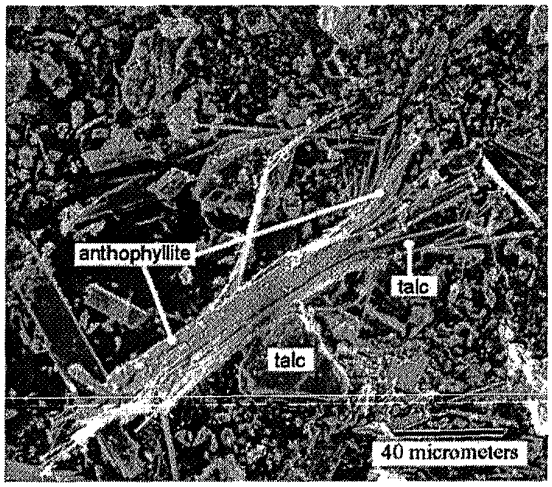


Fig. 6
Example of a "transitional" particle found within a talc deposit formed by regional metamorphism. The particle displays the incomplete replacement of fibrous anthophyllite by talc. This example is from the Gouverneur mining district, north-central New York State. The mineral compositions and identified phases based on stoichiometry at the spots indicated in this SEM photomicrograph were determined by EDS analyses, as shown in Table 8

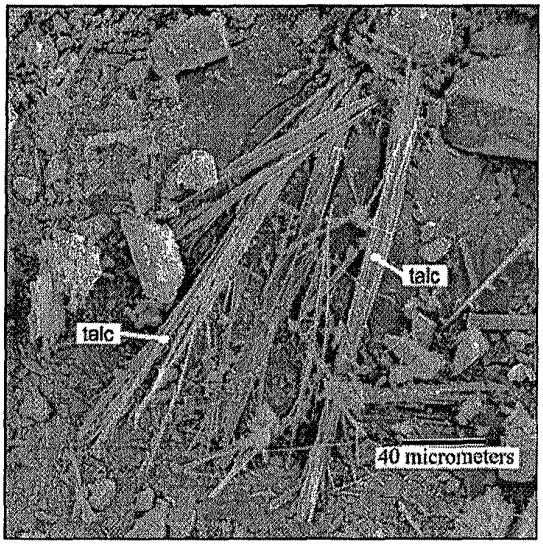


Fig. 5
SEM photomicrograph of fibrous talc within a talc deposit formed by regional metamorphism. This example is from the Gouverneur mining district, north-central New York State. Refer to Table 8 for semi-quantitative (EDS) analyses of these fibers

acicular amphiboles (Goodwin 1974; Greenwood 1998), and commonly includes the pseudomorphous replacement of fibrous amphiboles by talc (Fig. 6); this lends the talcose rock a generally fibrous, rather than massive appearance. The amphiboles intergrown with talc in the Gouverneur deposits are widely but unevenly distributed tremolite and anthophyllite (Engel 1962; Ross and others 1968; Virta 1985; Greenwood 1998). Mn-cummingtonite ("tirodite") is also reported (Ross and others 1968). Overlapping mineral crystallization events, linked to stages of regional metamorphism, are evident in the Gouverneur deposits. The general paragenetic sequence has been determined to involve: (1) formation of acicular tremolite (the primary metamorphic mineral) followed by (2) local replacement by pseudomorphous anthophyllite, followed, during the last stages of regional metamorphism, by (3) replacement of tremolite and anthophyllite by fibrous talc and serpentine (Engel 1962; Ross and others 1968). The resulting deposits consist of fibrous to platy talc, and tremolite, anthophyllite, and minor Mn-cummingtonite in habits ranging from blocky to fibrous. Some amphiboles in the Gouverneur talc ores have been described as "fibrous". When these mineral particles are characterized as asbestos or asbestiform, however, it has led to much debate (Goodwin 1974; Occupational Safety and Health Administration 1992). Much of this controversy is due to inconsistent classification and identification of "cleavage fragments" and "transitional fibers", mineral particles that are common in crushed Gouverneur talc; these particle types are discussed below.

Vermont talc

Talc deposits in Vermont are typical of "black wall" deposits, formed by regional metamorphism and metasomatism of ultramafic rocks, originally composed of dunite or peridotite. These deposits form as zoned alteration "rinds" around ultramafic bodies; the altered zones can be 6.5 km or more long and 460 m wide (Cady and others 1963). The alteration zones are typically comprised of the sequence (Sanford 1982 provides details):

RoA_04863

Table 8
Compositions determined for the mineral particles shown in Figs. 5and 6, as compared to the "ideal" compositions of pure talc and anthophyllite. The stoichiometric proportions were calculated from energy dispersive spectroscopy (EDS) analyses

Mineral particle	Normalized cation ratios
Ideal talc	$Mg_3Si_4O_{10}(OH)_2$
Ideal anthophyllite	$(Mg, Fe)_7Si_8O_{22}(OH)_2$ [from $Mg_7Si_8O_{22}(OH)_2$ to approximately $Fe_2Mg_5Si_8O_{22}(OH)_2$]
Fibers in Fig. 5	$(Mg_{2.8}, Al_{0.1}, Ca_{0.1}, K_{0.1})Si_{4.2}[O_{10}(OH)_2]$*
Platy talc, Fig. 6	$(Mg_{2.4}, Ca_{0.1})Si_{4.3}[O_{10}(OH)_2]$*
Talc spindle, Fig. 6	$(Mg_{2.6}, Ca_{0.1})Si_{4.1}[O_{10}(OH)_2]$*
Anthophyllite bundle, Fig. 6	$(Mg_{6.8}, Ca_{0.1})Si_{8.1}[O_{22}(OH)_2]$*
Anthophyllite tuft, Fig. 6	$(Mg_{6.8}, Al_{0.1}, Ca_{0.1})Si_{8.0}[O_{22}(OH)_2]$*

*Cation ratios were calculated by stoichiometry on the basis of 11 oxygen atoms for talc and 23 oxygen atoms for anthophyllite. (OH) was assumed to be 2 for both phases

1. ultramafic rocks, grading to
2. a talc-carbonate-dominant zone, grading to
3. a nearly mono-mineralogical talc zone (often of high purity) several centimeters to meters thick, grading to
4. a calcic amphibole-chlorite-rich zone, grading to
5. a chlorite-rich zone, grading to
6. a transitional mixed zone of altered mafic country rock, grading to
7. the mafic country rock.

Black-wall talc deposits are associated spatially with serpentinite masses that in some areas host well-developed chrysotile asbestos (Bain 1942; Cady and others 1963). The alteration zone locally contains actinolite, tremolite, anthophyllite, and (or) cummingtonite, as described by Cady and others (1963). Zodac (1940, p. 370) described "radiating masses of fibrous actinolite, which often have to be handled carefully as the needle-like crystals may penetrate fingers, are common on the dumps" in a talc quarry near Chester, Vermont. This same deposit yielded three biopyriboles newly recognized and named in the 1970s—jimthompsonite, clinojimthompsonite, and chesterite (Veblen and Burnham 1978). These fibrous amphiboles represent intermediate products of incomplete reactions during the conversion of anthophyllite and cummingtonite to talc (Veblen and Burnham 1978).

Soapstone Ridge, Georgia

As implied by its name, Soapstone Ridge about 13 km south-southeast of Atlanta, Georgia, contains outcrops of impure talc. The deposits formed by regional metamorphism of a large ultramafic body. Analyses of the talcose rock by the U.S. Bureau of Mines (Blake 1982) indicated: (1) mainly prismatic to acicular anthophyllite and cummingtonite, and (2) minor amounts of asbestiform varieties of anthophyllite, cummingtonite, and tremolite in veinlets and fracture fillings.

Dadeville, east-central Alabama

Regional metamorphism and metasomatism of mafic and ultramafic rocks near Dadeville in eastern-central Alabama provide another example of talc-amphibole associations. This elongate, northeast-trending belt of alteration contains discontinuous pods, seams, and lenses of talc (soapstone), talcose-anthophyllite, talcose-pyroxenite, anthophyllite asbestos, and asbestiform tremolite and actinolite in and along the margins of mafic and ultramafic rocks (Neathery and others 1967; Neathery 1968). Anthophyllite asbestos occurs in veins adjacent to talc rock and fills thin (<2.5 cm thick) veinlets that cut the talc bodies. Selective mining of the Dadeville area talc, while also excluding anthophyllite asbestos, may be impossible or at least impractical. In fact, in regard to the Dadeville area deposits, Neathery (1968, p. 2) noted: "Considerable tonnages of anthophyllite asbestos could conceivably be derived as a primary product or as a secondary product from talc mining".

Llano uplift, central Texas

Impure talc deposits (soapstone) occur in a regionally metamorphosed terrane of the Llano uplift of central Texas. At least ten large talc bodies have been identified (Barnes 1943); one small mine in the past produced soapstone used mostly for fireplace and hearth linings. Some of the talc bodies replace calcareous tremolite schists, and thus the talcose rock contains considerable amounts of tremolite, which can exceed the talc component. These tremolite-talc bodies occur in a sequence of talc-chlorite schists, chlorite-epidote schists, amphibolite, hornblende schist, serpentinite masses, gneiss, and sometimes vermiculite deposits (Barnes 1943). The tremolite crystals "vary considerably in shape, some being short and blocky and others being in long thin needles" (Barnes 1943, p. 72). Pockets of tremolite asbestos in schist are mentioned, and serpentinite masses sometimes contain pods of chrysotile asbestos (Barnes 1943). Actinolite is noted in one deposit. Barnes (1943, p. 74) interpreted the formation of these deposits "to be roughly: (1) metamorphism of impure dolomites and limestones into tremolite schist and (2) alteration of the tremolite in part at least to talc". Other talc deposits in the region are anthophyllite-rich and lack tremolite; these talcs also replace schist. The talc-anthophyllite bodies are not so closely spatially associated with serpentine (Barnes 1943).

Complications in evaluating asbestos content

Lending complexity to the determination of the asbestos content in some talc deposits is the presence of amphibole "cleavage fragments" and "transitional fibers". Transitional (dual-phase: talc/amphibole) fibers and cleavage fragments are found as constituents, and sometimes as abundant constituents, of talc ores formed by regional metamorphism. In particular, crushed talc ores extracted

RoA_04864

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

from the deposits of the Gouverneur district of upstate New York contain both amphibole cleavage fragments and transitional fibers (Beard and others 2001). Differing interpretation of these particles has caused considerable disagreement over the "asbestos" content of these talc deposits for more than three decades (Goodwin 1974). "Transitional fibers," sometimes termed "intermediate fibers," are composed of fibrous talc and amphibole, in various proportions. They include mineral fibers caught in the act of transformation, such as the incomplete replacement of anthophyllite by talc. X-ray diffraction, optical, and chemical analyses of transitional fibers in many cases either reveal characteristics that range between the ideal values for talc and amphibole or show both the values of talc and amphibole. These transitional fibers may have formed by partial, pseudomorphic replacement of fibrous amphibole by talc and (or) the microscopic intergrowth of amphibole with talc (Virta 1985). For example, in the tremolite-anthophyllite-rich, fibrous talc deposits of the Gouverneur district, Engel (1962) determined that acicular tremolite was the primary metamorphic mineral of the talc ore assemblage, which was replaced locally by pseudomorphous anthophyllite; both tremolite and anthophyllite were subsequently replaced by fibrous talc and serpentine. Where abundant in a talc-amphibole deposit, transitional fibers, such as the example shown in Fig. 6, represent a real challenge to (1) an analyst attempting to quantify the asbestos content of the material, and (2) a toxicologist evaluating the risk potential of the material.

Complexity is added to the analyst's job because, when crushed, amphiboles readily fracture along cleavage planes often forming acicular particles referred to as cleavage fragments. Analytical studies have shown that cleavage fragments of amphiboles display particle populations with distinctive dimensions (shorter particles of lower aspect ratio), which can be distinguished from the longer, thinner, asbestiform particles (Campbell and others 1979; Zoltai 1979; Dorling and Zusmman 1987; Skinner and others 1988; Wylie 1988, 2000). The dilemma of distinguishing cleavage fragments from asbestiform fibers is discussed by Wylie (1988, 2000).

Discussion

A review of published descriptions of about 360 talc deposits (mines, prospects, and occurrences) in the U.S. reveals that a consistent relationship occurs between the primary talc-forming geologic environment and the amphibole content of the talc deposit. That is, talc deposits formed by hydrothermal processes—meteoric or basin brine fluids heated by buried magma bodies—consistently lack amphiboles as accessory minerals. In contrast, talc ores that formed by contact or regional metamorphism are consistently intermixed with amphiboles, sometimes of the asbestiform variety. These consistent associations were confirmed by a limited amount of field and laboratory studies of commercial talc deposits.

Examples of major talc-producing districts formed by hydrothermal processes include those in southwestern Montana (current production; Van Gosen and others 1998), the Allamoore district of west Texas (current production; Bourbon 1982; Kyle and Clark 1990), and the Talc City district, Inyo County, southern California (World War I and II-era mining; Page 1951). Regardless of the source of the hydrothermal fluids (meteoric, basin brine, or perhaps magmatic) or their heat source (buried or distant intrusions), hydrothermal talc deposits are apparently amphibole-deficient bodies. U.S talc deposits described as hydrothermal deposits occur in: Alabama (2 deposits; Blount and Vassiliou 1980; Blount and Helbig 1987); California (31 deposits; Page 1951); Montana (64 deposits; Berg 1979), New Mexico (2 deposits; Kottlowski 1965; Fitzsimmons and Kelly 1980); Nevada (27 deposits; Papke 1975a); Texas (45 deposits; Bourbon 1982); and Washington (1 deposit; McHugh 1985). Descriptions of these hydrothermal talc deposits note only occasional amphibole minerals found in trace amounts, typically as rare components of the dolostone country rock. This study sampled hydrothermal talc of the Talc City district, California, and Yellowstone mine, Montana, and found no amphibole minerals in the ore material. Several published fluid inclusion studies indicate that the hot fluids responsible for "hydrothermal talc" deposits were typically saline (Na^{1+} and Ca^{2+} enriched), and low in CO_2, and had temperatures of less than approximately 400 °C.

Talc formed in geologic settings of contact metamorphism is known in a number of instances to be intergrown with amphibole, some of which is asbestiform. Examples include 55 talc-tremolite deposits of the Death Valley region, southern California, which were developed as mines and prospects during the 20th century. This study sampled ore material from ten of these deposits (Table 4). As described earlier, talc ores from the Death Valley deposits were consistently found to contain asbestiform fibers and fiber bundles of amphiboles (likely tremolite, winchite, and richterite), mixed with platy talc. These talc-amphibole-rich rocks massively replaced cherty dolostones immediately against their contact with intruding gabbroic sills. The Death Valley replacement deposits are essentially a friable rock consisting of mostly talc and tremolite, with either mineral predominant, depending on the site; accessory minerals include calcite, dolomite, quartz, phlogopite, magnesiohornblende, sepiolite, clinochlore, kaolinite, muscovite, and saponite. Talc of mainly platy habit is intergrown and disseminated with amphiboles of prismatic to asbestiform habits in these ore bodies.

More examples of talc deposits formed by contact metamorphism occur in western North Carolina, where they are associated with the Day Book dunite (Murdock and Hunter 1946). Serpentinite formed in contact zones where granitic bodies intruded the dunite mass; these serpentine-rich contact aureoles contain intervals enriched in talc and anthophyllite-asbestos (Kulp and Brobst 1954). Intervals within the alteration contact zones, from several centimeters to a meter thick, are described as "talc-rich" zones and "anthophyllite asbestos" zones, but these descriptions are generalized and not intended to imply asbestos-free

RoA_04865

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

and asbestos-bearing zones that are distinct. The impure talc zones (soapstone) may contain amphiboles, including asbestiform amphiboles, and thus deserve petrologic examination.

Although the talc deposits formed in quite different geologic settings—the Death Valley talcs replaced dolomite and the North Carolina talcs replaced altered dunite—the products of contact metamorphism included amphibole asbestos. Thus, talc deposits formed by contact metamorphism must be regarded as potential sites for amphibole asbestos.

Categorization of talc deposits formed by regional metamorphism appears to be less straightforward than for hydrothermal and contact metamorphic deposits. Amphiboles are ubiquitous in talc deposits formed by regional metamorphism, most commonly as anthophyllite and tremolite-actinolite series minerals. The crystal habits of the amphiboles are quite variable in these metamorphic talc deposits, commonly ranging from blocky to prismatic to acicular to asbestiform within a single outcrop.

The distribution of amphiboles within talc deposits formed by regional metamorphism is also variable between districts. For example, the deposits mined in the Gouverneur mining district in north-central New York State contain an abundance of fibrous talc-amphibole intergrowths that replaced dolomitic marbles (Engel 1962; Ross and others 1968; Virta 1985; Greenwood 1998). The intimate intergrowth of talc and amphibole in the Gouverneur deposits likely formed during retrograde metamorphism in which talc replaced pre-existing amphibole. As a result, talc and amphibole are intermixed in the Gouverneur deposits. In contrast, the "black wall" deposits in Vermont, which formed by regional metamorphism and metasomatism of ultramafic rocks, are zoned deposits in which some of the talc intervals, up to a few meters thick, are often of high purity (Cady and others 1963). The adjacent rock sequence can contain actinolite, tremolite, anthophyllite, and (or) cummingtonite, locally occurring in fibrous habits. These examples from New York and Vermont, as well as talc districts in Georgia, Alabama, and Texas (described earlier), demonstrate that talc deposits formed by regional metamorphism are consistently associated with amphiboles, sometimes with asbestiform habits, but their amphibole distribution is variable and deserves site-specific geologic examination and sampling. Determining the quantity, or actual presence, of asbestiform amphiboles within talc deposits formed by regional metamorphism often produces a variety of estimates by different analysts and by different optical techniques (Wylie 2000). Additionally, amphibole cleavage fragments and transitional fibers lend more complexity to the estimation of asbestos content in crushed examples of these talc ores (discussed above). Variability of amphibole particle size and habit within deposits formed by regional metamorphism has often placed this particular type of talc deposit at the middle of controversies regarding the safety of talc materials. Thus, whereas analysis of amphibole content and character within any particular talcose material is always best done on a site-by-site basis, site-specific analyses are especially advised where the mineral deposit is thought to have formed by regional metamorphic or contact metamorphic processes. The recommendation of techniques for the analyses of amphiboles in talc ores, particularly those formed by regional metamorphism, is beyond the focus and intent of this study; the reader is instead referred to Beard and Rooks (2000).

Conclusions and recommendations

This study revealed that the primary talc-forming conditions—due to hydrothermal processes, contact metamorphism, or regional metamorphism—had a direct influence on the ultimate amphibole content of the talc body. Talc deposits formed by hydrothermal processes—meteoric, basinal brine, or possibly magmatic fluids heated by magma bodies at depth—consistently show negligible amounts or a complete absence of amphibole. Talc deposits that formed in environments of contact metamorphism show a strong tendency to contain asbestiform amphibole within the talc ore. Talc deposits formed by regional metamorphism consistently contain amphiboles, but the amphibole particle habits and sizes are quite variable, requiring careful site-specific study. Given the refocus of attention upon the potential hazards of amphibole asbestos in some industrial mineral deposits, these talc-amphibole relationships may be useful as a first-level screening tool in prioritizing sites for the monitoring or remediation of active and abandoned talc mines.

A review of the fluid-inclusion literature revealed that talc deposits associated with ore-forming fluids cooler than ~400 °C consistently lack amphiboles as accessory minerals. In contrast, talc deposits that formed from higher temperature fluids are typically mingled with amphiboles (Sanford 1982; Walther 1983; Park and others 1997), including amphiboles that in some instances are locally asbestiform. Thus, the fluid temperature(s) of the system may have played an important role in determining the presence or absence of amphibole, and thus amphibole asbestos, within the talc deposit. The geologic environment must play an important role in determining the chemistry and temperature of the talc-forming fluids:

1. hydrothermal talc deposits formed via relatively cool fluids (<400 °C) heated by distant sources, such as buried plutons,
2. contact-metamorphic talc deposits formed against igneous intrusions in localized areas of high temperature conditions, and
3. regional-metamorphic deposits formed in relatively high temperature-pressure environments.

Localized conditions within these talc-forming environments ultimately controlled the deposition or non-deposition of amphiboles and, by association, amphibole asbestos.

The talc-forming systems are complex and fluid temperature alone may not adequately explain talc±amphibole crystallization. Several other parameters should also be considered in system modeling, such as:

RoA_04866

1. pressure,
2. the activities of Si, Ca, Mg, and perhaps other chemical components (CO_2) in the system,
3. fluid-flow mechanisms (diffusion, infiltration),
4. the chemical composition of the host rocks,
5. water-rock ratios, and
6. reaction rates.

Reaction-path modeling of these parameters was beyond the current scope of this study. However, mineralogical, chemical, and fluid-inclusion studies are underway at the USGS to better recognize and explain the talc- and asbestos-forming geologic settings, thereby providing insights towards asbestos geology that can be applied to decisions required by land managers, and health and safety administrators.

Acknowledgements This paper benefited from critical reviews by Robert Virta of the U.S. Geological Survey and Larry Macken of the Mine Safety and Health Administration. The authors thank Richard Anderson of Death Valley National Park for granting us permission to sample historic talc mines within the Park. Thanks also to Mike Cerino of Luzenac America, Inc., for a tour of their Yellowstone mine, Montana, and for providing permission to sample. The authors appreciate the suggestions provided by Dr. Bernard W. Evans, University of Washington, and Dr. Theodore C. Labotka, University of Tennessee, regarding research techniques that could be applied to model the observations presented in this paper. This study was funded by the U.S. Geological Survey; helpful counsel and support was provided by project chiefs Gregory Meeker and Geoffrey Plumlee.

References

Anderson DL, Mogk DW, Childs JF (1990) Petrogenesis and timing of talc formation in the Ruby Range, southwestern Montana. Economic Geology 85:585–600

Bain GW (1942) Vermont talc and asbestos deposits. In: Newhouse WH (ed) Ore deposits as related to structural features. Princeton University Press, Princeton, New Jersey, pp 255–258

Barnes VE (1943) Soapstone and serpentine in the central mineral region of Texas. In: Texas Mineral Resources. The University of Texas Publications 4301, pp 55–91

Beard ME, Rooks HL (eds) (2000) Advances in environmental measurement methods for asbestos. American Society for Testing and Materials, West Conshohocken, Pennsylvania, ASTM Special Technical Publication 1342, 425 pp

Beard ME, Crankshaw OS, Ennis JT, Moore CE (2001) Analysis of crayons for asbestos and other fibrous materials, and recommendations for improved analytical definitions (informal report). Research Triangle Institute, Center for Environmental Measurements and Quality Assurance, Earth and Mineral Sciences Department, Research Triangle Park, North Carolina, 23 pp, appendices A-H

Berg RB (1979) Talc and chlorite deposits in Montana. Montana Bureau of Mines and Geology Memoir 45, 66 pp, 3 plates

Blake RL (1982) Amphiboles in Soapstone Ridge, Ga. U.S. Bureau of Mines Report of Investigations 8627, 17 pp

Blount AM, Helbig SR (1987) Talc and chlorite in the Winterboro area, Talladega County, Alabama. Geological Survey of Alabama Circular 129:43

Blount AM, Vassiliou AH (1980) The mineralogy and origin of the talc deposits near Winterboro, Alabama. Economic Geology 75:107–116

Bourbon WB (1981) The origin and occurrences of talc in the Allamoore district, Culberson and Hudspeth Counties, Texas. West Texas State University, Canyon, Texas, M.S Thesis, 65 pp

Bourbon WB (1982) The origin of talc in the Allamoore district, Texas. In: Austin GS (compiler) Industrial rocks and minerals of the southwest. New Mexico Bureau of Mines and Mineral Resources Circular 182:77–84

Brady JB, Cheney JT, Rhodes AL, Vasquez A, Green C, Duvall M, Kogut A, Kaufman L, Kovaric D (2003) Isotope geochemistry of Proterozoic talc occurrences in Archean marbles of the Ruby Mountains, southwest Montana, U.S.A. American Mineralogist 88:246

Browne K, Wagner JC (2001) Environmental exposure to amphibole-asbestos and mesothelioma. In: Nolan RP, Langer AM, Ross M, Wicks FJ, Martin RF (eds) The health effects of chrysotile asbestos: contribution of science to risk-management decisions. The Canadian Mineralogist Special Publication 5, pp 21–28

Cady WM, Albee AL, Chidester AH (1963) Bedrock geology and asbestos deposits of the upper Missisquoi Valley and vicinity, Vermont. U.S. Geological Survey Bulletin 1122-B, 78 pp, 1 plate

Campbell WJ, Blake RL, Brown LL, Cather EE, Sjoberg JJ (1977) Selected silicate minerals and their asbestiform varieties: mineralogical definitions and identification-characterization. U.S. Bureau of Mines Information Circular IC-8751, 56 pp

Campbell WJ, Steel EB, Virta RL, Eisner MH (1979) Relationship of mineral habit to size characteristics for tremolite cleavage fragments and fibers. U.S. Bureau of Mines Report of Investigations 8367, 18 pp

Cerino M (2002) Geology of the Yellowstone talc mine. In: Lageson DR, Perryman V (eds) Tobacco Root Geological Society 27th Annual TRGS Field Conference. Northwest Geology 31:66–73

Churchill RK, Hill RL (2000) A general location guide for ultramafic rocks in California: areas more likely to contain naturally occurring asbestos. California Department of Conservation, Division of Mines and Geology, DMG Open-File Report 2000–19. See http://www.consrv.ca.gov/

Dearwent S, Imtiaz R, Metcalf S, Lewin M (2000) Health consultation: mortality from asbestosis in Libby, Montana (report dated December 12, 2000). Agency for Toxic Substances and Disease Registry. See http://www.atsdr.cdc.gov/HAC/pha/libby/lib_toc.html

Dorling M, Zussman J (1987) Characteristics of asbestiform and non-asbestiform calcic amphiboles. Lithos 20:469–489

Engel AEJ (1962) The Precambrian geology and talc deposits of the Balmat-Edwards district, northwest Adirondack Mountains, New York. U.S. Geological Survey Open-File Report (unnumbered, released June 15, 1962), 357 pp, 53 plates

Evans BW, Guggenheim S (1988) Talc, pyrophyllite, and related minerals (Chapter 8). In: Ribbe PH (ed) Hydrous phyllosilicates (exclusive of micas). Mineralogical Society of America, Washington, D.C, Reviews in Mineralogy 19:225–294

Evans JR, Taylor GC, Rapp JS (1976) Mines and mineral deposits in Death Valley National Monument, California. California Division of Mines and Geology Special Report 125, pp 35–59

Fitzsimmons JP, Kelly VC (1980) Red Rock talc deposit, Sierra County, New Mexico. New Mexico Geology 2:36–38

Franklin RH (1965) Grantham mines talc operation. Mining Engineering 17(8):49

Gammons CH, Matt DO (2002) Using fluid inclusions to help unravel the origin of hydrothermal talc deposits in southwest Montana. In: Lageson DR, Perryman V (eds) Tobacco Root Geological Society 27th Annual TRGS Field Conference. Northwest Geology 31:44–53

Gay TE Jr, Wright LA (1954) Geology of the Talc City area, Inyo County. In: Jahns RH (ed) Geology of Southern California, Chapter II, Geology of the natural provinces. California Division of Mines Bulletin 170, Map Sheet 12

RoA_04867

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Gibbs GW (2001) Health effects associated with mining and milling chrysotile asbestos in Quebec and the role of tremolite. In: Nolan RP, Langer AM, Ross M, Wicks FJ, Martin RF (eds) The health effects of chrysotile asbestos: contribution of science to risk-management decisions. The Canadian Mineralogist Special Publication 5, pp 165–175
Goodwin A (compiler) (1974) Proceedings of the Symposium on Talc, Washington, D.C., May 8, 1973. U.S. Bureau of Mines Information Circular 8639:102
Greenwood WS (1998) A mineralogical analysis of fibrous talc. University of Maryland, College Park, M.S Thesis, 162 pp
Guthrie GD, Mossman BT (eds) (1993) Health effects of mineral dusts. Mineralogical Society of America, Washington, D.C., Reviews in Mineralogy 28:584
Halley SW, Walshe JL (1995) A reexamination of the Mount Bischoff cassiterite sulfide skarn, western Tasmania. Economic Geology 90:1676–1693
Heaman LM, Grotzinger JP (1992) 1.08 Ga diabase sills in the Pahrump Group, California: implications for development of the Cordilleran miogeocline. Geology 20:637–640
Kottlowski FE (1965) Talc, pyrophyllite, and ricolite. In: Mineral and water resources of New Mexico. New Mexico Bureau of Mines and Mineral Resources Bulletin 87:296–298
Kyle JR, Clark KF (1990) Geology of the Allamoore talc district, west Texas. In: Kyle JR (ed) Industrial mineral resources of the Delaware Basin, Texas and New Mexico. Society of Economic Geology Guidebook Series 8, pp 181–190
Kulp JL, Brobst DA (1954) Notes on the dunite and the geochemistry of vermiculite at the Day Book dunite deposit, Yancey County, North Carolina. Economic Geology 49:211–220
Langer RM (2001) Health experience of some U.S. and Canadian workers exposed to asbestos: foundation for risk assessment. In: Nolan RP, Langer AM, Ross M, Wicks FJ, Martin RF (eds) The health effects of chrysotile asbestos: contribution of science to risk-management decisions. The Canadian Mineralogist Special Publication 5, pp 9-20
Leake BE, Woolley AR, Arps CES, Birch WD, Gilbert MC, Grice JD, Hawthorne FC, Kato A, Kisch HJ, Krivovichev VG, Linthout K, Laird J, Mandarino JA, Maresch WV, Nickel EH, Rock NMS, Schumacher JC, Smith DC, Stephenson NCN, Ungaretti L, Whittaker EJW, Youzhi G (1997) Nomenclature of amphiboles: report of the Subcommittee on Amphiboles of the International Mineralogical Association, Commission on New Minerals and Mineral Names. American Mineralogist 82:1019–1037
Levadie B (ed) (1984) Definitions for asbestos and other health-related silicates. American Society for Testing and Materials, Philadelphia, Pennsylvania, ASTM Special Technical Publication 834, pp 1-147
McHugh B (1985) X-ray exploration for talc deposits. Eastern Washington University, Cheney, M.S. Thesis, 64 pp
Moine B, Fortune JP, Moreau P, Viguier F (1989) Comparative mineralogy, geochemistry, and conditions of formation of two metasomatic talc and chlorite deposits: Trimouns (Pyrenees, France) and Rabenwald (eastern Alps, Austria). Economic Geology 84:1398–1416
Mossman BT, Bignon J, Corn M, Seaton A, Gee JBL (1990) Asbestos: scientific developments and implications for public policy. Science 247:294–301
Murdock TG, Hunter CE (1946) The vermiculite deposits of North Carolina: North Carolina Department of Conservation and Development, Division of Mineral Resources Bulletin 50, 44 pp
Neathery TL (1968) Talc and anthophyllite asbestos deposits in Tallapoosa and Chambers Counties, Alabama. Geological Survey of Alabama Bulletin 90, 97 pp
Neathery TL, LeVan HP, Ahrenholz HW, O'Neill JF (1967) Talc and asbestos at Dadeville, Ala. U.S. Bureau of Mines Report of Investigations 7045, 57 pp
Nolan RP, Langer AM, Ross M, Wicks FJ, Martin RF (eds) (2001) The health effects of chrysotile asbestos: contribution of science to risk-management decisions. The Canadian Mineralogist Special Publication 5, 304 pp
Norman LA Jr, Stewart RM (1951) Mines and mineral resources of Inyo County. California Journal of Mines and Geology 47(1):113–127
Occupational Safety and Health Administration (1992) 29 CFR Parts 1910 and 1926 (Docket No. H-033-d): occupational exposure to asbestos, tremolite, anthophyllite and actinolite. Federal Register 57(110) (Monday, June 8, 1992), pp 24310–24331
Olson RH (1976) The geology of Montana talc deposits. In: Proc Eleventh Industrial Minerals Forum. Montana Bureau of Mines and Geology Special Publication 74, pp 99–143
Page BM (1951) Talc deposits of steatite grade, Inyo County, California. California Division of Mines Special Report 8, 35 pp, 11 plates
Papke KG (1975a) Talcose minerals in Nevada: talc, chlorite, and pyrophyllite. Nevada Bureau of Mines and Geology Bulletin 84, 63 pp
Papke KG (1975b) The Grantham talc mine, Inyo County, California. In: Papke KG, Schilling JH, Barker JM, Wilson JL, Walters RA (eds) Guidebook: Las Vegas to Death Valley and return. Nevada Bureau of Mines and Geology Report 26, pp 36–39
Park HI, Lee I, Park KH (1997) Hydrogen and oxygen isotope compositions of ore fluid in the Dongyang talc deposit, Korea. In: Rongfu P (ed) Energy and mineral resources for the 21st century: geology of mineral deposits, mineral economics. Proc 30th International Geological Congress VSP, Utrecht, The Netherlands, 9, pp 91–100
Piniazkiewicz RJ, McCarthy EF, Genco NA (1994) Talc. In: Carr DD (ed) Industrial minerals and rocks, 6th edn. Society of Mining, Metallurgy, and Exploration, Inc. Littleton, Colorado, pp 1049–1069
Pohl W, Belocky R (1999) Metamorphism and metallogeny in the eastern Alps. Mineralium Deposita 34:614–629
Pooley FD (2001a) Chrysotile, tremolite-actinolite and mesothelioma. In: Nolan RP, Langer AM, Ross M, Wicks FJ, Martin RF (eds) The health effects of chrysotile asbestos: contribution of science to risk-management decisions. The Canadian Mineralogist Special Publication 5, 119 pp
Pooley FD (2001b) Lung-content analysis in cases of asbestos-related lung cancer and mesothelioma. In: Nolan RP, Langer AM, Ross M, Wicks FJ, Martin RF (eds) The health effects of chrysotile asbestos: contribution of science to risk-management decisions. The Canadian Mineralogist Special Publication 5, 37 pp
Ross M (1981) The geologic occurrences and health hazards of amphibole and serpentine asbestos (chapter 6). In: Veblen DR (ed) Amphiboles and other hydrous pyriboles: Mineralogical Society of America, Washington, D.C., Reviews in Mineralogy 9A:279–323
Ross M (1984) A survey of asbestos-related disease in trades and mining occupations and in factory and mining communities as a means of predicting health risks of nonoccupational exposure to fibrous minerals. In: Levadie B (ed) Definitions for asbestos and other health-related silicates. American Society for Testing and Materials, Philadelphia, Pennsylvania, ASTM Special Technical Publication 834, pp 139–147
Ross M (2001) Exposure to amphibole-asbestos and mixed fibers: Rapporteur's report. In: Nolan RP, Langer AM, Ross M, Wicks FJ, Martin RF (eds) The health effects of chrysotile asbestos: contribution of science to risk-management decisions. The Canadian Mineralogist Special Publication 5, pp 71–74
Ross M, Virta RL (2001) Occurrence, production and uses of asbestos. In: Nolan RP, Langer AM, Ross M, Wicks FJ, Martin

RoA_04868

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

RF (eds) The health effects of chrysotile asbestos: contribution of science to risk-management decisions. The Canadian Mineralogist Special Publication 5, pp 79–88
Ross M, Smith WL, Ashton WH (1968) Triclinic talc and associated amphiboles from Gouverneur mining district, New York. American Mineralogist 53:751–769
Sanford RF (1982) Growth of ultramafic reaction zones in greenschist to amphibolite facies metamorphism. American J Science 282:543–616
Skinner HCW, Ross M, Frondel C (1988) Asbestos and other fibrous materials: mineralogy, crystal chemistry, and health effects. Oxford University Press, New York, 204 pp
Small JA, Armstrong JT (2000) Improving the analytical accuracy in the analysis of particles by employing low voltage analysis. Microscopy and Microanalysis 6(2):924–925
Stanton MF, Layard M, Tegeris A, Miller E, May M, Morgan E, Smith A (1981) Relation of particle dimensions to carcinogenicity in amphibole asbestoses and other fibrous minerals. J National Cancer Institute 67:965–975
Taggart JE Jr, Lichte FE, Wahlberg JS (1981) Methods of analysis of samples using X-ray fluorescence and induction coupled plasma spectroscopy. In: Lipman PW, Mulllineaux DR (eds) The 1980 eruption of Mount St. Helens, Washington. U.S. Geological Survey Professional Paper 1250, pp 683–687
Taggart JE Jr, Lindsey JR, Scott BA, Vivit DV, Bartel AJ, Stewart KC (1987) Analysis of geologic materials by wavelength-dispersive X-ray fluorescence spectrometry. In: Baedecker PA (ed) Methods for geochemical analyses. U.S. Geological Survey Professional Paper 1770, pp E1-E19
Tornos F, Spiro BF (2000) The geology and isotope geochemistry of the talc deposits of Puebla de Lillo (Cantabrian Zone, northern Spain). Economic Geology 95:1277–1296
U.S. Senate Committee on Environment and Public Works (2000) Federal, State, and local response to public health and environmental conditions from asbestos contamination in Libby, Montana (full committee field hearing). Statements from Hearings Held at the 106th Congress, Second Session, February 16, 2000. See http://www.senate.gov/~epw/stm1_106.htm#02-16-00
Van Gosen BS, Berg RB, Hammarstrom JM (1998) Map showing areas with potential for talc deposits in the Gravelly, Greenhorn, and Ruby Ranges and the Henrys Lake Mountains of southwestern Montana. U.S. Geological Survey Open-File Report 98–224-B
Veblen DR, Burnham CW (1978) New biopyriboles from Chester, Vermont: II. The crystal chemistry of jimthompsonite, clinojimthompsonite, and chesterite, and the amphibole-mica reaction. American Mineralogist 63:1053–1073
Virta RL (1985) The phase relationship of talc and amphiboles in a fibrous talc sample. U.S. Bureau of Mines Report of Investigations 8923, 11 pp
Virta RL (2001) Some facts about asbestos. U.S. Geological Survey Fact Sheet FS-012–01, 4 pp
Virta RL (2002) Asbestos: U.S. Geological Survey Open-File Report 02–149, 35 pp
Wagner JC, Sleggs CA, Marchand P (1960) Diffuse pleural mesothelioma and asbestos exposure in the northwestern Cape Province. British J Industrial Medicine 17:260–271
Walther JV (1983) Description and interpretation of metasomatic phase relations at high pressures and temperatures: 2. metasomatic reactions between quartz and dolomite at Campolungo, Switzerland. American J Science 283-A:459–485
Wright LA (1954) Geology of the Silver Lake talc deposits, San Bernardino County, California. California Division of Mines Special Report 38, 30 pp, 3 plates
Wright LA (1957) Talc and soapstone. In: Wright LA (ed) Mineral commodities of California: geologic occurrence, economic development and utilization of the State's mineral resources. California Division of Mines Bulletin 176:623–634
Wright LA (1968) Talc deposits of the southern Death Valley-Kingston Range region, California. California Division of Mines Special Report 95, 79 pp, 4 plates
Wright LA, Stewart RM, Gay TE Jr, Hazenbush GC (1953) Mines and mineral deposits of San Bernardino County, California. California J Mines and Geology 49(1–2):197–216
Wylie AG (1988) Relationship between the growth habit of asbestos and the dimensions of asbestos fibers. Mining Engineering 40:1036–1040
Wylie AG (2000) The habit of asbestiform amphiboles: implications for the analysis of bulk samples. In: Beard ME, Rooks HL (eds) Advances in environmental measurement methods for asbestos. American Society for Testing and Materials, West Conshohocken, Pennsylvania, ASTM Special Technical Publication 1342, pp 53–69
Wylie AG, Huggins CW (1980) Characteristics of a potassian winchite-asbestos from the Allamoore talc district, Texas. The Canadian Mineralogist 18:101–107
Wylie AG, Verkouteren JR (2000) Amphibole asbestos from Libby, Montana: aspects of nomenclature. American Mineralogist 85:1540–1542
Wylie AG, Bailey KF, Kelse JW, Lee RJ (1993) The importance of width in asbestos fiber carcinogenicity and its implications for public policy. American Industrial Hygiene Association J 54:239–252
Zodac P (1940) A talc quarry near Chester, Vermont. Rocks and Minerals 15:369–371
Zoltai T (1979) Asbestiform and acicular mineral fragments. Annals of the New York Academy of Sciences 330:621–643
Zoltai T (1981) Amphibole asbestos mineralogy (chapter 5). In: Veblen DR (ed) Amphiboles and other hydrous pyriboles: mineralogy. Mineralogical Society of America, Washington, D.C., Reviews in Mineralogy 9A:237–278

RoA_04869

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

EXHIBIT 4

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

WENDI J. HIRSHBERG AND RICHARD HIRSHBERG, WIFE AND HUSBAND, PLAINTIFFS, VS. JOHNSON & JOHNSON, ET AL., DEFENDANTS.	CASE NO. 20-2-06720-8

CERTIFIED ORIGINAL

DEPOSITION OF MATTHEW SANCHEZ, PH.D.

VOLUME 2

MONDAY, APRIL 5, 2021

JOB NO. 302931

REPORTED BY KATIE HRON

WASHINGTON C.S.R. NO. 21003003

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Page 427

describe general shapes of particles.
And again, the specific words that an author may use to define it may vary, but the general meaning is the same.
Q. So specifically, with the term acicular, you haven't seen any kind of tension in the definition depending on time or source.
A. I've never seen anything with the definition of acicular that causes tension in my mind of the meaning of the term.
I've seen different words used to describe it, but that doesn't mean the meaning is -- the general meaning of what is being conveyed is something that is a tension or in conflict with each other.
Q. In your report you mentioned that there was a sentence by Van Gosen in his 2004 publication that should be rewritten.
Do you know what I'm talking about?
A. Yeah.
Q. Is that something that you have --
Well, you -- you mentioned Van Gosen has, in fact, acknowledged that this rewording would be more accurate and reference, Van Gosen personal communication.
Tell me what you mean by "Van Gosen personal

Page 428

communication."
A. Sure. I was working on a report with Dr. Mickey Gunter, years ago, where Dr. Mickey Gunter had reached out to Van Gosen about that wording. Because when you actually look at the reference, the citation that he uses for that statement, that's not what the -- that is not what the document actually says.
He acknowledges that without his -- his -- he had transcribed it or interpreted it incorrectly, the language that he used. I believe it was in an email that I saw. And also I believe it was communicated verbally, as well.
Q. Okay. An email to Mickey Gunter?
A. I believe it was an email between he and Mickey Gunter, yes.
Q. Okay. And the conversation was also between he and Mickey Gunter?
A. Right.
Q. Do you have that email?
A. I might have it. I'd have to -- I'd have to look.
Q. Okay.
MS. DEAN: I'm just gonna mark Exhibit 37, the email if you have it.
(Whereupon Plaintiff's Exhibit 37

Page 429

was marked for identification and is attached hereto.)
THE WITNESS: All right.
BY MS. DEAN:
Q. Outside of the conversation or emailed communications between Mickey and Van Gosen, how did you learn about it? Was it talking to Dr. Gunter? Or how did it get to you?
A. Well, I think I already told you, but I'll try to be more clear. Two ways to look at this: One is if you actually go to the citation of Van Gosen, this is not him seeing it, this is him citing a -- an article in the literature. When you go to the article in the literature it does not say what the -- it does not say what Van Gosen says there. So there's some -- there's, you know, a transcription error or some kind of an error made there.
I was working on a report with Mickey Gunter at the time on behalf of Johnson & Johnson, and Mickey had communicated with Dr. Van Gosen of the USGS about that issue, and he acknowledged -- I believe it's in an email. I'm going back four years in memory here. But he acknowledged, "Yes, you're correct, that I" -- "I miscited that article," with the language that he used in the publication.

Page 430

Q. Okay. One second.
In terms of the conversation that happened with Mickey Gunter and Van Gosen and indicating that he allegedly miscited it, did he also indicate that he believed what he wrote was inaccurate?
A. I'd have to review the email, whether he got into that detail, but the fact of the matter, if he miscited it, it was inaccurate.
No foul intention meant into any of this, but his citation of that document wasn't correct, and he acknowledged that. So a citation to something could be incorrect, but still embody the opinion of the author.
Q. Do you know if that's the case?
A. I -- I have no idea.
You'd have to ask Dr. Van Gosen his opinion.
Q. Okay. And so you found out about the conversation with Mickey and Van Gosen by reviewing the actual email?
A. Yes. I mean, I -- I had -- I had seen the reference wasn't correct. The -- then I -- I was working on a report with Mickey, again. This was about, maybe five years ago now on Vermont talcs and this issue came up. And then he showed me this email communication he had with Van Gosen over that -- over that contradiction.

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Page 431

Q. Did you learn anything from Mickey Gunter about the conversation with Van Gosen in your conversation that wasn't included in the email?
A. No. It was -- the purpose of the -- the purpose of the communication was to resolve that issue versus the published article versus what the literature he was citing said.
Q. I've had an opportunity to talk to Mickey Gunter extensively about his opinions and reports about Vanderbilt talc.
Have you seen those reports?
A. No.
Q. Have you talked to Mickey Gunter at all about whether your views about the mineralogy of Vanderbilt talc are consistent or inconsistent with his?
A. I don't know his full views. I know what he's published in the literature. I've had some discussions based upon what he and his students published in the literature, but beyond that, I don't -- I've not reviewed his reports and I can't say whether I agree with every one of his opinions or not.
Q. I had a chance, specifically dealing with tissue digestion and whether tissue digestion, based on low-iron anthophyllite can tag Vanderbilt talc.
And so I got to explore very specifically those

Page 432

opinions with him.
Is that something you've discussed with him at all?
A. I think you -- well, I think there's a broader discussion over the mineral anthophyllite versus the types of particles we're seeing in the Hirshberg case, if that's what you're getting to.
I agree that, generally, just the presence of anthophyllite isn't gonna be a unique marker, but these types of intergrowth that we see with the iron I think is the only commercial source of that stuff, that I'm aware of with Vanderbilt, as I sit here today.
Q. Yeah, and that was the explicit issue I spent hours talking with him about.
Do you know how many source materials that he has that he claims undermine your position that low-iron anthophyllite found in the tissue points uniquely to Vanderbilt?
A. I'm not saying it is unique.
I'm just saying from my -- from my understanding, that's the only source of that kind of a particle, that I know of. That type of a particle does not -- we do not find those types of particles in Johnson & Johnson talc. That's a plausible -- that's a plausible source for those particles.

Page 433

Q. I think for the purposes of today I'll just ask: In terms of understanding the mineralogy of low iron or the -- excuse me.
In terms of understanding when and where you would expect to see low-to-no-iron anthophyllite, is that something that you have used -- reviewed litigation reports from Mickey Gunter or discussed with him in any way?
A. Not in any meaningful way, no.
Q. Do you try to create a timeline at all for any different testing method on the expected limit of detection for that method to take into account advancements in technology?
DEFENSE COUNSEL: Objection to form. Vague and ambiguous.
THE WITNESS: That doesn't make sense to me.
BY MS. DEAN:
Q. Sure. Let me try to reframe.
Again, examples help me.
But I see documents referencing XRD and the detection for XRD for amphiboles, where the limit of detection occurs with time.
Have you seen anything like that?
A. That's not entirely accurate.
There -- it is true that some technological --

Page 434

some things will happen from the technological perspective that could help identify things at lower detection levels. But what becomes important is individual labs performing those tests, their equipment, how they're -- how they're -- how they're applying, how they're using that equipment to establish their detection level.
The fact that any -- a given XRD system theoretically can do something, doesn't mean it can actually do that. Those things are -- those things generally need to be demonstrated.
And then again, it also goes into, you can have an analytical tool, but then, again, even with all the, quote, unquote, modern bells and whistles, but that doesn't necessarily mean you're gonna get a better answer using it in the methodology and approach that you're taking.
Q. What's the -- the worst limit of detection that you've seen reported through -- when using XRD?
A. I don't know. I think from the CTFA standpoint you had to demonstrate that you could at least see down to 0.5 in order to perform that test method. So that would give you -- if you weren't able to see 0.5 you were not -- your -- your instrumentation, your approach, your procedures were not -- were not capable of running

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Page 459

STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE)

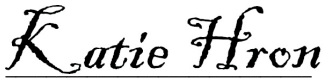
I, KATIE HRON, Washington C.S.R. NO. 21003003, in and for the State of California, do hereby certify:

That prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to typewriting under my direction, and the same is a true, correct, and complete transcript of my shorthand notes so taken.

I further certify that I am not interested in the event of this action.

In witness whereof, I have hereunto subscribed my name on April 8, 2021.



Katie Hron
Washington C.S.R. NO. 21003003

Page 460

Errata Sheet

NAME OF CASE: WENDI J. HIRSHBERG, et al. vs JOHNSON & JOHNSON, et al.
DATE OF DEPOSITION: 04/05/2021
NAME OF WITNESS: Matthew MD Sanchez
Reason Codes:
1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

Page _____ Line _____ Reason _____
From _____ to _____
Page _____ Line _____ Reason _____
From _____ to _____
Page _____ Line _____ Reason _____
From _____ to _____
Page _____ Line _____ Reason _____
From _____ to _____
Page _____ Line _____ Reason _____
From _____ to _____
Page _____ Line _____ Reason _____
From _____ to _____
Page _____ Line _____ Reason _____
From _____ to _____

_____

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

EXHIBIT 5

ELECTRONICALLY FILED - 2024 Jul 10 6:08 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

From: "Ewald, John" <jewald@kslaw.com>
Date: Thursday, April 15, 2021 at 11:49 AM
To: Jessica Dean <jdean@dobslegal.com>, Todd Barnes <tbarnes@dobslegal.com>
Subject: RE: Ex. 37 to Sanchez's April 5 depo

Jessica:

After conducting a search, Dr. Sanchez was not able to find a copy of the email exchange that was marked as Ex. 37, and thus there is nothing to provide for that exhibit number. Dr. Sanchez testified about this issue at the end of the third day of his deposition in this matter.

Best,

John

John Ewald
Partner

T: +1 212 790 5341 | E: jewald@kslaw.com | www.kslaw.com

BIO | vCARD

King & Spalding LLP
1185 Avenue of the Americas
34th Floor
New York, NY 10036

From: Jessica Dean <jdean@dobslegal.com>
Sent: Wednesday, April 14, 2021 7:35 PM
To: John Ewald <jewald@kslaw.com>; Todd Barnes <tbarnes@dobslegal.com>
Subject: Ex. 37 to Sanchez's April 5 depo

External Sender
I do not see that it was attached. I want to make sure it wasn't sent to me but not attached to the transcript. Can you confirm?

Jessica Dean

O: (214) 722-5994 | C: (214) 476-5210

302 N Market St, Suite 300
Dallas, TX 75202

www.dobslegal.com

Dean Omar Branham Shirley, LLP

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	CIVIL ACTION NO. 2023-CP-40-04072
MICHAEL L. PERRY AND LONNIE L. LONG,	)	*In Re:* Asbestos Personal Injury Litigation Coordinated Docket
Plaintiffs,	)	**JOHNSON & JOHNSON DEFENDANTS' MOTION *IN LIMINE* TO PARTIALLY EXCLUDE THE OPINIONS OF DR. STEVEN HABER**
vs.	)	
AMERICAN INTERNATIONAL INDUSTRIES, ET AL.,	)	
Defendants.	)	

Defendants Johnson & Johnson, Inc. ("J&J"); LLT Management, LLC ("LLT"); Johnson & Johnson Holdco (NA), Inc. ("Holdco"); and Kenvue, Inc. (collectively, "J&J Defendants") respectfully move the Court to exclude certain opinions offered by Plaintiff's pulmonology expert, Dr. Steven Haber, that exceed his qualifications.

I. DR. HABER'S BACKGROUND AND OPINIONS

A. Dr. Haber's Opinions.

Dr. Haber is a pulmonologist who Plaintiffs designated to opine on topics far afield from his medical expertise. The scope of these topics spans four pages in their expert designations and ranges from the expected mesothelioma opinions to opinions about advanced mining and milling processes. (Ex. A, Plaintiffs' Fact & Expert Witness Designation at 2-5, *Perry*, June 10, 2024.) From this lone pulmonologist, Plaintiffs ambitiously hope to elicit detailed testimony about the various talc mines used by at least seven different defendants in different products over decades, whether each product was contaminated with asbestos, the mineral composition of asbestos, "selective mining" and "beneficiation" processes to explain how asbestos allegedly contaminates talc, the asbestos testing processes, as well as "industry" and "internal documents" from

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

defendants. This is so even though Plaintiffs have designation other experts qualified in these areas to opine about these topics. *See id.* at 6 (designating "geologist and materials scientist Mark Bailey" to opine about the "measurement, identification, quantification and analysis of" asbestos and talc, as well as the testing and mining processes involved; and, Dr. William Longo, Chief Executive Officer of Materials Analytical Services, Inc. specializing in the detection, measurement, testing and analysis of asbestos).

Dr. Steven Haber, a medical doctor, is not qualified to address *whether* Johnson's Baby Powder was contaminated with asbestos, much less to expound on his mining and milling theories. His *only* expertise is in pulmonology. Dr. Haber should be precluded from presenting opinions about which he has no expertise or acting as a mere conduit for corporate documents.

Specifically, Dr. Haber should be precluded from testifying on the following topics:

(1) "what is asbestos, including the different definitions for asbestos in different contexts like the commercial context, the mineralogical context..." (Ex. A, at Pg. 2.)
(2) "that Mr. Perry's…exposures from certain products and/or sources constituted a substantial contributing factor in the development of his mesothelioma." (Ex. A, at Pg. 3.)
(3) "about the asbestos content of the talc in Johnson's Baby Powder. He may testify that such talcs, both in the products and in the source mines, have been repeatedly found to contain asbestos including tremolite asbestos, actinolite asbestos, anthophyllite asbestos and chrysotile." (Ex. A, at Pgs. 4-5.)
(4) "about the ineffectiveness of selective mining and beneficiation and how asbestos from the source talc mines reach the finished product available for consumer use." (Ex. A, at Pgs. 4-5.)
(5) "about the historical and contemporary tests on the release of asbestos fibers from the use of asbestos-containing cosmetic talc, including that the use of such products such as Johnson's Baby Powder, Avon, etc. cause the release of asbestos at concentrations orders of magnitude greater than the background or ambient levels of asbestos exposure." (Ex. A, at Pgs. 4-5.)
(6) "what products, if any, that Mr. Perry used and/or was exposed to that constituted a substantial contributing factor in the development of his mesothelioma." (Ex. A, at Pg. 5.)
(7) Plaintiffs' purported "Decades of Evidence of Asbestos in Johnson & Johnson's Baby Powder" chart. (Ex. G, Haber Depo., *Perry,* June 24, 2024, at 146:7-149:12.)

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

These opinions are not based on Dr. Haber's professional experience but based on what he has learned from other experts in litigation. He performed no product testing of his own to support his opinions. (Ex. D, Haber Depo., *Roy*, Jan. 13, 2022, at 14:25-15:22.) He has no independent professional expertise that supports his general conclusions about talc mining, asbestos testing on talcum powder, or the asbestos content of talcum powder apart from what he has read as a litigation expert—instead simply mimicking the conclusions of other experts who are qualified. (Ex. A, at 5) (citing "Dr. Compton, Dr. Longo, Dr. Webber and Mark Bailey on talc ore, processed talc and finished products containing talc from those sources.")

B. Dr. Haber's Only Expertise is in Pulmonology.

Dr. Haber is a physician specializing in pulmonology and internal medicine. (Ex. A, at Pg. 2.) He is not an expert in microscopy, geology, mineral science, industrial hygiene, or any other non-medical field. (Ex. B, Haber Depo., *Garcia*, July 27, 2021, at 81:20-82:1; Ex. C, Haber Depo., *Chapman*, Sept. 6, 2022, at 193:25-194:15; Ex. D, Haber Depo., *Roy*, Jan. 13, 2022, at 64:25-65:8.) Dr. Haber has admitted he is not an expert in asbestos detection in talc. (Ex. E, Haber Depo., *Moore*, Nov. 24, 2021, at 400:13--401:9.) He is not an expert on the mineralogy of asbestos. (Ex. B, Haber Depo., *Garcia*, July 27, 2021, at 82:5-9 ("I'm not your expert as far as on geology or mineralogy, so I would leave that to them."); Ex. F, Haber Depo., *Hirshberg*, Feb. 23, 2021, at 26:20-21.)

Dr. Haber has never even seen asbestos under a microscope or used transmission electron microscopy, and he is not an expert in identifying asbestos particles. (Ex. E, Haber Depo., *Moore*, Nov. 24, 2021, at 400:13-401:9.) He has never tested Johnson's Baby Powder for asbestos – or any talcum powder. (Ex. D, Haber Depo., *Roy*, Jan. 13, 2022, at 189:16-19.) He has no expertise in testing talc for asbestos, and in fact has *never* tested any talcum powder for asbestos content.

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

(Ex. G, Haber Depo., *Perry*, June 24, 2024, at 216:8-10.) He has admitted: "I'm not going to be doing the testing." (Ex. D, Haber Depo., *Roy*, Jan. 13, 2022, at 217:16.) He has never conducted any air sampling related to potential asbestos exposure. (Ex. C, Haber Depo., *Chapman*, Sept. 6, 2022, at 46:19-21.) He has admitted he is not an industrial hygienist. (Ex. F, Haber Depo., *Hirshberg*, Feb. 23, 2021, at 26:24-25; Ex. B, Haber Depo., *Garcia*, July 27, 2021, at 121:2-15 ("[G]enerally I'm not really too much into the industrial hygiene".)

Dr. Haber cannot provide any testimony on cumulative exposure levels from talc products for any plaintiff. (Ex. B, Haber Depo., *Garcia*, July 27, 2021, at 27:14-28:1; Ex. D, Haber Depo., *Roy*, Jan. 13, 2022, at 64:25-65:2). He has not attempted to conduct any dose calculation for Mr. Perry's exposure to asbestos from her use of Johnson's Baby Powder because he "[doesn't] do that sort of dose reconstruction". (*Id*. at 117:12-18.) He has not published about his theories pertaining to talcum powder and asbestos in peer-reviewed journals. (Ex. G, Haber Depo., *Perry*, June 24, 2024, 214:12-17.)

II. LEGAL STANDARD

Under South Carolina Rule of Evidence 702, "[i]f scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise." The application of Rule 702 involves a three-step inquiry. The trial court must find "(1) the expert's testimony will assist the trier of fact, (2) the expert possesses the requisite knowledge, skill, experience, training, or education, and (3) and the expert's testimony is reliable." *State v. Martin*, 391 S.C. 508, 513, 706 S.E.2d 40, 42 (Ct. App. 2011). Expert testimony is not admissible unless it satisfies all three requirements. With respect to the second requirement, the South Carolina Supreme Court explained: "while the expert need not

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

be a specialist in the particular branch of the field, the trial court must find that the proffered expert has indeed acquired the requisite knowledge and skill to qualify as an expert in the particular subject matter." *Watson v. Ford Motor Co.*, 389 S.C. 434, 446, 699 S.E.2d 169, 175 (2010). Several of Dr. Haber's opinions fall short of these requirements.

III. ARGUMENT

Dr. Haber should be precluded from testifying about the topics detailed above because he does not possess the requisite knowledge, skill, experience, training or education. Dr. Haber is a *pulmonologist* who intends to testify that Johnson's Baby Powder contained asbestos, theorize about how the asbestos contaminated the product, opine about the testing conducted on Johnson's Baby Powder and even about the talc mining process. The fundamental inquiry is not whether Dr. Haber is qualified to proffer expert testimony in the abstract, but whether his qualifications provide a sufficient foundation on which he can opine as an expert on those seven enumerated topics. His medical qualifications provide no foundation, and these opinions should be excluded.

Despite Dr. Haber admission that Mr. Perry has no objective markers of asbestos exposure – as he had no evidence of asbestosis or calcified pleural plaques – Plaintiffs intend on eliciting extensive testimony from Dr. Haber about asbestos content in Johnson's Baby Powder. (Ex. G, Haber Depo., *Perry*, June 24, 2024, at 108:4-13). Yet Dr. Haber's admits he is not an expert in any non-medical field. (Ex. C, Haber Depo., *Chapman*, Sept. 6, 2022, at 193:25-194:15; Ex. D, Haber Depo., *Roy*, Jan. 13, 2022, at 65:3-16.) That should end the inquiry. Even so, the bulk of his proffered testimony concerns non-medical subjects.

Despite his blatant absence of qualifications on the subject, Dr. Haber opines that cosmetic talcum powder has "been repeatedly found to contain asbestos including tremolite asbestos, actinolite asbestos, anthophyllite asbestos and chrysotile" without establishing any relevant

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

credentials for reaching such a conclusion, explaining his scientific rationale for ignoring any contrary test results, or explaining how he is qualified to analyze testing methodology in a different discipline. (Ex. A, at Pg. 4.) In fact, Dr. Haber has admitted: "I'm not the doctor that's going to tell you-or the scientist that's going to tell you which method of doing it is better." (Ex. D, Haber Depo., *Roy*, Jan. 13, 2022, at 158:2-4.) He concedes he cannot *independently* evaluate whether a product contains asbestos, or to *independently* critique asbestos testing methodology or mine sourcing. Dr. Haber should be precluded from regurgitating the findings of purported asbestos contamination in talc as set forth in other experts' reports as Dr. Haber has *no expertise to evaluate the validity of tests* examining the presence of asbestos in talc.

In *Watson v. Ford Motor Co.*, 389 S.C. 434, 448, 699 S.E.2d 169, 176 (2010), the Supreme Court of South Carolina court held that the threshold admissibility requirements for expert testimony were not met and thus the trial court erred in qualifying the plaintiff's witness as an expert. *Id*. at 180. In concluding that the witness offered to testify as an expert on cruise control system diagnosis was not qualified, the Supreme Court highlighted the lack of evidence to support the witness's qualification in that proffered area:

> [The witness] testified that he had worked in the automotive industry as a trainer, consultant, software developer, and writer since the early 1980s and was currently conducting seminars to train automobile technicians who focus on the brake systems in vehicles. On cross-examination, Williams admitted that he had no professional experience working on cruise control systems prior to this litigation. He also admitted that he had not conducted any comparison of the Explorer's cruise control system to any other system and acknowledged that he had never taught or published papers on cruise control systems…
>
> In our view, there is no evidence to support the trial court's qualification of Williams as an expert in cruise control systems. Williams had no knowledge, skill, experience, training or education specifically related to cruise control systems. Rather, it appears he merely studied the Explorer's system just before trial, which he indicated in his testimony to the jury: "This is how I taught myself the [Explorer's] cruise control, or speed control system." While Williams may have been qualified as an expert in other aspects of automobile components, such as the

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

> brake system, the trial court failed to properly evaluate Williams' qualifications specific to cruise control systems.

Id. at 176.

Similarly, in opining that there is asbestos in Johnson's Baby Powder, Dr. Haber is not relying on his personal knowledge, skill, experience training or education to support his conclusions. Instead, he is improperly relying on information he learned in his role as a litigation expert, and on opinions and conclusions reached by other litigation experts that conducted testing on talcum powder. Two of these experts (Compton and Webber) are not even testifying experts in this litigation subject to cross-examination. Because he explicitly lacks the expertise to evaluate any test results, Dr. Haber simply assumes the accuracy of the results performed by experts who have performed these tests for litigation purposes. (Ex. D, Haber Depo., *Roy*, Jan. 13, 2022, at 235:2-25.)

When pressed on whether he has the requisite expertise to perform the testing for the determination of mineral identification, Dr. Haber conceded, "Yeah, that's not something I do." (Ex. E, Haber Depo., *Moore*, Nov. 24, 2021, at 400:13–17.) Dr. Haber should not be permitted to act as a mere conduit for the expert opinions of others, particularly given that those opinions relate to areas that, by Dr. Haber's own admission, are far outside his area of expertise, such as geology, mineralogy, and microscopy.

Recognizing Dr. Haber's lack of qualifications on this critical topic, a court recently precluded him from offering opinions about asbestos contamination in a talcum powder product. In *Roy v. Colgate-Palmolive Company,* the Court found that "Dr. Haber is not qualified to offer any independent opinions as to the purported contamination of a talcum powder product. Dr. Haber has no education, qualifications, or experience in testing and analyzing the content of talc for contamination of asbestos. **It would be inappropriate to allow him to opine beyond hi[s]**

qualifications." (Ex**.** H, Order in *Lynne Roy v. Colgate-Palmolive Co., et al.*, No. 2020-02718 (La. Dist. Ct. May. 4, 2023) at 7) (emphasis added).

The *Roy* court properly precluded Dr. Haber's expert testimony about purported asbestos contamination in Johnson's Baby Powder. Rather than assisting the trier of fact in reaching a conclusion about whether there is asbestos in Johnson's Baby Powder, Dr. Haber was simply supplanting his opinion for that of the jury. He is attempting to do the same here. Dr. Haber still woefully lacks any qualifications sufficient to designate him an expert in this area. The outcome should be the same: Dr. Haber should be precluded from offering any opinion about the contamination of asbestos in Johnson's Baby Powder.

IV. CONCLUSION

For these reasons, the Court should preclude Dr. Haber from testifying on the seven enumerated topics set forth above, as he lacks the qualifications to provide expert testimony on those topics.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: */s/ Blake T. Williams*
C. Mitchell Brown
S.C. Bar 012872
mitch.brown@nelsonmullins.com
Blake T. Williams
S.C. Bar 100794
blake.williams@nelsonmullins.com
Yasmeen Ebbini
S.C. Bar 104681
yasmeen.ebbini@nelsonmullins.com
1320 Main Street, 17th Floor
Columbia, SC 29201
(803) 799-2000

Kimberly G. Bueno – *Pro Hac Vice*
kim.bueno@butlersnow.com

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Christopher R. Cowan – *Pro Hac Vice*
chris.cowan@butlersnow.com
BUTLER SNOW LLP
1400 Lavaca Street, Suite 1000
Austin, TX 78701
(737) 802-1800

Amy M. Pepke – *Pro Hac Vice*
amy.pepke@butlersnow.com
BUTLER SNOW LLP
6075 Poplar Avenue, Suite 500
Memphis, TN 38119
(901) 680-7200

Attorneys for Defendants Johnson & Johnson, Inc.; LLT Management, LLC, formerly known as LTL, Management, LLC; Kenvue, Inc.; and Johnson & Johnson Holdco (NA), Inc.

Columbia, South Carolina

July 10, 2024

88547318.v1

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit A

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	FOR THE FIFTH JUDICIAL CIRCUIT
MICHAEL L. PERRY and **LONNIE L. LONG,**	)	**C/A NO. 2023-CP-40-04072**
Plaintiffs,	)	*In Re:* Asbestos Personal Injury Litigation Coordinated Docket
v.	)	
AMERICAN INTERNATIONAL INDUSTRIES, et al.	)	
Defendants.	)	

PLAINTIFFS' FACT & EXPERT WITNESS DESIGNATION

TO: ALL DEFENDANTS, BY AND THROUGH THEIR COUNSEL OF RECORD

COMES NOW Plaintiffs Michael L. Perry and Lonnie L. Long, by and through their counsel of record, serves their fact and expert witness designation, pursuant to the South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket.

FACT WITNESSES:

Michael L. Perry (Plaintiff)
c/o Rachel Gross
Dean Omar Branham Shirley, LLP

Lonnie L. Long (Plaintiff)
c/o Rachel Gross
Dean Omar Branham Shirley, LLP

EXPERT WITNESSES

Plaintiffs may amend, change, or alter this list during the pendency of this lawsuit.

Dr. Steven Haber
Respiratory Medicine Consultants
9337B Katy Freeway, Suite 267
Houston, Texas 77024

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Dr. Haber is a physician licensed to practice in Texas, Arkansas, New Mexico, Mississippi and Oklahoma. He is Board Certified in Internal Medicine since 1989 and Board Certified in the subspecialty of Pulmonary Diseases since 1992. Dr. Haber is a Fellow of the American College of Chest Physicians. He is a member of the American College of Occupational and Environmental Medicine and the American Thoracic Society. He sees and treats patients with a variety of medical and pulmonary diseases. He has diagnosed and managed patients with a variety of occupational pulmonary diseases, including asbestos-related diseases. Dr. Haber has diagnosed and managed patients with malignant mesothelioma, including peritoneal mesothelioma. Dr. Haber has been a NIOSH-certified B-reader since 2003. He has published in peer-reviewed medical journals, including on malignant mesothelioma. He has been admitted and accepted as an expert in both State and Federal courts in internal medicine, pulmonary medicine and occupational lung disease.

Dr. Haber may testify that (a) asbestos is the major cause of malignant mesothelioma, (b) the carcinogenic risks apply to all fiber types, including talc containing asbestos, (c) talc containing asbestos fibers is carcinogenic to humans and can cause malignant mesothelioma, (d) there is insufficient proof of the existence of "spontaneous" malignant mesothelioma in humans (in other words, unrelated to a mutagen) and, to the extent that such cases occur, they would be exceptionally rare, far below the "background" rate, (e) visible dust from asbestos-containing products contain large numbers of asbestos fibers that greatly exceed background ambient levels, (f) consumer talcum powder products are used in a manner that creates respirable dust in the user's breathing zone, (g) in general, infants, children and adolescents are at greater risk from the effects of carcinogens, such as asbestos, than are adults, (h) malignant mesothelioma causes significant symptomatology and (i) the overall survival of patients with malignant mesothelioma is dismal.

Dr. Haber may testify as to what is asbestos, including the different definitions for asbestos in different contexts like the commercial context, the mineralogical context and the health context. Dr. Haber opines that, to physicians like himself, asbestos means one of the asbestos minerals in the fiber form. Dr. Haber may testify as to the different diseases that asbestos can cause, including asbestos-related pleural plaques, asbestosis, lung cancer and mesothelioma. He may testify about the concepts of a dose-response relationship, latency and individual susceptibility. Dr. Haber may discuss how all asbestos fiber types are capable of inducing DNA damage. He may describe how asbestos fibers have been shown to induce oxidative stress, inflammatory response, genetic changes, epigenetic alterations and cellular toxicity and tissue injuries in target cells in vitro and tissues in vivo. Dr. Haber may testify as how malignant mesothelioma develops or the process of carcinogenesis, and why that process rarely, if ever, results in a spontaneous mesothelioma. Dr. Haber may discuss the BAP-1 tumor suppressor gene and its relationship to mesothelioma, including that mesothelioma is dependent upon asbestos exposure but an inherited mutation may create increased sensitivity to asbestos.

Dr. Haber may provide some testimony regarding the history of the development of medical and scientific knowledge regarding the health hazards of exposure to asbestos. He may describe how the first reports began appearing in the late 1800s and published papers on asbestosis and cancer began appearing in the 1920s to 1940s. He testify that, although cases of pleural tumors associated with asbestos exposure were described in the 1940s and 1950s, the relationship of mesothelioma and asbestos was firmly established by 1960 based on a case series of 33 patients.

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

To render his opinions in this case, Dr. Haber has reviewed the case-specific medical records and billing records, including information pertaining to her diagnosis, course of treatment, medical history, health prior to the development of mesothelioma and family history/health. Dr. Haber will review any radiology materials in the case. Dr. Haber may opine as to Mr. Perry's diagnosis of malignant mesothelioma, and had he not developed mesothelioma, whether the charges for medical care were reasonable and necessary and the reasonably anticipated medical charges in the future. Dr. Haber may testify that Mr. Perry's exposure to asbestos caused his mesothelioma and whether exposures from certain products and/or sources constituted a substantial contributing factor in the development of his mesothelioma.

Dr. Haber may testify that the relationship between asbestos and mesothelioma is so strong that some consider mesothelioma to be a signal or sentinel tumor. He may testify that the vast majority of mesotheliomas are caused by exposure to asbestos. Dr. Haber may offer the opinion that markers of asbestos exposure are not required to attribute asbestos as the cause of a mesothelioma. In fact, most cases of mesothelioma do not also have asbestosis and the majority do not have radiographic evidence of pleural plaquing. Consistent with the Helsinki criteria and the mainstream scientific community, an exposure history showing a qualitatively significant exposure to asbestos is sufficient to attribute a mesothelioma to asbestos exposure.

Dr. Haber may testify that it is generally accepted and widely recognized in the scientific community that there is no evidence of a threshold dose below where there is no risk of mesothelioma. Mesothelioma has been repeatedly shown in the scientific literature to occur with brief and/or low-level asbestos exposure. Dr. Haber may testify that mesothelioma is a dose-responsive disease in that the greater one's cumulative exposure or dose of exposure to asbestos, the greater the risk for the development of mesothelioma. He may testify that mesothelioma can be caused by brief, low level and indirect exposures to asbestos, with case reports and case series being reported with as little as little as one day of exposure. Dr. Haber may discuss published epidemiological literature showing statistically-significant increased risk for the development of mesothelioma from cumulative doses of asbestos exposure from as little as 0.1 f/cc/yr or less.

Dr. Haber may testify about epidemiologic principles generally, including some limitations to the use of epidemiological methods when studying diseases like mesothelioma that are exceedingly rare and with a prolonged latency. Large numbers of individuals need to be followed for decades. Small sample sizes and/or insufficient follow-up leads to the under-ascertainment of the disease. Moreover, improper use of surrogates for exposure and limitations on obtaining accurate and complete exposure histories complicate the data. Further, prior to 1999, the International Classification of Diseases (ICD) did not have a code specific for malignant mesothelioma, resulting in significant under-ascertainment of mesothelioma cases. Dr. Haber may also testify about the challenges of identifying an "unexposed group" to an exposed group. He may describe how the "background" incidence of mesothelioma is around 1 or 2 per million per year and that "background level" does not mean that these are unrelated to mutagen exposure. Pathology studies have shown that mesothelioma prior to the industrial age was very rare or non-existent. Dr. Haber may testify as to the differences between the terms "idiopathic" and "spontaneous" mesotheliomas.

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Dr. Haber may discuss recent case series published showing 33 and 75 cases of individuals who developed mesothelioma after exposure to cosmetic talc without any other identified or known asbestos exposure, many of which showed evidence of talc and/or non-commercial asbestos in their lung and lymph tissues. Dr. Haber may testify regarding the published literature, litigation reports and other data regarding the airborne concentration of asbestos resulting from the ordinary and expected use of cosmetic talc products, including Steffan 2020, Gordon 2014 and other testing from MAS and MVA. Dr. Haber may describe the volume or quantity of talc used per application of various talcum powder products. He may testify regarding re-entrainment and other industrial hygiene principles in general.

Dr. Haber relies on, and considers (and/or he has considered), various sources regarding (a) the source of talc in the specific products identified, when available, (b) the concentration of asbestos in the talc in the specific products identified, (c) the quantity of talc typically used during different applications of cosmetic talc products and (d) the airborne concentration of asbestos that has been shown to result from the ordinary application of cosmetic talc products as reported in the literature and other well conducted analyses (*e.g.*, Steffan 2020, Gordon 2014, MAS analyses, MVA analyses). Just as he does (and the mainstream scientific community does) with any other asbestos-containing product, his methodology includes making the qualitative evaluation and comparison of such reported results to the exposure scenarios described, considering the described application process, the concentration of asbestos in the product and other factors. Along with such information, Dr. Haber evaluates the onset, duration, frequency, regularity, intensity, nature and proximity of exposures to each specific product, ultimately making a qualitative assessment of the exposure and dose relative to the peer-reviewed scientific literature, including epidemiologic literature, on the asbestos exposures shown to cause pleural and peritoneal mesothelioma. As showing in the scientific literature, the scientific community generally accepts that relatively low doses of asbestos exposure can and do cause pleural and peritoneal mesothelioma.

To render his opinions in this case, Dr. Haber has reviewed case-specific information such as (a) testimony in the case to date, including the deposition of Michael Perry (including not only the products that his mother and father used but other potential sources of asbestos exposure), (b) if and when information pertaining to the sources of talc in the various talc-containing products that Michael Perry used and was exposed to and, (c) if and when available, information pertaining to (for each talc source at issue in the case) testing and/or analyses of the composition and presence of asbestos of the talc ore, processed/milled talc, the finished products and other finished products containing talc products containing talc from the same sources. Dr. Haber can recount and describe the general nature of the exposure testimony. In this case, Dr. Haber can identify the talc sources for Johnson & Johnson, Cashmere Bouquet, Avon body powders, Chanel body powders, and, to some extent (at least as to some of the talc that was sold to or supplied to the entity), some of the other products at issue in the case (Estee Lauder, Old Spice body powder, Gold Bond body powder, etc.) during the relevant years. Based on his extensive review of the historical and contemporary internal documents, industry documents, scientific literature and analytical reports, Dr. Haber may testify about the asbestos content of the talc in Johnson's Baby Powder. He may testify that such talcs, both in the products and in the source mines, have been repeatedly found to contain asbestos including tremolite asbestos, actinolite asbestos, anthophyllite asbestos and chrysotile. He may testify about the ineffectiveness of selective mining and beneficiation and how asbestos from the source talc mines reach the finished product available for consumer use. Dr. Haber may testify

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

about the historical and contemporary tests on the release of asbestos fibers from the use of asbestos-containing cosmetic talc, including that the use of such products such as Johnson's Baby Powder, Avon, etc. cause the release of asbestos at concentrations orders of magnitude greater than the background or ambient levels of asbestos exposure.

Dr. Haber reviewed hundreds of documents. He has reviewed numerous tests of Italian talc (Fontane mine), Vermont talc, western North Carolina talc, southwestern Montana talc (including Willow Creek, Beaverhead, Regal and Treasure mines), Death Valley talc, Madoc Ontario talc (the Henderson mine), Chinese talc, and Penhorwood talc, as well as reports from Dr. Compton, Dr. Longo, Dr. Webber and Mark Bailey on talc ore, processed talc and finished products containing talc from those sources. Dr. Haber reviewed and critically analyzed testing and analyses in the published scientific literature, regulatory bodies, talc industry, laboratories working at the behest of the talc industry, independent laboratories and experts involved in litigation. Based on his such review of the case specific materials (as well as the medical and scientific literature), Dr. Haber may opine as to what products, if any, that Mr. Perry used and/or was exposed to that constituted a substantial contributing factor in the development of his mesothelioma.

Dr. David Zhang, M.D., Ph.D., MPH, FCAP
Mount Sinai School of Medicine
One Gustave L. Levy Pl.
New York, NY 10029

Dr. David Zhang is a Professor of Pathology at the Mount Sinai School of Medicine. Dr. Zhang completed residency training programs in Anatomic Pathology/Clinical Pathology at Mount Sinai School of Medicine, New York and Occupational and Environmental Medicine at the I. J. Selikoff Center for Occupational and Environmental Medicine, Department of Preventive Medicine, Mount Sinai School of Medicine. Dr. Zhang also maintains a practice in treating patients with occupational- and environmental-related diseases and injuries. Dr. Zhang is a certified Pathologist and Occupational Medicine Physician.

Dr. Zhang may testify based upon his review of Michael Perry's pathology, medical records, x-rays and bills for medical services. He may testify with regard to Mr. Perry's diagnosis of mesothelioma. He may testify that Mr. Perry incurred medical expenses as a result of his mesothelioma. He may testify about Mr. Perry's medical treatment, medical monitoring and/or hospitalization as a result of mesothelioma (and the reasonable medical expenses that resulted therefrom).

Dr. Zhang may offer general testimony about what is asbestos, the asbestos fiber types, the effects of asbestos on the body and the diseases caused by asbestos. He may testify about general principles of occupational medicine. Dr. Zhang may testify, consistent with the general consensus in the scientific and medical community, that all types of asbestos fibers are carcinogenic, cause genetic damage to mesothelial tissue and are capable of causing mesothelioma, including malignant mesothelioma. Dr. Zhang may testify about what causes mesothelioma, the cumulative effect of asbestos exposures, that mesothelioma is a sentinel disease or signal tumor and that the vast majority of mesotheliomas are caused by exposure to asbestos. He may testify about epidemiological, medical and other scientific studies showing that relatively low levels of asbestos

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

exposure can and does cause mesothelioma, including malignant pleural mesothelioma. He may testify about mesothelioma being a dose-responsive disease. Dr. Zhang may testify that there is no known safe level of exposure to asbestos or no known threshold below which there is no increased risk for the development of mesothelioma. He may testify as to the amount of asbestos exposure that it takes to cause cancer and other asbestos-related diseases. Dr. Zhang may testify regarding the toxicity of specific asbestos fiber types. Dr. Zhang may also testify regarding mutations of BAP1 tumor suppressor gene if applicable (and/or other alleged genetic predispositions) and its role, if any, in the causation of mesothelioma.

Dr. Zhang may testify that asbestos was known to cause various diseases, including cancer, by the 1920s and 1930s, respectively. He may testify as to his review of the literature and the opinions and conclusions contained in that literature regarding state-of-the-art issues and specifically regarding medical knowledge of asbestos-related effects and recommended protections to exposed workers. He may testify as to when it was known to defendants and/or the medical or scientific communities that end-users, household-exposed individuals and bystanders developed asbestos-related diseases, including resulting mortality. He may testify about when it was known and knowable that asbestos was a hazardous and dangerous substance, including from relatively low levels of asbestos exposure and/or below threshold limit values. Dr. Zhang may testify regarding the history of the development of OSHA/NIOSH and the regulations regarding asbestos and asbestos exposure.

R. Mark Bailey, PG
Asbestos TEM Laboratories, Inc.,
600 Bancroft Way, Suite A,
Berkeley, CA 94710.

Geologist and Materials Scientist Mark Bailey, PG is the President of Asbestos TEM Laboratories, Inc., a company that specializes in the measurement, identification, quantification and analysis of substances including asbestos in talc and naturally occurring asbestos (NOA). Mr. Bailey is the Chair and Founding member of the IAEG Commission #39 on Naturally Occurring Asbestos. He is the Chair and Founding Member of the AEG NOA Technical Working Group. He is a member of the IMA Working Group on Asbestos Nomenclature and Definitions. His laboratory is accredited/certified by NIST/NVLAP, AIHA & CA DPH-ELAP. Mr. Bailey has expertise in the analysis of various substances, including asbestos and talc, through the use of various analytical methodologies and equipment including polarized light microscopy (PLM), phase contrast microscopy (PCM) and transmission electron microscopy (TEM) with selected area electron diffraction (SAED) and Energy Dispersive Spectroscopy (EDS). Mr. Bailey's laboratory has also conducted analysis followed heavy density liquid pre-concentration methods. He has been retained by government and/or regulatory bodies to provide expert geological and mineralogical opinions and/or testimony on issues pertaining to NOA, including by the U.S. EPA, California Air Resources Board and Pennsylvania Department of Environmental Protection. He has conducted analysis for asbestos (measurement, identification, quantification) in thousands of samples of various products and materials, including talc, and has trained other technicians to do so as well. Mr. Bailey has a Master's degree in geology from U.C. Berkeley and is a licensed Professional Geologist (PG) in the State of California.

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Mr. Bailey may testify regarding the various definitions for asbestos used in different contexts now and historically. He may discuss the mineral types, morphologies, dimensions, properties and quantification of asbestos. Mr. Bailey may discuss the different analytical methods for the identification and quantification of asbestos and asbestos minerals generally, including the capabilities, advantages and limitations (including detection limits) of different analytical techniques such as x-ray diffraction (XRD), infrared spectroscopy (IR), phase-contrast microscopy (PCM), polarized light microscopy with dispersion staining (PLM-DS) and transmission electron microscopy (TEM) with energy-dispersive x-ray spectroscopy (EDX) and selected-area electron diffraction (SAED). Mr. Bailey may testify regarding preparation techniques such as heavy density liquid separation that may assist in identifying or detecting potential asbestos in cosmetic talc. He may discuss the methodology for preparation, sampling, identification and quantification of asbestos fibers in products tested historically, well as the conclusions reached based upon any analysis and how such conclusions affect his opinions.

Mr. Bailey may testify regarding the use of different techniques and/or strategies (now and historically) intended to minimize the inclusion of asbestos in talc products, including selective mining and various beneficiation techniques, and their ineffectiveness in preventing (or entirely removing) asbestos and asbestos minerals from talc ore. Mr. Bailey may testify, among many other examples, of the experiments and testing of the Battelle Memorial Institute in the late 1950s on dozens of Italian cosmetic talc samples that virtually all still contained significant concentrations of tremolite after beneficiation techniques. He may testify about the quality control, testing programs and/or reporting protocols of some talc companies and/or defendants in this matter. Examples include, but are not limited to, the development and evolution of Pfizer's "calibration curve" for equating the number of asbestos fibers/structures to a weight-by-percentage, which allowed Pfizer to report "below detection" despite detecting or identifying up to 199 fibers per 100 fields of view up until the early 1980s. Other examples include Johnson & Johnson's reporting protocols requiring findings of less than five fibers of each asbestos mineral type to be reported as not quantifiable and/or not detected.

Mr. Bailey may testify regarding the geological and mineralogical conditions under which talc deposits form. He may discuss how talc formed by contact metamorphism, regional metamorphism or hydrothermal alteration may impact the amphibole asbestos content of the talc deposit. He may testify about the geological history, formation, composition and mineralogy of the talc deposits that may be at issue in this case: as non-exhaustive examples, Val Chisone, Italy, southern Vermont, western North Carolina, Willow Creek, Montana, upstate New York, Death Valley, California and Madoc, Ontario, Canada). In testifying about the formation of such deposits, Mr. Bailey may offer his opinion about whether each such deposit formed by contact metamorphism, regional metamorphism or hydrothermal alteration. He may testify regarding his opinion that Mr. Bailey may testify regarding the geological, mineralogical and other scientific literature regarding talc and/or products containing talc from the talc deposits at issue in this case. Mr. Bailey may discuss particular scientific literature contained in his reports and/or reliance materials regarding particular deposits, including the Val Chisone, Italy region (*e.g.*, Grill 1955, Peretti 1966, Paoletti 1984), western North Carolina (*e.g.*, Pratt 1900, Stuckey 1937, Van Horn 1948), Death Valley, California (*e.g.*, Wright 1968, USGS 2003-2004) and Gouverneur, New York (*e.g.*, Engel 1962). He may discuss his critical analysis of testing, analysis and/or reports on talc ore, processed/milled talc, finished products and finished products containing talc from the same

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

sources as the products at issue in this case, as referenced in and/or contained in his reliance lists, charts and reports provided in connection with this case. Mr. Bailey may testify about his critical review of analyses and testing of government agencies, talc industry internal testing, laboratories testing at the behest of the talc industry, independent researchers and reports of testing used in litigation. He may also testify regarding the opinions or basis of opinions of other witnesses or experts testifying in the case, including critiques and/or criticisms of the same.

Based on his education, training and experience, as well as his critical review of the relevant scientific literature in geology, mineralogy and microscopy and analytical reports on finished products, other products containing talc from the same source, processed/milled talc and/or source talcs at issue, Mr. Bailey may testify about the asbestos content of talc in Johnson's Baby Powder, Cashmere Bouquet, Chanel, Avon, Gold Bond, etc. in the years that Mr. Perry both used and was exposed to the respective products. He may testify about the asbestos content of the source mines for the above-listed products, and any other talc products Mr. Perry was exposed to, including but not limited to the Fontaine mine in Italy, multiple mines in Vermont, the Murphy, North Carolina talc deposit and the Willow Creek, Montana mine.

Arnold R. Brody, Ph.D.
Department of Molecular Biomedical Sciences
North Carolina State University
4700 Hillsborough Street
Raleigh, NC 27606
919-513-7662

Dr. Brody has a Bachelor of Science degree in Zoology from Colorado State University, a Master of Science degree in Functional Vertebrate Anatomy from the University of Illinois, and a Ph.D. in Cell Biology with a specialty in Ultrastructural Cytology from Colorado State University. From 1978 to 1993, he was the Head of the Pulmonary Pathology Group, Laboratory of Pulmonary Pathobiology, in the National Institute of Environmental Health Sciences, one of the National Institutes of Health. From 1993 to 2006, he was the Director of the Lung Biology Program within the Center for Bioenvironmental Research at Tulane University Medical Center. He practiced for decades in the field of biomedical sciences, focusing on the pathobiology of several lung diseases. As an experimental pathologist, he conducts experiments to try to understand, on a cell and genetic level, the disease process. Since the 1970s, he has concentrated his research on how asbestos causes lung disease. His research into how asbestos causes disease has been funded through competitive government grants by the National Institutes of Health for more than thirty years. He has published more than 150 articles in the peer-reviewed scientific literature dealing with lung cell biology, asbestos and lung disease, and have been a frequent invited speaker at medical and scientific conferences around the world on these issues. He is and has been on the editorial board of, and a peer-reviewer for, a number of well-regarded scientific journals.

Dr. Brody may testify as to the physiological design and function of the lungs, the effect of asbestos on the lungs and other parts of the body, and on the body's defense mechanisms. He may also testify about the irreversible effects of asbestos-related diseases and the prognosis for an asbestos-exposed individual. He may also testify concerning the scientific and medical literature on the biological and toxicological effects of asbestos written by him and others. He may testify

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

regarding historical literature relating to asbestos related diseases, and when it was known and accepted in the medical and scientific community that asbestos could cause various diseases. He may also testify about the body's biologic responses to brief exposures to asbestos, the pathogenic effects produced by various asbestos fiber types, including chrysotile, tremolite and anthophyllite, and mechanisms of asbestos-induced diseases including fibrosis and carcinogenesis. He may further testify concerning asbestos deposition and migration in and through the lungs and body. He will discuss all types of cancer risks from asbestos exposure, including mesothelioma. Dr. Brody may further testify as to facts and circumstances regarding the nature of the injuries and damages that are the subject of this action. Dr. Brody may testify that the effects of exposure to asbestos at occupational levels are cumulative in nature. Occupational levels of asbestos exposure to asbestos are typically many times (tens to hundreds or a thousand-fold and greater) above background levels experienced by those with no exposure to asbestos at occupational levels. Dr. Brody may testify about what causes mesothelioma and that it is a signature tumor. Dr. Brody may also testify that individuals can be exposed to asbestos outside of the workplace or in a bystander fashion, but still experience exposure at levels one would expect to see occupationally or directly. These exposures contribute to the development of asbestos diseases and particularly mesothelioma. He may testify how asbestos exposure causes peritoneal mesothelioma, how and why asbestos reaches such tissue and the ability of asbestos to cause genetic damage to the peritoneal tissue. Dr. Brody will testify that products which release asbestos fibers are unreasonably dangerous. Dr. Brody may testify from hypothetical sets of facts and may give opinions regarding whether certain types of exposures would have substantially contributed to cause asbestos related disease, including mesothelioma. Dr. Brody may discuss the dangers of low-level exposure to asbestos and may testify that there is no safe level of exposure to asbestos. He may also testify regarding "bystander" and "household exposures" to asbestos and that these types of exposures are known to contribute to cause mesothelioma and other asbestos related diseases. Dr. Brody may testify regarding the reliability and conclusions that can be drawn from animal studies using the talc that was supplied to Johnson & Johnson for use in Johnson's Baby Powder. Dr. Brody's testimony is based on his review and knowledge of medical and scientific literature, his education and work experience, his research, and the research of others.

William Longo, Ph.D.
Materials Analytical Services
3945 Lakefield Court
Suwanne, GA 30024
770-866-3200

Dr. Longo is the Chief Executive Officer of Materials Analytical Services, Inc. ("MAS"). He is a scientist specializing in the measurement and analysis of materials, determining the constituent ingredients in materials, and characterizing those materials and ingredients. Dr. Longo received a Doctor of Philosophy in Materials Science and Engineering from the University of Florida in 1983. Dr. Longo is presently and/or has been a member of many professional organizations in the fields of material science, microscopy and/or industrial hygiene, including (but not limited to) the American Industrial Hygiene Association since 1999, the American Society of Materials since 2009, American Society for the Testing of Materials since 1986 and the Electron Microscopy Society Association since 1988. Dr. Longo has been an author or co-author of numerous articles in the peer-reviewed scientific literature on the subjects of testing methodologies

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

and exposure to asbestos. Dr. Longo has given presentations before the United States Congress, the FDA and several scientific organizations. He has presented on the use of heavy liquid density separation techniques used to assist in the identification and detection of asbestos in cosmetic talc. Dr. Longo worked with the ASTM D-22-05 subcommittee to develop a standard for analyzing asbestos in dust by transmission electron microscopy ("TEM"). MAS has served as an official referee laboratory in determining who manufactured the asbestos products placed in different facilities and schools. Over the past three decades, Dr. Longo and his laboratory MAS has tested hundreds of thousands of asbestos products and/or materials for the presence of asbestos. Dr. Longo may testify whether there was asbestos in some or all of the talc products at issue in this case, why the talc industry failed to detect asbestos and whether Mr. Perry was exposed to asbestos from his use of talc products.

Dr. Longo may testify as to the various definitions for asbestos used in different contexts now and historically. He may discuss the asbestos mineral types, morphologies, dimensions and properties. He may discuss the methodology for preparation, sampling, identification and quantification of asbestos fibers in products tested historically, well as the conclusions reached based upon any analysis and how such conclusions affect his opinions. Dr. Longo may testify on the different analytical methods for the identification and quantification of asbestos and asbestos minerals generally, including the capabilities, advantages and limitations (including detection limits) of different analytical techniques such as x-ray diffraction (XRD), infrared spectroscopy (IR), phase-contrast microscopy (PCM), polarized light microscopy with dispersion staining (PLM-DS) and transmission electron microscopy (TEM) with energy-dispersive x-ray spectroscopy (EDX) and selected-area electron diffraction (SAED). Dr. Longo may testify regarding the historical development and evolution of these different analytical techniques. He may testify regarding the history, development and use of heavy liquid density separation techniques that may assist in identifying or detecting potential asbestos in cosmetic talc. He may testify and describe his protocols, methodology and use of such techniques in his laboratory. Dr. Longo may testify regarding historical and contemporary industry standards, regulations and protocols developed by regulatory bodies and scientific organizations regarding the detection, identification and quantification of asbestos in different contexts, including asbestos in cosmetic talc.

Dr. Longo may testify regarding general principles of material sciences, physical sciences and industrial hygiene, including (but not limited to) constituent analysis of bulk samples and dust samples with respect to the nature of the materials, the release of asbestos fibers from products (including talc-containing products), the process by which asbestos fibers settle and accumulate into dust, re-entrainment, air streams, vibration and dynamic aspects of preparation of dust and air samples for analysis by transmission electron microscopy. Dr. Longo may testify regarding his review of the testimony in this case, including the nature of Mr. Perry's use of various products, the volume of talc used from different applications of the talc products and/or the number of containers Mr. Perry used of, and was exposed to, particular talc products. Dr. Longo may offer testimony regarding his review of product formulae (when available) and other information pertaining to the source of talc used in the talc products at issue.

Dr. Longo may testify regarding his analyses of samples of talc of some of the products at issue in this case, as well as talc ore, processed talc and/or other finished products containing talc from the same source as the finished products at issue in this case. Defense counsel are in

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

possession of the analysis and reports by MAS of various cosmetic talc products (as non-exhaustive examples, Johnson & Johnson, Cashmere Bouquet, Avon, etc.) and numerous transcripts within which this expert's opinions have been fully explored. Dr. Longo may testify regarding his analysis of the airborne concentration of asbestos from the ordinary or intended use of talc products. Likewise, defense counsel are in possession of such reports and analysis, including the 2020 published paper with the lead author Steffan that related to the airborne concentrations of asbestos from the use of Johnson & Johnson talc products. Dr. Longo may testify regarding the general background levels of asbestos release, bystander levels of exposure of the fiber release, air samples in the personal breathing zone generated from the fiber release, and fiber release and contamination on clothing and other personal contamination. He may testify that the dust levels measured in testing one defendant's asbestos-containing product would be substantially similar to the results expected from another defendant's similar product with similar ingredients and/or talc from the same source.

Dr. Longo may also testify about the calculation of the amount of asbestos Mr. Perry was exposed to due to his use, and exposure to, talc products.

In addition to the foregoing, his opinions will be based upon, among other things, his knowledge, skills, experience, training, education, and review of relevant technical, scientific and/or historical literature, as well as review of discovery and other documents obtained in this and other litigation, and/or his review of the facts and circumstances in this case. Dr. Longo's opinions will also be based on publications for which he has been an author or co-author on. Defense counsel are in possession of Dr. Longo's analysis and reports of various cosmetic talc products (as non-exhaustive examples, Johnson & Johnson, Cashmere Bouquet, Avon, etc.) and numerous transcripts within which this expert's opinions have been fully explored.

David Madigan, Ph.D.
Provost and Senior Vice President for Academic Affairs
Northeastern University
360 Huntington Ave
Boston MA 02115

Dr. Madigan is currently the Vice President for Academic Affairs at Northeastern University in Boston. From 2013 to 2018, he was a professor of statistics at Columbia University in New York City. He has been involved in both industry and in academia in the field of statistics and mathematics for decades. Dr. Madigan has published more than 200 technical papers on Bayesian statistics, biostatistics, pharmacovigilance, statistical graphics, Monte Carlo methods, computer-assisted learning, information retrieval and text mining. He has statistical experience with the clinical trials, including with the design and analysis of pain studies at the University of Washington and the Fred Hutchinson Cancer Center in Seattle.

Dr. Madigan is expected to testify about the statistical, mathematical and probability concepts utilized by statisticians and mathematicians to predict the rates of events occurring. Some of Dr. Madigan testimony may concern binomial distribution models. He is expected to utilize statistical scientific methods, including but not limited to, binomial distribution models to demonstrate the number of successes probable in a sample size. He may testify that utilizing

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

traditional binomial distribution models, that a probability of encounters can be calculated with asbestos-contaminated talc products given the appropriate assumptions based upon the facts developed during the discovery process. Dr. Madigan may testify about the likelihood that which the samples analyzed by MAS were the only samples containing asbestos, the probability of the plaintiff (based on the number of containers of the particular brand used by the plaintiff) to be exposed to asbestos from the use of a particular product and the number of containers of a particular product that the plaintiff was exposed to (based on the number of containers of the particular brand used by the plaintiff). Dr. Madigan makes these calculations for particular products (including, but not limited to, Johnson & Johnson, Cashmere Bouquet, Avon, etc.) and for sub-populations of products such as the products containing talc from a particular source, containers that came from a particular source, etc.

He may testify about issues of epidemiology and statistics, statistical analysis of clinical and post-marketing data, and all issues of general causation including clinical and post-marketing data, medical literature and analyses and knowledge of regulatory bodies. He may also answer case specific and hypothetical questions regarding statistical analysis of the likelihood of plaintiff's exposures generally and specifically to Defendant's products and the importance thereof. Further, he may testify as to the methodology, opinions, and conclusions offered by experts retained by other parties. Dr. Madigan may testify in response to theories and arguments offered by the defendants and defense experts, including about mesothelioma among women, the relationship between asbestos and cosmetic talc use and rates of incidence of mesothelioma, age has an independent "risk factor" (as opposed to an effect modifier), the lack of power in certain epidemiological studies of talc miners and millers relied upon by defendants and defense experts (including, but not limited to, Rubino and Selevan) and the inappropriate use of comparison groups used by defendants and defense experts (in other words, comparing a study population to cohorts exposed to asbestos).

Robert W. Johnson, MBA
James Mills, MA
Robert W. Johnson & Associates
4984 El Camino Real, Suite 210
Los Altos, California 94022
(650) 494-2413

Robert W. Johnson is a forensic economist. Mr. Johnson may testify regarding Plaintiffs' economic losses, particularly wage loss, pension loss, future medical costs, diminished earning capacity, value of household services, loss of leisure time, and the loss of enjoyment of life. Mr. Johnson may testify generally regarding the concept of present value, discount rates, and its application to economic losses for past and future loss of earnings, earnings capacity, household services, expected retirement income and benefits including social security. Mr. Johnson may also rely on Megha Rownd's lifecare planning report to aid in his analysis. Following a finding of extraordinary and/or outrageous misconduct due to Defendant(s) reckless or willful and wanton conduct and/or fraud, Mr. Johnson will testify as to Defendant(s) financial condition.

Mr. Mills may testify regarding the value of the loss of enjoyment of life; Mr. Mills may also testify as to the loss of wages, pensions and other economic losses. Mr. Mills will also testify generally regarding the concept of present value and its application to economic losses, particularly

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

wage loss, pension loss and future medical costs. This expert may also testify about the financial condition of defendants in the lawsuit for purposes of establishing the defendant's wealth during the punitive damages phase of trial. This expert may testify about the past, future and other economic losses of plaintiffs, the value of household services and other economic losses. Mr. Mills may also rely on Megha Rownd's lifecare planning report to aid in his analysis.

Megha Rownd MSN, BSN, RN, CNLCP, LCP-C, MCP-C
Palmetto Care Planning, LLC
1270 Ben Sawyer Boulevard
Ballentine, South Carolina 29002
MeghaRownd@PalmettoCarePlanning.com
(803) 446-2721

Megha Rownd is a Certified Nurse Life Care Planner, as well as a Registered Nurse. Ms. Rownd has her bachelor's in nursing from University of South Carolina in Columbia, her master of science in nursing from University of South Carolina in Columbia, and is also certified in Medical Cost Projection, Pediatric Advanced Life Support, and Cardiopulmonary Resuscitation. Ms. Rownd is a member if the International Association of Rehabilitation Professionals, American Association of Nurse Life Care Planners, American Nurses Association, South Carolina Nurses Association, and AANLCP Journal of Nurse Life Care Planning Editorial Board. Ms. Rownd may testify regarding a medical projected life care plan for Plaintiffs. Generally, Ms. Rownd provides patient-specific in-home nursing recommendations following multi-state guidelines and regulations. She may identify future medical and nonmedical needs for Plaintiffs and any associated costs.

All witnesses listed by all Defendants.

All witnesses deposed in this case.

All witnesses listed in any deposition taken in this case.

Any physician who has examined and/or treated Plaintiff.

Any and all records custodians, live or by deposition upon written questions.

Any witness necessary for rebuttal.

Respectfully submitted,

/s/ Rachel A. Gross
Rachel A. Gross (Admitted *Pro Hac Vice*)
DEAN OMAR BRANHAM SHIRLEY, LLP
302 N. Market Street, Suite 302
Dallas, TX 75202
T: 214-722-5990
F: 214-722-5991

rgross@dobslegal.com
Other email: tgilliland@dobslegal.com

Theile B. McVey (SC Bar No. 16682)
KASSEL MCVEY ATTORNEYS AT LAW
1330 Laurel Street
Post Office Box 1476
Columbia, South Carolina 29202-1476
T: 803-256-4242
F: 803-256-1952
tmcvey@kassellaw.com
Other email: emoultrie@kassellaw.com
ATTORNEYS FOR PLAINTIFF

June 10, 2024
Dallas, Texas.

CERTIFICATE OF SERVICE

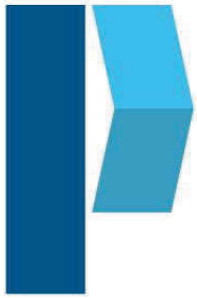
I hereby certify that a true and correct copy of the above and foregoing instrument was served on counsel for all parties via Certified U.S. Mail Return Receipt, U.S. Mail Standard First Class, and/or electronic mail on June 10, 2024.

/s/ *Rachel Gross*
Rachel Gross, Attorney

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit B



PohlmanUSA®
Court Reporting and
Litigation Services

Steven E. Haber, M.D.

July 27, 2021

Theresa M. Garcia, Deceased, et al.

vs.

Avon Products, Inc., et al.

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT, LAW DIVISION

STEPHANIE SALCEDO, individually and as Administrator of the Estate of THERESA M. GARCIA, Deceased,	)	
Plaintiffs,	)	
vs.	)	Court No. 20 L 004505
AVON PRODUCTS, INC., et al.,	)	
Defendants.	)	

REMOTE VIDEOCONFERENCE DEPOSITION OF

STEVEN E. HABER, M.D.

July 27, 2021

Chandra L. Monis, RPR

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

pathologically as if it had a different cause, correct?

A. As far as the mesothelioma, that is correct, as far as I know.

Q. All right. So when we talk about the -- strike that.

When we talk about the malignant mesothelioma and the pathological demonstration of the tissue, the tissue appears the same regardless of the cause of the malignant mesothelioma, true?

A. That is true.

Q. Okay. Is there any evidence in this case -- well, strike that.

Sir, you don't have an opinion on Ms. Garcia's alleged cumulative exposure to asbestos from Johnson & Johnson cosmetic talc products on a fiber per cc year basis, do you?

A. No.

Q. You do not have an opinion on Ms. Garcia's alleged cumulative exposure to asbestos on a fiber cc year basis from cosmetic talc products generally, true?

A. Correct. I, as a physician, would do a qualitative assessment, but I do not do dose

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

reconstruction.

Q. Your report does not identify information on Ms. Garcia -- strike that.

Do you have an opinion on Ms. Garcia's frequency of alleged asbestos exposure from the use of Johnson & Johnson products?

A. Yes.

Q. All right. What is that opinion, sir?

A. That it was on a daily frequency.

Q. All right. Are you assuming that all of the cosmetic talcum powder products that Ms. Garcia used -- strike that.

Are you assuming that all of the Johnson & Johnson cosmetic talcum powder products that Ms. Garcia used contained asbestos?

MR. BUHA: Vague; ambiguous.

A. Well, based on my -- based on the geology, based on the testing, particularly of the Vermont talc, based on the epidemiological studies, based on her use of the product in an indoor situation with respirable particles on a daily basis -- so we've got something that is -- we have a respirable situation. We've got repeated use over -- on a daily basis over many, many, many years.

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

A. So Murphy, North Carolina.
Q. Yes, sir.
A. There's Willow Creek and Beaverhead in Montana.
Q. Sure.
A. And Val Chisone in Italy. And then some later -- in the later few years there's some Spain and Brazil that was also part of the formulations or potential formulations.
Q. Okay. Are you aware of any published or unpublished literature that finds asbestos contamination to be an issue in Brazil or Spain?
A. No.
Q. Okay. Turning to Montana, sir. Let me see if you and I can have a common understanding. If I refer to southwest Montana, will -- is it acceptable to you, I'll be referring to both Willow Creek and Beaverhead?
A. Okay. I can have that understanding.
Q. Okay. How is talc formed in southwest Montana?
A. I would have to go back and look to see. I'm not a geologist. I believe that that was discussed by mineralogists or geologists, but I

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

couldn't tell you that.

Q. Do you know what hydrothermal alteration is?

A. I do not.

Q. Okay. What impact, if any, do you know hydrothermal alteration has on the purity of talc?

MR. BUHA: Objection.

A. I'm not your expert as far as on geology or mineralogy, so I would leave that to them.

Q. (BY MR. AMEELE) Okay. Perhaps my confusion, sir, comes from your designation, and so maybe we can dispense with it that way. One of things your designation says is that you may testify that talcs both in products and in source mines have been repeatedly found to contain asbestos, including tremolite asbestos, actinolite asbestos, Anthophyllite asbestos, and chrysotile, so when I'm thinking mine sources, I'm thinking geology; is that correct?

MR. BUHA: Vague and ambiguous.

A. Well, that is -- that is the source of the mine, not necessarily how the source was formed. But we're talking about where. So we're talking about in this case here in Montana, those two mines.

Q. (BY MR. AMEELE) Okay. One of the articles

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

A. Sure.

Q. Okay. And you specifically went to the ACGIH TLVs to inform your opinions about what was stated about threshold limit values or exposure to particular substances from a respiratory standpoint; is that fair?

A. No. I mean, generally I'm not really too much into the industrial hygiene, but -- as far as exposure limits, it's usually going to be more OSHA. But I am aware that ACGIH, you know, has had some recommendations for TLVs, but I'm not sure -- and this is -- this is not something that I have reviewed any time recently. So I'm not sure I can say that it has any bearing on -- on any sort of situation we're dealing with today.

Q. Have you reviewed the ACGIH TLV for talc?

A. I don't know.

Q. Okay. So feel free to refer to your report, sir. I have a question for you on -- I'm going to page 19.

A. Okay.

Q. And on page 19, you indicate that among other things, Johnson & Johnson worked together to manipulate the asbestos testing with McCrone for

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

REPORTER CERTIFICATE

I, CHANDRA L. MONIS, a Registered Professional Reporter, do hereby certify that there appeared before me, telephonically,

STEVEN E. HABER, M.D.,

who was by me first duly sworn; that the witness was carefully examined, that said examination was reported by myself, translated and proofread using computer-aided transcription, and the above transcript of proceedings is a true and accurate transcript of my notes as taken at the time of the examination of this witness.

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this examination is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

Dated this 5th day of August, 2021

Chandra L. Monis

CHANDRA L. MONIS, RPR

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit C

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

In The Matter Of:
Chapman vs. Avon Products, Inc., et al.

Steven E. Haber, M.D., Vol. 1
September 6, 2022

Abrams, Mah & Kahn Reporting Service

EXHIBIT
9

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Page 45

A. Yes.
Q. Mrs. Chapman was never a full-time auto mechanic, true?
A. Yes.
Q. Mrs. Chapman was never a part-time auto mechanic, correct?
A. Yes.
Q. Mr. Chapman, at his places of employment, was never the person who directly manipulated friction products, correct?
MS. DEAN: Objection; form.
THE WITNESS: I guess that -- I mean, "manipulated" just means doing something with your hand. That's the "mani" part of "manipulation." So he did handle friction products, but he was not the one that was sanding them or grinding them or, you know, doing blowout. And if that's what you meant by "manipulation" -- but as far as handling, which is manipulation, he did do that.
Q. Meaning Mr. Chapman held friction products in his hands from time to time, correct?
A. Right. He opened boxes; he put them on shelves, things like that. So, yes, he did handle them, but he didn't -- he didn't grind or bevel, things like that.

Page 46

Q. Right. Mr. Chapman was from time to time a bystander to mechanics performing work directly with brakes, correct?
A. Yes. And we're talking about -- yeah, at the job.
Q. Yes, at his places of employment.
A. Yes, sir.
Q. Would you agree with me that Mr. Chapman's potential exposure as a bystander to work done on --
(Technology interruption and recess taken from 11:00 a.m. to 11:16 a.m.)
BY MR. GREENE:
Q. All right, Doctor. We had a brief technical glitch and were interrupted in the midst of my last question, so I'm going to strike that one and see if I can get into it again.
You're not an industrial hygienist, correct?
A. Correct.
Q. You have never conducted any air sampling related to potential asbestos exposure, correct?
A. Also correct.
Q. And you have not assessed exposures associated with performing hands-on brake repair work, including use of compressed air, sanding or grinding, correct?
A. Well, if -- if by "assessed" you mean

Page 47

personally in my own study, that's correct. I have obviously read studies on that issue, and that part I have done an assessment of.
Q. Fair enough. Thank you for the clarification.
Have you observed or reviewed any studies that reported on the exposures experienced by bystanders to persons performing brake repair work, including using compressed air, sanding or grinding?
A. Well, I mean, I think I've seen data, for example, from Rohl that talked about, you know, the levels that were obtained, you know, some 50, 60, 70 feet away. I don't recall the exact distance. But there's certainly been studies that have -- have shown that areas surrounding -- you know, that have looked at personal monitoring as well as area testing that I have seen.
Q. Other than the Rohl article, can you point me to any others?
A. Well, I believe that even Longo has done some testing, including area testing, that I recall offhand. There may be others that are -- that I'm just not recalling.
Q. Have you reviewed any studies that have evaluated take-home exposures relative to direct hands-on exposures related to brake repair?

Page 48

A. If you could -- I'm not sure I followed your question. I'm sorry, Mr. Greene.
Q. Sure. You understand in this case that Ms. Chapman did not have exposures from being at Mr. Chapman's workplaces, correct?
A. Right.
Q. Her alleged exposures to brake dust are from doing her husband's laundry, correct?
A. Yes.
Q. And from otherwise living in the house where Mr. Chapman came home after work, true?
MS. DEAN: Objection; form.
THE WITNESS: Right. And I think as far as -- that's as far as specifically related to the asbestos from Mr. Chapman's work exposures.
BY MR. GREENE:
Q. Yes, sir. Mrs. Chapman -- well, so my question is whether you've seen any report or article that has evaluated the relative exposure between a person doing laundry or living with a person who did hands-on brake repair.
A. Well, I've seen testing by Longo.
Q. And what testing was that?
A. It was shakeout of clothing of brake work. And I've also seen testing by Longo and others of shakeout

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Page 193

I'm just saying that there were certainly more sensitive tests available.
BY MR. SLAUGHTER:
Q. And are those more sensitive tests the use of transmission electron microscopy?
A. Yes. That would be one.
Q. Anything else you can think of from your perspective, as somebody who has some medical experience in this area?
MS. DEAN: Objection; form, overly broad.
THE WITNESS: Well, again, I -- you know, as a doctor, you know, I review tests; I review the strengths and weaknesses of tests. There may be other techniques that can be done to improve the accuracy of testing, like concentration methods or other methods. But again, I'm not the doctor who does those testings, but I've certainly read enough as far as having an understanding of the contamination or the presence of asbestos in order for me to be able to have an assessment -- or an understanding of an exposure assessment, and so I have to look at the testing methods that are used and have an understanding of the strengths and weaknesses. That would be, I guess, another example.
BY MR. SLAUGHTER:
Q. You're not a geologist or mineralogist,

Page 194

correct?
A. Right. I -- I mean, obviously, as a pulmonologist and especially dealing with asbestos-related disease, I read a lot of data from geology and mineralogy as it relates to asbestos, but I -- I am not a mineralogist or geologist myself, but I obviously have to have familiarity enough to read the literature.
Q. And you're not an industrial hygienist or a materials science guy, like Bill Longo, right?
A. Similarly, I read a lot of industrial hygiene data and materials science data, particularly as it relates to asbestos disease and my ability to be able to make assessments of exposure, but I do not hold myself out as either an industrial hygienist or a materials scientist.
Q. It's fair to say, then, that you are unable to offer any expert testimony in this case that the Colgate testing methodology they actually used was in any way improper, inadequate or lacked sensitivity?
MS. DEAN: Objection; first as to the legal definition, it's vague, and then compound.
BY MR. SLAUGHTER:
Q. Let me withdraw the question and see if I can do better, Doctor.
You're not going to offer any opinions in this

Page 195

case that the methodology that Colgate used in the 1970s to test talc was in any way insensitive, not sensitive enough, lacked specificity or in any way violated the standards that were being used by the federal government for testing of talc?
MS. DEAN: Let me object to the compound and that the last part misstates reality and facts, which makes the compound problematic even more than normal.
MR. SLAUGHTER: All right. I'll try again. Sooner or later, with good coaching, I can get this right.
Q. You're not going to offer any testimony in this case that the testing methodology Colgate used for testing talc was scientifically invalid, are you?
MS. DEAN: Objection; form.
THE WITNESS: Invalid -- I'm sorry. Was there an objection?
MS. DEAN: Just objection to form.
THE WITNESS: Invalid, no.
BY MR. SLAUGHTER:
Q. You can't offer any testimony in this case about how Colgate should have done its testing differently, correct?
MS. DEAN: Objection; overly broad.
THE WITNESS: Right. Again, I recognize that

Page 196

there are different methods and different -- and I discuss this in my declaration, that there are different testing methods that have different degrees of sensitivities and different limits of detection. But as far as which tests to use, that someone is supposed to use, I'm not going to be making any testimony as to what someone -- what tests someone is supposed to use. I'm just saying that I have to be aware of what the -- the limitations are, and I am aware of the limitations of certain testings, like the XRD, for example.
BY MR. SLAUGHTER:
Q. Okay. You have reviewed all of the documents that you have listed in Exhibits B and C, right?
A. I have.
Q. And have you seen anything in any of those documents that leads you to the opinion that what Colgate was doing in testing talc was wrong?
MS. DEAN: Objection; overly broad.
THE WITNESS: I'm not sure what you mean by "wrong," but -- so I -- I just don't know.
BY MR. SLAUGHTER:
Q. You haven't seen anything in the documents in your Exhibit B that lead you to the conclusion that testing methods being used by Colgate would not have found asbestos if it was there, have you?

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

kind of normal designation. So if that stays true, I think he probably has already given us his opinions, and even if there is something small or new, I don't think I'll have a whole lot of time. I just can't make a promise.

MS. DEAN: Okay. Yeah. Right now, based on your questioning, the only follow-up question I have on Cashmere Bouquet is you guys talked about the limiting of the tool. He mentioned concentration. Another thing that he often brings up but that he didn't when he was talking to you is the counting protocols, like TM 724 for Johnson & Johnson. But I don't think it's earthshattering, and it's discussed at length in the Moore declaration, because that was at issue in Moore, but no one made it an issue in the summary judgments here. So I will preview, even, what very limited questioning I had.

MR. SLAUGHTER: Thank you.

MS. DEAN: Anybody have anything else?

MR. JAFFE: Hey, Jessica, this is Adam Jaffe with Color Tech. I was not part of the discussions, but I do not have any objections whatsoever. I did not chime in, but I probably have maybe five, ten minutes max of questioning, if that. I don't suspect it would go very long, and obviously, if there's any redirect

associated therewith. But as it stands, I only have a handful of questions as it is.

MS. DEAN: Okay. With that, I will see or hear you all on Monday, if not sooner.

MR. SLAUGHTER: Everyone, have a good night. Good to see you.

(The deposition was adjourned at 4:47 p.m.)

I have read the foregoing deposition transcript and by signing hereafter approve same.

Executed at _____ on _____.
(Place) (Date)

_____
STEVEN E. HABER, M.D.

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, JoAnn Thomas, California Certified Shorthand Reporter, Certificate No. 9641, do hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am neither counsel for nor related to any party to said action.

Dated this 14th day of September 2022.

_____
JoAnn Thomas
California CSR No. 9641, RPR

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit D

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

LYNEE L. ROY,	)	No. 2020-2718
	)	DIV. "A," SEC. 16
Plaintiff,	)	
	)	CIVIL DISTRICT COURT
vs.	)	
	)	PARISH OF ORLEANS
COLGATE-PALMOLIVE	)	
COMPANY, et al.,	)	STATE OF LOUISIANA
	)	
Defendants.	)	

VOLUME I

The deposition of DR. STEVEN E. HABER, taken pursuant to Notice virtually via Zoom in the above-entitled cause on January 13, 2022, beginning at 11:33 a.m. Central Time, by Roselind C. Pisano, CSR, and a Notary Public of Cook County, Illinois, and Dawn M. Bloemker, CSR, RPR, CCR.

Roselind C. Pisano, CSR
Illinois CSR No. 084-002031
Dawn M. Bloemker, CSR, RPR, CCR
Illinois CSR No. 084-004554
Missouri CCR No. 1039

EXHIBIT
10

Q. And that would have been when you were testifying in asbestos litigation, not talc litigation, true?

A. Yes. I had not -- I had not testified in any talc litigation until, I believe, 2021.

Q. Okay. When the first iteration of that was created, who drafted it?

A. It would have been me. I mean, it would have been -- whether it -- again, it may not have been as inclusive or -- it just depends on what the case was. But I frequently -- not all the time, but I frequently would put references pertaining to the information that I'm testifying regarding.

Q. Understood. And has -- so over the years -- you've testified in asbestos litigation since -- is 2002 or '3 about right?

A. Right. I think, yeah, 2003, 2004 would probably be about right as far as testifying.

Q. Over those 17, 18 years that Exhibit C has evolved, has anyone helped you update that document?

A. No.

Q. Okay. It's always been just you?

A. As far as the article -- I mean, I'm not exactly sure what you're...

Q. I just mean, when a new article goes on

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit C, like we talked about a minute ago, are you the person who was always the person who found that article or noticed that article or did someone else help you locate an article that went on Exhibit C at some point?

MR. BUHA: Vague and ambiguous.

THE WITNESS: So the three general categories of response to that would be -- most of the time it is going to be, I'm getting the article myself.

BY MR. GLENN:

Q. Okay.

A. Sometimes I can't get the article, so I will have my office contact the medical library and get me the article. And then the medical library gives it to me and then that's how I get it.

And then every once in a while I have gotten articles from attorneys or other sources. A lot of times they'll send me an article, Hey, have you seen this article, and I've already got it.

But every once in a while I might get an article that I have not yet seen and then I'll include that as well.

Q. Okay. When you see an article -- going to the second category you just mentioned, when you see an article and you don't have a copy and you have to

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

report. They may not go in the report in beautiful-styled English in nice sentences, but they go in the report.

And then as I create -- as I create the report, then I, you know, make the sentences more grammatically correct or switch things around, however it works. I tried to do it, in this case, in a chronological assessment.

Q. Okay. How about notes on the records you were reviewing?

Are you reviewing these records all on the screen or are you old school and like to print stuff out and read it on a piece of paper?

A. No. It's all on the computer. And it's not anything that I take any -- I can do anything with. It's just all within my electronic record system.

Q. Understood. So nothing highlighted or underlined or anything like that?

A. That's true. That's correct.

Q. Okay. All right. I want to very quickly -- I think you are going to agree with me on all this -- go through things that I think you are not an expert in. Trust me, my list for things I'm not an expert in is much, much longer than yours.

But you're not an industrial hygienist,

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

right?

A. That's correct.

Q. Okay. And you're not a geologist?

A. Correct.

Q. And you're not a mineralogist?

A. Correct.

Q. And you're not a material scientist?

A. Correct.

Q. And you're not an epidemiologist?

A. I certainly have expertise as a physician in epidemiology, but I don't hold myself out as an epidemiologist.

Q. Yes, sir. And you are not a pathologist either, are you?

A. Correct. Married to one but not a pathologist.

Q. Fair. And you're not an expert on the United States Navy or shipyards or anything of that nature, are you?

A. Oh, I've certainly interviewed hundreds and hundreds of shipyard workers and navy men over my career, but as far as -- the expertise would be with regard to the medical issues and the exposures that are pertinent to me as a pulmonologist. But certainly nothing as far as specifics to, you know,

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

heavy liquid separation improves the sensitivity.

I'm not the doctor that's going to tell you -- or the scientist that's going to tell you which method of doing it is better.

But from my reading and understanding, doing a liquid separation is going to improve your sensitivity. But my understanding is that the Colorado School of Mines uses a different technique, so that I think you get to see the -- the chrysotile doesn't get separated out as easily.

Q. Okay. And you have never personally used a transmission electron microscope; is that fair?

A. I've -- in medical school we did -- you know, we saw readings from them. But actually doing the TEM, no.

Q. Okay. So evaluating a methodology for how you do a TEM, that's not within your area of expertise; is that fair?

A. For how someone does the TEM? I mean, obviously, I do have some understanding, just like I would when -- I don't do CAT scans, but I order them every day.

Q. Right.

A. And as a physician, I have to understand the strengths and the weaknesses and the slight variations

A. I'm not sure I've -- other than seeing the results of XRD from other people, I don't really have much call for having done that.

Q. How about SEM?

A. Sure.

Q. Same?

A. Yes.

Q. You've looked at it, but you don't do it?

A. That's correct.

Q. You wouldn't consider yourself, I guess, an expert in those testing procedures?

A. I would not.

Q. Okay. And, again, I think I'm going to know the answers to these, I just need to verify it for myself.

You have never personally tested any materials to determine whether or not they contained asbestos?

A. Right, that is true.

Q. That includes raw materials?

A. Right. I do not do testing of -- for asbestos.

Q. I had looked through your CV and I didn't see anything on there. I just want to make sure. Have you ever authored any articles that discuss the

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

during Moore; correct?

A. I don't know -- I don't know if that's true or not. I don't think so.

Q. Okay. Are you able to say whether or not 0. -- and I'm sorry. I'm going to caveat this with I understand that you've already testified that you're not an expert in the testing methodologies, but do you understand that 0.5 percent was the limit of detection for the testing methodology employed by Chanel suppliers?

A. Yeah. I think they were using J41 which, depending on how they are doing it, that -- that might be the -- their limit of detection.

Q. And you say "might be." Again, that's not your area of expertise; correct?

A. I'm not going to be doing the testing.

Q. Right. Okay.

So -- and I want to focus in specifically on the -- the MAS testing right now that you're referencing in your report.

A. Okay.

Q. So you -- you referenced Dr. Rigler's report, and I know that you --

A. MAS --

Q. I'm sorry. Go ahead.

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

that you've got asbestos.

Q. (By Ms. Senter) You mentioned the veracity of a scientist. Do you believe that the veracity or the -- I guess the accuracy of a lab or a scientist would play into whether or not you found testing results from that scientist or lab to be reliable?

MR. BUHA: Overbroad.

A. Again, you know, this is -- you're getting into -- I am not the doctor who -- who can tell whether someone -- you know, how -- how they're interpreting the results. I'm looking at their interpreted results, and I have to -- I will take their interpreted results as being scientific, but I then gauge the results based on the testing methodology.

Q. (By Ms. Senter) Correct. I understand that.

So you're taking the testing results at face value but then you're also going a step further and, in your opinion, evaluating the methodology as to whether or not you find it to be weak or unreliable; correct?

MR. BUHA: Mischaracterizes testimony. Argumentative.

A. If you find asbestos, you found asbestos.

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

REPORTER CERTIFICATE

We, Dawn M. Bloemker and Roselind C. Pisano, Illinois Certified Shorthand Reporters, do hereby certify that there came before us on January 13, 2022, being conducted virtually,

DR. STEVEN E. HABER,

who was first duly sworn; that the witness was carefully examined; that said examination was reported, translated and proofread using computer-aided transcription; and the above transcript of proceedings is a true and accurate transcript of our notes as taken at the time of the examination of this witness.

We further certify that we are neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this examination is taken; further, that we are not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

Dated January 26, 2022.

Roselind C. Pisano, CSR
Illinois CSR No. 084-002031

Dawn M. Bloemker, CSR, RPR, CCR
Illinois CSR License No. 084-004554
Missouri CCR License No. 1039

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit E

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, SPRING STREET COURTHOUSE

Coordinated Proceeding Special Title (Rule 3.550) LAOSD ASBESTOS CASES	)	JCCP 4674
MAE K. MOORE, Plaintiff, v. JOHNSON & JOHNSON, et al., Defendants.	)	Case No. 21STCV05513 (Pages 254 - 504)

DEPOSITION OF EXPERT WITNESS

STEVEN HABER, M.D.

VOLUME II

WEDNESDAY, NOVEMBER 24, 2021

Reported by:

PAIGE I. HUTCHINSON, CA CSR No. 13459,
TX CSR No. 11222, WA CCR No. 3336

EXHIBIT
13

Page 400

THE DEPONENT: Well, this was information that I received through the Dean Omar Branham law firm.

BY MR. SLAUGHTER:

Q. Okay. And no one's provided you with any information about whether or not Bill Longo has given permission for it to be used in this case?

MS. DEAN: Same objections.

THE DEPONENT: I do not know the answer to that.

BY MR. SLAUGHTER:

Q. Fair enough.

So you've never actually done any bulk sampling of anything to identify asbestos in it; right?

A. Correct. Yeah, that's not something that I do.

Q. And you've never participated in any kind of an analysis to see if asbestos fibers were being released from a product; right?

A. Again, that's -- yeah, that's not something that I do as a medical doctor.

Q. Have you ever used an XRD machine?

A. I have not.

Q. Have you ever seen an x-ray diffraction

Page 401

machine in person?

A. I don't know.

Q. You don't have a recollection of having ever even seen one; right?

A. No, I'm saying I don't remember.

Q. Fair enough.

Have you ever used a transmission electron microscope for anything?

A. No, don't think so.

Q. Have you ever used an electron microscope of any sort for anything?

A. Myself personally, I don't think so. I know I've seen them used and have had education on TEM, but I'm not sure I've ever done it myself. I don't remember doing so.

Q. It's my understanding that you've had some education about TEM. Do you feel that you would be qualified to analyze something via TEM for the presence of asbestos?

MS. DEAN: Objection. Vague, overly broad.

THE DEPONENT: By analyze something, I don't know what you mean. But I would be the one that looks at -- you know, figures out how to run the machine to or to determine what it -- what it

Page 402

finds, but I would feel comfortable looking at someone who does issue their findings to understand what those findings and the context of understanding the strengths and weaknesses of a testing methodology just like I would, you know, for a CAT scan or a chest x-ray or any other sort of medical test.

BY MR. SLAUGHTER:

Q. You agree that you're not qualified to do TEM analysis to identify asbestos in a material; fair?

MS. DEAN: Objection to form. Again, to some extent, asked and answered, but also vague and ambiguous.

THE DEPONENT: I don't know what the qualifications are. I certainly wouldn't expect anyone to want me to do it, and I certainly wouldn't -- I wouldn't want anyone relying on my reading of a -- you know, performing of a TEM of asbestos, but I -- as far as what qualifications one needs to be able to run it, that, I don't know. I mean, it's probably maybe some people just have more experience with it than necessarily some sort of paper qualification, but I'm certainly not going to be someone who's going to do that in my career,

Page 403

for sure.

BY MR. SLAUGHTER:

Q. Would you agree that you're not qualified to make an evaluation about whether or not one TEM analysis is better than another or more accurate?

MS. DEAN: Objection. Form, remarkably overly broad, incomplete hypothetical.

THE DEPONENT: Yeah, so I think I'm qualified based on my understanding of the strengths and weaknesses and -- of the testing to know that if one person is using a methodology, for example, 7024, that I have cause for concern. If someone is, you know, not doing as many grid openings as another person is doing, if someone is spending more time or less time. So there are definitely issues that I think, even as a medical doctor and just again, you know, as I would, as a doctor/scientist, knowing the strengths and weaknesses can have some opinions based on comparing -- and, you know, also, I guess another thing would be magnification as well and other techniques that, you know, may be done including whether pre-concentration techniques are done beforehand. So there's a lot of things that might influence my opinions as to compare one person's

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Page 500

ask.

DEPOSITION OFFICER: Anything else before we go off the record?

(No audible response from counsel.)

DEPOSITION OFFICER: Going off the record.

(Whereupon, at the hour of 3:46 p.m., the proceedings were concluded.)

-o0o-

Page 501

DECLARATION UNDER PENALTY OF PERJURY

I, STEVEN HABER, M.D., do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on Wednesday, November 24, 2021; that I have made such corrections as appear noted herein in ink, initialed by me; that my testimony as contained herein, as corrected, is true and correct.

DATED this _____ day of _____, 2021, at _____, _____.

_____

STEVEN HABER, M.D.

Page 502

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I, PAIGE I. HUTCHINSON, Certified Court Reporter, Certificate No. 13459, for the State of California, hereby certify:

I am the deposition officer who Stenographically recorded the foregoing deposition;

Written Notice Pursuant to Code of Civil Procedure, Section 2025.520, having been sent to the deponent, the deponent:

( ) IN PERSON MADE THE CHANGES SET FORTH IN THE FOREGOING TRANSCRIPT;

( ) APPROVED THE TRANSCRIPT BY SIGNING IT;

( ) FAILED OR REFUSED TO SIGN THE TRANSCRIPT BY NOT SIGNING IT;

( ) BY SIGNED LETTER ATTACHED HERETO, MADE THE CHANGES SET FORTH THEREIN AND APPROVED, OR REFUSED TO APPROVE, THE TRANSCRIPT;

( ) FAILED TO CONTACT THE DEPOSITION OFFICER WITHIN THE ALLOTTED TIME PERIOD.

DATED: _____

_____

(DEPOSITION OFFICER)

Page 503

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I, Paige I. Hutchinson, Certified Shorthand Reporter, No. 13459, do hereby certify:

That prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That said deposition was taken before me remotely via videoconference; and thereafter reduced to print by means of computer-aided transcription; and the same is a true, correct, and complete transcript of said proceedings taken at that time, to the best of my ability.

I further certify that I am not interested in the outcome of the action.

Witness my hand this, Tuesday, November 30, 2021.

_____

Paige I. Hutchinson, CA CSR No. 13459, TX CSR No. 11222, WA No. 3336

Exhibit F

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

WENDI J. HIRSHBERG and RICHARD)
HIRSHBERG, Wife and Husband,)
)
Plaintiffs,)
) No. 20-2-05603-1 SEA
vs.)
)
JOHNSON & JOHNSON, et al.,)
)
Defendants.)
)

VIDEOCONFERENCE DEPOSITION UPON ORAL EXAMINATION

OF

STEVEN HABER, M.D.

Witness located in
Houston, Texas

(ALL PARTICIPANTS APPEARING VIA VIDEOCONFERENCE)

EXHIBIT
14

DATE TAKEN: FEBRUARY 23, 2021
REPORTED BY: ANITA W. SELF, RPR, CCR #3032

03109223-0fcf-49f7-b1af-d49ebcc5ccda

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Q. Okay.

Do you remember what the cornstarch bottle looks like?

A. No, I was never around when diapering, so I have no idea.

Q. Okay.

You are not a pathologist, correct?

A. Correct. I'm married to one, but I am not one.

Q. My father is one, so we share that in common.

You're not an epidemiologist, correct?

MS. DEAN: Objection, form.

A. Well, and I certainly have expertise in epidemiology as -- as -- you know, as a scientist and as a doctor, but no, I don't hold myself out as an epidemiologist.

Q. And you don't hold any degree in epidemiology; is that fair?

A. That is true, I do not.

Q. You are not a mineralogist, correct?

A. That is true.

Q. Not a geologist, correct?

A. That is true.

Q. You are not an industrial hygienist, correct?

A. That is also true.

03109223-0fcf-49f7-b1af-d49ebcc5ccda

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, ANITA W. SELF, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 8th day of March 2021.

Anita W. Self

ANITA W. SELF, RPR, CCR #3032

Exhibit G

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

STATE OF SOUTH CAROLINA
COURT OF COMMON PLEAS
COUNTY OF RICHLAND
MICHAEL L. PERRY and
LONNIE L. LONG,

Plaintiffs,

vs. Case No.: 2023-CP-40-04072

AMERICAN INTERNATIONAL
INDUSTRIES; et al.,

Defendants.

VIDEOTAPED TELECONFERENCE
DEPOSITION OF: STEVEN F. HABER, MD
DATE: Monday, June 24, 2024
TIME: 1:08 p.m.
TIME ENDED: 9:01 p.m.
LOCATION: Houston, Texas
REPORTED BY: YVONNE R. THURSTON-BOHANNON
Registered Merit Reporter,
Certified Realtime Reporter

they're trying to make a diagnosis of mesothelioma. I did not see any -- any investigation for asbestos bodies.

Q. Has -- in your review of the medical records, had any treating physician of Mr. Perry diagnosed him with pleural plaques?

A. No, did not.

Q. Had any treater diagnosed Mr. Perry with interstitial fibrosis?

A. No.

Q. Had any treater diagnosed Mr. Perry with asbestosis?

A. No.

Q. Had any treater diagnosed Mr. Perry with talcosis?

A. No. And in my review of all of his x-rays, I found no evidence of any of those.

Q. Yeah, I was going to get to that, but thank you. I might have to ask it again to make it clear, but I appreciate you getting ahead of me.

Has any treater in your review of the medical records diagnosed Mr. Perry with asbestos corns?

A. No. And, again, I -- I've never seen anybody diagnosed with asbestos corn ever.

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Q. Right.

And -- and my point is the EPA talks about that specific situation as it applies to asbestos coming from automotive materials in that EPA Gold Book, right?

A. Right.

Q. Okay. And so there's -- I think you brought it up earlier with respect to Johnson & Johnson. There's a demonstrative graphic that is sometimes used in your direct presentations. It's called the decades of evidence charts.

A. Yes.

Q. I don't know what they call it. Is it called the decades of evidence table? How would you describe it?

A. Yeah, the decades of evidence chart. I've seen this --

Q. And -- and -- and on that chart it purports to say there are all these positive tests finding asbestos in Johnson & Johnson source talc, correct?

A. I'm sorry, you -- you got -- you're coming in far away from the microphone. I've got my volume up. If you could speak up --

Q. Yeah.

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

A. -- just a little bit.
Q. So the -- the -- the decades of evidence charts are basically a listing of findings or at least purported findings of asbestos in talc sourced by Johnson & Johnson from whatever mine it comes from, correct?
A. Not entirely correct, no.
Q. Okay. So some of the things are -- well, actually strike that.
Why -- what -- why am I not correct so maybe --
A. So -- so there are -- there are also entries in there that would relate to Johnson & Johnson but not necessarily from Johnson & Johnson. For example, if there was, you know, a -- Avon testing but it was Italian or, you know, some other testing from Vermont or -- or, you know, from China, for example. So if -- if -- if the testing was related to the sources at Johnson & Johnson, it could be not a Johnson & Johnson specific test.
Q. Yeah, and I don't know how I said that, but I tried to say the source.
But in any event, I think what you're saying is is not all the documents that are on there are about testing a Johnson & Johnson product

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

or even an internal doc -- document from Johnson & Johnson, right?

A. Correct. They -- there are also documents that I have reviewed that would relate to the --

Q. Right, because in my opinion -- because it -- yeah, because it -- and the reason for that is it could be a product or a sample tested from what purports to be the same source of talc as Johnson & Johnson used for its product, right?

A. That's -- yes, it could.

Q. Okay. I mean, that -- that's fine.

Really what I was -- that was the foundation for this, but on that chart does it -- do any of the entries that aren't in litigation -- so anything before 2017. Do any of those entries that are positive indicate the amount of asbestos in the particular sample as a percentage of weight?

A. Are the -- are you saying out of -- I just make sure -- you kind of said something at the very beginning. I'm -- because I think you -- something about a number. So are you talking about anywhere in the chart or what you did -- was there something -- were you carving out something?

Q. I was carving out something just to

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

speed it up.

So on -- on the chart I think there are litigation reports, are there not, like things from MAS, for example?

A. I'm sorry, there are?

Q. Litigation reports. So tests done by like, for example, MAS?

A. There -- there are some of those entries. It's not a -- not a large number, but, yes, there are some entries that -- that was tested by MAS.

Q. Okay. Right.

And in any event, on -- on the chart, if we looked at the entries before 2017, do you know if any of those entries indicate the percent of asbestos by weight being found or at least purportedly found through those tests?

A. Yes.

Q. Okay. And so without getting too deep into it, was there a particular one you have in mind?

A. Well, I -- I've seen a number of -- of tests before 2017 that did testing and reported it as a percent by weight. I -- I think there was testing by -- by McCrone. There was testing by

Q. Is your -- are your licenses outside of the state of Texas -- Texas still active?
A. Yes.
Q. Still have admitting privileges?
A. Yes.
Q. Baylor I think was one and I forget the other one?
A. Memorial is the -- where I trained.
Q. Still paying your professional organization dues to people like the ATS?
A. Sure.
Q. With respect to your courtroom opinions on talc and asbestos, have you published them in the peer reviewed scientific literature for other practitioners to review and comment upon?
A. No, I -- I have not done any publications.
Q. Have you ever communicated your courtroom opinions on talc and asbestos to the U.S. Food and Drug Administration?
A. No.
Q. Have you ever communicated your courtroom opinions on talc and asbestos to any U.S. government agency?
A. No.

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

and safety in a safety data sheet for that company's talc products?

A. Well, again assuming that, yeah, if there's -- if there's no asbestos present, correct.

Q. Have you ever been to a talc mining quarry?

A. No.

Q. Have you ever tested talc yourself for the presence or absence of asbestos?

A. No.

Q. Have you ever examined a talc under a microscope of any type?

A. I can't think of any time, no.

Q. Do you believe you're qualified to determine whether a specific talc test for the presence of asbestos is flawed in its design or methodology?

A. Well, I'm qualified to read and have an understanding of limits of detection and of how that limit of detection affects the efficacy of a test, sure.

Q. Would it -- when you decide limits of detection, what -- assume for me for a moment there are either flaws or -- in design or methodology of an asbestos talc test outside of limit of

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

CERTIFICATE OF REPORTER

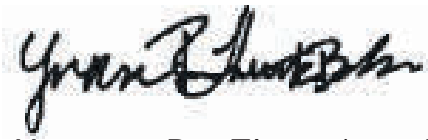
I, Yvonne R. Thurston-Bohannon, Registered Merit Reporter, Certified Realtime Reporter, and Notary Public for the State of South Carolina at Large, do hereby certify:

That reading and signing of the foregoing deposition by the witness is not waived.

That the foregoing transcript was taken before me on the date and at the time and location stated on page 1 of this transcript; that the deponent was duly sworn to testify to the truth, the whole truth and nothing but the truth; that the testimony of the deponent and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed; that the foregoing deposition as typed is a true, accurate and complete record of the testimony of the deponent and of all objections made at the time of the examination to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal July 1, 2024, at Columbia, Richland County, South Carolina.



Yvonne R. Thurston-Bohannon
Registered Merit
Reporter, CRR
My Commission expires
May 6, 2025

Exhibit H

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Civil District Court for the Parish of Orleans
STATE OF LOUISIANA

No: 2020 - 02718

Division/Section: A-16

ROY, LYNNE L.
versus
COLGATE-PALMOLIVE COMPANY ET AL

Date Case Filed: 3/19/2020

NOTICE OF SIGNING OF JUDGMENT

TO:

Matthew C Clark Esq 31102
1100 Poydras Street
Suite 2000
New Orleans, LA 70163

John T Balhoff Esq 24288
909 Poydra St.
28th Floor
New Orleans, LA 70112-1033

Richard M Crump Esq 30460
PLACE ST. CHARLES
201 ST. CHARLES AVENUE, SUITE 2411
New Orleans, LA 70170

Rebecca A Zotti Esq 33446
201 St. Charles Ave. - Place St. Charles
Suite 2411
New Orleans, LA 70170

Meghan B Senter Esq 34088
One Canal Place
365 Canal Street, Suite 3000
New Orleans, LA 70130

EXHIBIT
17

In accordance with Article 1913 C.C.P., you are hereby notified that Judgment in the above entitled and numbered cause was signed on May 4, 2023

New Orleans, Louisiana
May 5, 2023
Mailed May 8, 2023

~~MINUTE~~ CLERK
Law

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 2020-02718 **DIVISION "A-16"**

LYNNE ROY

V.

COLGATE-PALMOLIVE COMPANY, ET AL.

FILED: _____ _____

DEPUTY CLERK

JUDGMENT

This matter came before the Court on the 10th day of November, 2022, pursuant to:

Defendant Chanel, Inc.'s *Daubert Motion to Preclude or Limit Testimony from Non-testifying Experts, Dr. William Longo and Steven Compton*, *Daubert Motion to Preclude or Limit Testimony from Plaintiffs' Expert Mark Bailey, Daubert Motion to Preclude or Limit Testimony from Plaintiffs' Testing Expert Mark W. Rigler,* and *Daubert Motion to Preclude or Limit Testimony from Plaintiffs' Expert Dr. Madigan*;

Defendant Colgate-Palmolive Co.'s *Motion in Limine to Preclude or Limit Testimony from Plaintiffs' Testing Expert Dr. Mark Rigler, Motion in Limine to Preclude or Limit Testimony of Dr. David Madigan,* and *Motion in Limine to Preclude Plaintiffs' Expert Dr. Steven Haber's Unreliable and Unsupported Opinions on Behalf of Defendant Colgate-Palmolive Company*;

Defendant Whittaker, Clark & Daniels, Inc.'s *Daubert Motion to Exclude the Opinions and Testimony of Mark Bailey*, *Motion in Limine and Daubert Motion to Exclude the Opinions and Testimony of Mark Rigler*, *Motion in Limine and Daubert Motion to Exclude the Opinions and Testimony of Dr. Steven Haber*, and *Motion in Limine to Exclude "Any Exposure" Testimony and Opinions*;

Defendant Kaiser Gypsum Company, Inc.'s *Motion in Limine to Preclude Testimony of R. Mark Bailey in Accordance with Daubert and Foret*, *Motion in Limine to Preclude Testimony of Dr. Marty S. Kanarek in Accordance with Daubert and Foret*, and *Motion in Limine to*

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Preclude Plaintiffs' Expert Witnesses from Asserting "Every Exposure" Theory of Causation; and

Plaintiffs Melissa Lynne Roy Kaiser and Melanie C. Roy's

After hearing oral argument, the Court took the matter under advisement and ordered the parties to submit supplemental briefing. Subsequent to this, Plaintiffs and Defendants Chanel, Inc. and Colgate-Palmolive Co. settled their claims.

PRESENT: Mark Buha (*pro hac vice)* and Matthew Clark (Bar Roll #) *o/b/o* Plaintiffs, Melissa Lynne Roy Kaiser and Melanie C. Roy;
John Balhoff (Bar Roll #24288*) o/b/o* Defendant, Colgate-Palmolive Company;
Richard Crump (Bar Roll #30460) *o/b/o* Defendant, Whittaker, Clark & Daniels;
Rebecca Zotti (Bar Roll #33446) *o/b/o* Defendant, Kaiser Gypsum Company, Inc.; *and*
Meghan Senter (Bar Roll # 34088) *o/b/o* Defendant, Chanel, Inc.

After considering the pleadings, the testimony and the evidence presented, and the applicable law, the Court renders the following Judgment:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Chanel, Inc.'s *Daubert Motion to Preclude or Limit Testimony from Non-testifying Experts, Dr. William Longo and Steven Compton* is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Chanel, Inc.'s *Daubert Motion to Preclude or Limit Testimony from Plaintiffs' Expert Mark Bailey* is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Chanel, Inc.'s, *Daubert Motion to Preclude or Limit Testimony from Plaintiffs' Testing Expert Mark W. Rigler* is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Chanel, Inc.'s *Daubert Motion to Preclude or Limit Testimony from Plaintiffs' Expert Dr. Madigan* is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Colgate-Palmolive Co.'s, *Motion in Limine to Preclude or Limit Testimony from Plaintiffs' Testing Expert Dr. Mark Rigler* is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Colgate-Palmolive Co.'s, *Motion in Limine to Preclude or Limit Testimony of Dr. David Madigan* is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Colgate-Palmolive Co.'s, *Motion in Limine to Preclude Plaintiffs' Expert Dr. Steven Haber's Unreliable and Unsupported Opinions on Behalf of Defendant Colgate-Palmolive Company* is GRANTED IN PART AND DENIED IN PART. Dr. Haber is precluded from offering independent opinions as to the contamination of a talcum powder product. Dr. Haber is not precluded from offering opinions as to causation.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Whittaker, Clark & Daniels, Inc.'s *Daubert Motion to Exclude the Opinions and Testimony of Mark Bailey* is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Whittaker, Clark & Daniels, Inc.'s, *Motion in Limine and Daubert Motion to Exclude the Opinions and Testimony of Mark Rigler* is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Whittaker, Clark & Daniels, Inc.'s *Motion in Limine and Daubert Motion to Exclude the Opinions and Testimony of Dr. Steven Haber* is GRANTED IN PART AND DENIED IN PART. Dr. Haber is precluded from offering independent opinions as to the contamination of a talcum powder product. Dr. Haber is not precluded from offering opinions as to causation.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Whittaker, Clark & Daniels, Inc.'s *Motion in Limine to Exclude "Any Exposure" Testimony and Opinions* is DENIED IN PART AND GRANTED IN PART. The motion is granted with respect to Dr. Kanarek and Dr. Brody. The motion is denied with respect to Dr. Haber.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Kaiser Gypsum's, *Motion in Limine to Preclude Testimony of Mark Bailey* is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Kaiser

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Gypsum Company, Inc.'s *Motion in Limine to Preclude Testimony of Dr. Marty S. Kanarek in Accordance with Daubert and Foret* is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Kaiser Gypsum Company, Inc.'s *Motion in Limine to Preclude Plaintiffs' Expert Witnesses from Asserting "Every Exposure" Theory of Causation* is GRANTED IN PART AND DENIED IN PART. The motion is granted with respect to Dr. Kanarek and Dr. Brody. The motion is denied with respect to Dr. Haber.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs, Melissa Lynne Roy Kaiser and Melanie C. Roy's *Motion to Exclude Reference to and Reliance Upon an Alleged No Observed Adverse Effect Level (NOAEL) for Exposure to Chrysotile Asbestos and Mesothelioma* is DENIED.

JUDGMENT READ, RENDERED, AND SIGNED this 4th day of May, 2023, in New Orleans, Louisiana.

Ellen M. Hazeur

JUDGE ELLEN M. HAZEUR

A TRUE COPY

DEPUTY CLERK - MINUTE CLERK
CLERK OF CIVIL DISTRICT COURT
PARISH OF ORLEANS, STATE OF L

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 2020-2718 **DIVISION "A-16"**

LYNNE L. ROY

V.

COLGATE-PALMOLIVE COMPANY, et al.

FILED: _____ _____

DEPUTY CLERK

REASONS FOR JUDGMENT

FACTUAL BACKGROUND

The facts of the case subject to this litigation have been well-established and briefed throughout the course of the proceedings and are, mostly, undisputed. Thus, they are not restated here, but relevant factual information is included with corresponding legal analysis *infra*.

LAW AND ANALYSIS

The admission of expert testimony is governed by Louisiana Code of Evidence Article 702, which provides, in pertinent part, that:

> A. A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:
>
> 1. The expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
> 2. The testimony is based on sufficient facts or data;
> 3. The testimony is the product of reliable principles and methods; and
> 4. The expert has reliably applied the principle and methods to the facts of the case.

The threshold inquiry in determining whether an individual may offer expert testimony under Article 702, is whether the individual has the requisite qualifications. Once an expert is deemed qualified to offer an opinion, the Court must assess whether the opinions are reliable and relevant. Article 702 is identical to Federal Rule of Evidence 702, and Louisiana jurisprudence generally follows federal interpretation. Clement v. Griffin, 91-1664 (La. App. 4 Cir. 3/3/94),

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

634 So. 2d 412, 426. The party demanding a Daubert hearing on an expert's qualifications or reliability must set forth sufficient allegations showing the necessity of these determinations by the Court. La. Code of Civ. Proc. Art. 1425(F)(1).

DISCUSSION

PLAINTIFFS' EXPERTS

Dr. Steven Compton and Dr. William Longo

Chanel filed its *Daubert Motion to Preclude or Limit Testimony from Non-Testifying Experts, Dr. William Longo and Dr. Steven Compton*, in which Whittaker, Clark & Daniels joined. Defendants argue that the testing by Drs. Longo and Compton is inadmissible hearsay and therefore should be excluded. Defendants are correct that an expert cannot simply be a mouthpiece for a non-testifying expert. However, whether an expert is simply parroting the opinions of a third-party is best addressed via a motion on that particular expert. Defendants do not argue that Dr. Compton does not have the qualifications to come to his conclusions; that his conclusions are based on insufficient facts or data; that his methodology is unreliable; or that he did not reliably apply the principle and methods to the facts of this case. Therefore, no Daubert analysis is necessary with respect to Dr. Compton.

While Dr. Compton's report may be hearsay, the Court sees no reason to outright exclude reference to the report. Under Code of Evidence Article 703, an expert may rely on inadmissible hearsay in forming his or her opinion if that is the type of data that is reasonably relied upon by experts in that field. La C. E. Art. 703. If Defendants believe that certain experts are acting as mouthpieces for Dr. Compton, that concern is best addressed via a motion for that expert. Accordingly, the motion is denied with respect to Dr. Compton.

Defendants challenge Dr. Longo's testing on the grounds that it is inadmissible hearsay. Once again, while the report may be hearsay, an expert can rely upon inadmissible hearsay in forming his or her opinion if that is the type of data that is reasonably relied upon by experts in that field. Therefore, the Court does not find this to be grounds to exclude Dr. Longo's report.

Defendants also challenge Dr. Longo's testing on the grounds that Dr. Longo's underlying methodologies are unreliable. Defendants contend that the "modified CSM" method that Dr. Longo utilized to identify asbestos in talc differs from the methods he has previously

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

utilized for asbestos analysis.

Plaintiff contends that Dr. Longo utilized both the Blount method and the modified CSM preparation technique to analyze the Chanel products at issue due to the different talc sources involved. Plaintiff argues that the heavy liquid separation preparation technique and methodology utilized by MAS is generally accepted and reliable, and Defendants' experts have also utilized the technique to identify asbestos in talc. Plaintiffs also argue that the modified CSM technique is a preparation technique that follows the International Organization of Standards ("ISO") 22262-1.

The Court notes that this is not a true *Daubert* motion. Article 702 governs the admissibility of expert opinion. Dr. Longo is not a testifying expert and will not be offering any opinions at trial. Any issues that Plaintiffs have with expert opinions that rely upon Dr. Longo's testing should be raised in a motion on that expert. For this reason alone, the *Daubert* motion should be denied. However, since Defendants have filed motions for each individual Plaintiff expert, the Court will address the reliability of Dr. Longo's testing.

The pertinent factors to consider with respect to reliability include: (1) the "testability of the scientific theory or technique; (2) whether the theory or technique has been subjected to peer review and publication; (3) the known or potential rate of error; and (4) whether the methodology is generally accepted in the scientific community. State v. Hampton, 2015-1222 (La. App. 4. Cir. 12/23/15); 183 So. 3d. 769, 776. However, *Daubert* does not require adherence to each factor. Arceneaux v. Shaw Group, Inc., 2012-0135 (La. App. 1 Cir 9/24/12); 103 So. 3d 1086, 1091.

Having considered the parties' arguments and the evidence submitted, the Court finds that Plaintiffs' have met their burden of demonstrating that Dr. Longo's methodology is reliable for the purpose of admission under *Daubert*. According to Dr. Longo, he utilized the Blount method for heavy liquid separation to test for amphibole asbestos in the Chanel body powder containers and the first 58 Cashmere Bouquet samples that were tested.

According to his declaration, Dr. Longo followed the three-step transmission electron microscopy ("TEM") method. This method is scientifically accepted to analyze a material to determine whether it contains asbestos. Defendants don't challenge the reliability of this method.

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

This methodology is generally accepted in the scientific community and is recommended by the EPA's Asbestos Hazard Emergency Response Act.

Dr. Longo also stated that he followed the ISO-22262-1 and 2 for polarized light microcopy ("PLM") and transmission electron microscopy ("TEM") to analyze the samples for chrysotile asbestos. ISO 22262-1 and 22262-2 are internationally recognized and accepted standards in microscopy and asbestos analysis. Dr. Longo asserted that the modified CSM approach is not a method but rather a preparation technique that is suggested for use when analyzing talc samples, and was also the technique he used when performing the ISO 22262-1.

Dr. Longo testified that while the CSM technique has not been peer reviewed with respect to chrysotile, it has been published in peer reviewed literature as a method to look for asbestos in cosmetic talc. He also established that the ISO 2262-1 and 22262-2 are generally accepted as asbestos testing methods within the scientific community, and that no specific preparation technique is required for these methods. Considering this, the Court finds his testing to be reliable.

Accordingly, the motion is denied with respect to Dr. Longo.

Dr. Mark Rigler

Chanel, Colgate, and Whittaker, Clark & Daniels challenge Plaintiffs' expert Dr. Mark Rigler in Chanel's *Daubert Motion to Preclude or Limit Testimony from Plaintiffs' Testing Expert Mark W. Rigler, Ph.D.*, Colgate's *Motion in Limine to Preclude or Limit Testimony from Plaintiffs' Testing Expert Dr. Mark Rigler*, and Whittaker, Clark & Daniel's *Motion in Limine and Daubert Motion to Exclude the Opinions and Testimony of Mark Rigler.*

Dr. Rigler offers opinions on the composition of the talc products used by Ms. Roy and whether her use of such products caused asbestos exposure. As a threshold issue, the Court finds him to be qualified to offer those opinions. Dr. Rigler has a Bachelors of Science in biology and a Ph.D. in microbiology. For nearly 30 years he was employed by Material Analytical Services ("MAS"), an independent testing and consulting laboratory. He has authored numerous papers on the subjects of asbestos analysis, cellular ultrastructure, chemical exposures, particle analysis and exposures, standards setting, and electron microscopy. He also has training and experience in industrial hygiene methodologies. Considering all of this, the Court finds him to be qualified to

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

offer opinions on the composition of the talc products at issue in this case and Ms. Roy's potential asbestos exposure as a result of use of those products.

Defendants argues that Dr. Rigler's opinion should be excluded because it is based upon the testing performed by Dr. Longo. Defendants argue that this inadmissible hearsay and that Dr. Longo's testing is unreliable. Defendants also argues that Dr. Rigler's testing opinion should be excluded because Plaintiff cannot establish a chain of custody for the containers tested by MAS and he did not personally test any of the talc in these containers. Finally, Defendants argues that Dr. Rigler's extrapolation and exposure opinions should be excluded because he has no scientific basis for those opinions. Specifically, Defendants argues that Dr. Rigler has no foundation to offer any opinion that Ms. Roy would have had substantial or significant exposures to asbestos from the product containers she personally used.

Plaintiff argues that geologists, mineralogist, and microscopists routinely rely on the type of information that Dr. Rigler relied on without separately verifying every single data point. Plaintiff also argues that Chanel and Whittaker, Clark & Daniels' expert, Mr. Alan Segrave, relies upon testing of talc from the mine, milled talc, and finished products just like Dr. Rigler does.

The Court finds Colgate's, Chanel's, and Whittaker Clark Daniel's argument as to chain of custody to be without merit. A perfect chain of custody is not a prerequisite to admission. Gaps in the chain of custody go to the weight of the evidence, not the admissibility. State v. Ferguson, 2009-1422 (La. App. 4 Cir. 12/15/10); 54 So. 3d 152, 170; See also Vox Marketing Group, LLC v. Prodigy Promos L.C., 521 F. Supp. 3d 1135, 1147.

Defendants' arguments that Dr. Rigler's opinions are unreliable because he did not personally conduct any of the testing are also without merit. Experts are not required to prepare all the documents that support their opinion as long as the information is of the type reasonably relied upon by experts in his field. The jurisprudence is clear that an expert may rely on data that he did not personally collect. *Rondout Valley Cent. School Dist. V. Coneco Corp.*, 321 F. Supp. 2d 469, 479 (N.D.N.Y. 2004).

Having considered the parties' arguments and the evidence submitted, the Court finds that Dr. Rigler is not acting as a mouthpiece for the testing results of Dr. Longo. Dr. Longo's

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

testing was not the only information Dr. Rigler relied upon to form his opinions. Dr. Rigler reviewed testing done by multiple sources to come to his conclusion that the Chanel, Colgate, and Coty products at issue in this case contained talc contaminated with asbestos. Any issues that Defendants have with Dr. Rigler's opinions can be addressed through cross-examination.

Accordingly, the motions are denied.

Dr. Steven Haber

Colgate and Whittaker, Clark & Daniels challenge Plaintiffs' expert, Dr. Steven Haber in Colgate's *Motion in Limine to Preclude Plaintiffs' Expert Dr. Steven Haber's Unreliable and Unsupported Opinions on Behalf of Defendant Colgate-Palmolive Company*, Whittaker, Clark & Daniel's *Motion in Limine and Daubert Motion to Exclude the Opinions and Testimony of Dr. Steven Haber* and *Motion in Limine to Exclude "Any Exposure" Testimony and Opinions*, and Kaiser Gypsum's *Motion in Limine to Preclude Plaintiffs' Expert Witnesses from Asserting "Every Exposure" Theory of Causation.*

Plaintiff has offered Dr. Steven Haber as an expert pulmonologist to opine on the issues of both general causation and specific causation. Dr. Haber is a licensed physician and is Board Certified in Internal Medicine with a subspecialty of Pulmonary Diseases. He has published peer reviewed articles on malignant mesothelioma. He also has experience managing and diagnosing patients with a number of occupational pulmonary diseases, including malignant mesothelioma.

Defendants Colgate and Whittaker, Clark & Daniels challenge Dr. Haber's qualifications to opine that any of the products at issue were contaminated with asbestos. Colgate first argues that Dr. Haber is not qualified to opine that Colgate's Cashmere Bouquet was contaminated with asbestos. Whittaker, Clark & Daniels argues that Dr. Haber is not qualified to opine regarding asbestos contamination detected in talcum powder products. Defendants also argue that Dr. Haber is not a geologist or materials scientist and that Dr. Haber admitted that the geological and mineralogical opinions are outside of the areas of his expertise. Whittaker, Clark & Daniels also argues that Dr. Haber's medical causation opinions lack necessary factual knowledge and are based upon insufficient reports from other experts.

Finally, Defendants' argue that Dr. Haber's opinion that each and every exposure to asbestos or cumulative exposures above background levels was a cause of Ms. Roy's

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

mesothelioma should be excluded as it has no basis in science.

The Court finds that Dr. Haber is not qualified to offer any independent opinions as to the purported contamination of a talcum powder product. Dr. Haber has no education, qualifications, or experience in testing and analyzing the content of talc for contamination of asbestos. It would be inappropriate to allow him to opine beyond him qualifications.

However, the Court finds Dr. Haber's medical causation opinions to be based upon sufficient facts and to be reliable. Therefore, the Court will not preclude Dr. Haber from opining that the use of Cashmere Bouquet, Chanel, and Coty talcum powder contaminated with asbestos was a substantial contributing cause of Ms. Roy's mesothelioma. Plaintiffs have produced evidence that Ms. Roy used Cashmere Bouquet and Chanel on about 90% of days from 1958 to 2000. They have also produced evidence that Ms. Roy used Coty Airspun loose face powder almost daily from 1958 to 2013. They have produced evidence that Whittaker, Clark, & Daniels was the exclusive supplier from at least the 1970s to the 1980s. There is also evidence that the talc used in the production of these products came from certain mines in Italy, Montana, and North Carolina. As has been discussed *supra*, the Court finds Dr. Longo's report to be reliable.

As a general rule, the factual basis for an expert's opinion goes to the credibility of the testimony, not its admissibility. In light of the facts presented, the Court finds that there is a sufficient factual basis for Dr. Haber's medical causation opinions. While Defendants argue that there is no direct evidence that the actual products Ms. Roy used contained asbestos, the Court finds that the absence of testing of the exact containers Ms. Roy used is not grounds to reject circumstantial evidence that those containers were contaminated with asbestos.

Finally, with respect to Kaiser Gypsum's and Whittaker, Clark & Daniels' arguments as to "every exposure" theory, the Court finds Dr. Haber's opinions to be reliable. Defendants take issue with the fact that Dr. Haber offers qualitative opinions rather than quantitative opinions regarding the extent of exposure. However, a plaintiff can meet his or her burden of proving causation through either a quantitative or qualitative assessment of asbestos exposure. Robertson v. Dough Ashy Bldg. Materials, Inc., 2014-0141 (La. App. 1 Cir. 12/23/14); 168 So. 3d 556, 578. Based on the evidence that was presented, it appears that Dr. Haber evaluated Ms. Roy's exposures based on their frequency, proximity, and intensity. This analysis is sufficient.

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Accordingly, these motions are denied with respect to Dr. Haber.

R. Mark Bailey

Chanel, Whittaker, Clark & Daniels, and Kaiser Gypsum challenge Plaintiffs' expert, Mr. Mark Bailey, in Chanel's *Daubert Motion to Preclude or Limit Testimony from Plaintiffs' Expert Mark Bailey*, Whittaker, Clark & Daniels' *Daubert Motion to Exclude the Opinions and Testimony of Mark Bailey*, and Kaiser Gypsum's *Motion in Limine to Preclude Testimony of R. Mark Bailey in Accordance with Daubert and Foret*.

Chanel argues that Mr. Bailey's opinions should be excluded because they rest upon inadmissible hearsay from non-testifying experts and his opinions rely upon cherry-picked materials and purported testing results from the general geological location that was used in Chanel's No.5 after bath product.

Whittaker, Clark & Daniels argues that Mr. Bailey's opinions should be excluded because he cannot verify chain of custody, he has not personally tested any product used by Ms. Roy, he has no knowledge of whether the products used by Ms. Roy contained asbestos, and his extrapolation of the results of Dr. Longo's samples is speculation.

Kaiser Gypsum argues that Mr. Bailey's opinion regarding the presence of talc contained in the Kaiser Gypsum joint compound is speculative and unreliable because there is no evidence to establish which specific joint compound product is at issue. Kaiser Gypsum also argues that Mr. Bailey's opinions are unreliable because they are based upon assumptions he makes about the samples that were tested by Pfizer.

The Court finds that Mr. Bailey's opinions as to Chanel and Whittaker, Clark & Daniels are based upon sufficient facts and are not speculative. As a general rule, the factual basis for an expert's opinion goes to the credibility of the testimony, not its admissibility. His reliance materials cite a plethora of documents that he reviewed to form his opinions. It does not appear to this Court that he cherry picked information. His materials reflect that he reviewed and relied upon positive tests and non-detects. The amount of weight he assigned to the various tests is an issue that relates to the credibility of his testimony. Likewise, as discussed *supra*, issues regarding chain of custody go to weight, not admissibility.

However, the motion is granted with respect to Kaiser Gypsum. The factual basis for an

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

expert's opinion determines the reliability of the testimony. An unsupported opinion can offer no assistance to the factfinder. The Court finds that the record has established that any opinion Mr. Bailey would give as to Kaiser Gypsum's products would not be based on sufficient facts. Mr. Bailey has not reviewed any testing on Kaiser Gypsum joint compound. He also did not review any Kaiser Gypsum documents, testimony, or written discovery. He also admitted that he did not do any testing of Kaiser Gypsum joint compound. His expert report also fails to offer any opinions as to Kaiser Gypsum at all. Plaintiffs have failed to demonstrate that any opinion Mr. Bailey would offer as to Kaiser Gypsum would be based upon any facts and that would be the product of reliable techniques. Accordingly, the motion must be granted with respect to Kaiser Gypsum.

Dr. David Madigan

Chanel and Colgate seek to exclude Plaintiffs' statistical expert, Dr. David Madigan, in Chanel's *Daubert Motion to Preclude or Limit Testimony from Plaintiffs' Expert Dr. Madigan* and Colgate's *Motion in Limine to Preclude or Limit Testimony from Plaintiffs' Statistical Expert Dr. David Madigan*. Whittaker, Clark & Daniels joined these motions.

Dr. David Madigan is a biostatistician with over thirty years of experience researching, publishing, teaching, and consulting in the fields of statistics, biostatistics, epidemiology, and pharmacovigilance. He has served as a statistics professor at various universities since 2001. He has also published more than 200 technical papers. Considering this, the Court finds him to be qualified to offer his statistical and extrapolation opinions in this matter.

Chanel argues that Plaintiffs' statistician expert, Dr. David Madigan, should be precluded from testifying regarding his probability analyses of the likelihood that Lynne Roy used asbestos-contaminated Chanel No. 5 after bath powder. First, Chanel argues that Dr. Madigan's calculations are premised entirely on inadmissible hearsay from Dr. Longo. Second, Chanel argues that Dr. Madigan's opinions are based on improper assumptions that Dr. Longo's findings are representative as to the entire population of products.

Colgate argues that Dr. Madigan's extrapolation opinions should be precluded because his opinions are premised upon false assumptions, he used a "convenience sample" rather than a "probability opinion." Colgate also argues that Dr. Madigan is not qualified to offer any opinion

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

regarding any mesothelioma epidemiological studies referred to by Plaintiffs' experts or to critique the epidemiological studies relied upon by Colgate's experts. Colgate also argues that Dr. Madigan' post-study statistical "power" calculations are improper and fail to follow the appropriate methodology. Colgate argues that it is generally accepted that post-study power calculations are improper. A survey of American Statistical Association members identified post-study power calculations as an "inappropriate" practice.

The Court finds, however, that Dr. Madigan's remaining opinions are reliable. The reports that Dr. Madigan relies upon are the type that experts in his field reasonably rely upon. Dr. Madigan offered an explanation as to why the representativeness of the MAS study is not an issue. Dr. Madigan stated that while simple random samples are ideal, they are uncommon in practice. Therefore, a representative sample – one drawn without bias – is appropriate. Dr. Madigan opined bias was not an issue with this sample because the samples covered a broad swath of years, the sample includes talc from the different sources each product used, and there is no rational basis to believe that the sources of the tested samples were preferentially asbestos-containing. Considering this, the Court finds Dr. Madigan's opinions to be reliable. Defendants' criticisms of Dr. Madigan's opinions can be addressed through cross examination.

With respect to Dr. Madigan's post-study power calculations, the Court finds that they are reliable as well. Defendants cited to several articles that suggest that the statistical power analysis is inappropriate to interpret post-study experiment results. It is clear to the Court, however, that this is a debate within the field that does not appear to have a definitive answer. In fact, in Colgate's exhibit 24, the authors acknowledge that post-study power calculations are largely the norm. As post-study power calculations are accepted by the statistical community, and the only issue raised with Dr. Madigan's calculations is that they were done post-study, the Court finds those calculations to be reliable. Accordingly, the motions denied with respect to Dr. Madigan.

Dr. Marty Kanarek

In its *Motion in Limine to Preclude Testimony of Dr. Marty S. Kanarek in Accordance with Daubert and Foret*, and *Motion in Limine to Preclude Plaintiffs' Expert Witnesses from Asserting "Every Exposure" Theory of Causation*, Kaiser Gypsum seeks to exclude Dr. Marty

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Kanarek on the grounds that his testimony is speculative and his methodology is unreliable. Likewise, Whittaker, Clark & Daniels seeks to preclude Dr. Kanarek in its *Motion in Limine to Exclude "Any Exposure" Testimony and Opinions*.

Kaiser Gypsum argues that Dr. Kanarek's general causation opinions regarding the likelihood of drywall work to cause mesothelioma are speculative and unreliable because he does not have a sufficient factual basis to form an opinion. Kaiser Gypsum argues that Dr. Kanarek has no knowledge of how many times Ms. Roy was around her husband when he used the joint compound, how many applications of joint compound were used or how much time Ms. Roy spent cleaning up after the drywall work. Kaiser Gypsum also argues that Dr. Kanarek's opinions are based on factually dissimilar epidemiological studies.

Plaintiffs argue that the testimony of Melissa Kaiser establishes that Ms. Roy was exposed to a Kaiser Gypsum joint compound, and Kaiser Gypsum has admitted that its joint compound products contained chrysotile asbestos until 1975. Plaintiffs also argue that the scientific papers discussing the levels of asbestos exposure that results for the use of joint compound are the types of literature that epidemiologists and other experts routinely rely upon. Finally, Plaintiffs argue that Dr. Kanarek is not offering a specific causation opinion as to Ms. Roy.

The Court finds Dr. Kanarek's opinions are not speculative or unreliable. Dr. Kanarek offers general causation opinions on the likelihood of drywall work and joint compound to cause mesothelioma. The record has established that Ms. Roy was exposed to joint compound in 1973 and Kaiser Gypsum joint compound contained chrysotile asbestos until 1975. He cites numerous articles to support his opinion that people have developed mesothelioma from exposure to asbestos in joint compound. As Dr. Kanarek is not offering a specific causation opinion as to Ms. Roy, the Court finds that his opinions are based on sufficient facts and are not unreliable. Any criticism of the value he assigned to certain studies can be addressed during cross examination. Accordingly, Kaiser Gypsum's *Motion in Limine to Preclude Testimony of Dr. Marty S. Kanarek in Accordance with Daubert and Foret* is denied.

With respect to Kaiser Gypsum's *Motion in Limine to Preclude Plaintiffs' Expert Witnesses from Asserting "Every Exposure" Theory of Causation* and Whittaker, Clark &

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Daniels' *Motion in Limine to Exclude "Any Exposure" Testimony and Opinions*, the motions are granted as they relate to Dr. Kanarek's opinion as they relate to the "each and every exposure" or "cumulative exposure" theories.

Dr. Kanarek's report states in pertinent part:

> "Mesothelioma incidence is proportional to cumulative asbestos exposure. Intensity and duration of asbestos exposure are determinant of mesothelioma risk. There is no "safe" level of exposure to asbestos of any type and that "…an occupational history of brief or low-level exposure should be considered sufficient for mesothelioma to be designated occupationally related to asbestos exposure."

The Court finds that this portion of Dr. Kanarek's opinion falls within the theory that any or every exposure to asbestos should be considered a cause of the injury. The "each and every exposure" theory is not based on scientifically reliable principles and methods. See Yates v. Ford Motor Co., 113 F. Supp. 3d 841 (E.D.N.C. 2015); Krik v. Crane Co., 76 F. Supp. 3d 747, 752 (N.D. Ill. 2014).

The majority of Dr. Kanarek's report focuses on the risk factors for mesothelioma, and the presence of asbestos in talc. Defendants do not object to these opinions. Therefore, the Court will not limit Dr. Kanarek's other opinions. Accordingly, the motions are granted as they relate to the "each and every exposure" theory.

Dr. Arnold Brody

In their *Motion in Limine to Exclude "Any Exposure" Testimony and Opinions* and *Motion in Limine to Preclude Plaintiffs' Expert Witnesses from Asserting "Every Exposure" Theory of Causation*, Whittaker, Clark & Daniels and Kaiser Gypsum seek to preclude Plaintiffs' causation expert, Dr. Arnold Brody, from asserting opinions that each and every exposure to asbestos or cumulative exposures above background levels was a cause of Lynne Roy's mesothelioma. In response, Plaintiff argues that Dr. Brody is not being offered to assert any specific causation opinions as to Ms. Roy.

Dr. Brody's report states in pertinent part:

> "Once a person develops an asbestos-related cancer, it is not possible to exclude any of the person's above background exposures to asbestos from the causal chain. When using the term "background," I am not referring to measurements taken when activity associated with asbestos is known to be ongoing like building demolition or in the environment outside the gates of a shipyard. I am also not referring to environmental measurements

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

> taken near outcroppings of naturally occurring asbestos. Instead, when I use the term "background," I am referring to the average or mean level of asbestos found in the ambient air in rural areas and urban centers when no asbestos exposure event is known to be happening, a level that ranges from 0.0001 to 0.00000001 f/cc. Each significant exposure to asbestos that an individual with mesothelioma experienced in excess of that background level contributes to the development of the disease."

The Court agrees that the "each and every exposure" theory is not based on scientifically reliable principles and methods. See Yates v. Ford Motor Co., 113 F. Supp. 3d 841 (E.D.N.C. 2015); Krik v. Crane Co., 76 F. Supp. 3d 747, 752 (N.D. Ill. 2014) Dr. Brody offers no explanation or definition of what he considers a significant exposure. The addition of the word "significant" does not distinguish his theory from "each and every exposure" theories. Plaintiffs have failed to demonstrate that Dr. Brody's opinion is the product of reliable techniques. In fact, Plaintiffs' opposition failed to address Dr. Brody's methodology or opinions at all.

The majority of Dr. Brody's report focuses on how asbestos affects the body on a cellular level. Defendants do not object to these opinions. Therefore, the Court will not limit Dr. Brody's other opinions. Accordingly, the motions are granted as they relate to the "each and every exposure" theory.

DEFENDANTS' EXPERTS

In their *Motion to Exclude Reference to and Reliance Upon an Alleged No Observed Adverse Effect Level (NOAEL) for Exposure to Chrysotile Asbestos and Mesothelioma*, Plaintiffs argue that defense experts Drs. Jennifer Pierce, Kenneth Mundt, and Gregory Diette should be precluded from testifying about, relying upon, or referring in any way to *Pierce 2008*, *Pierce 2016* or to a "no observed adverse effects" limit for chrysotile and mesothelioma. Plaintiffs argue that the Pierce Papers are flawed because there were limitations on the exposure data. Plaintiffs also argue that the NOAELA calculations in the Pierce Papers are moot because of the calculations in a more recent study that found increased risk at levels below those discussed in the Pierce Papers.

Chanel, Colgate, and Kaiser argue that Plaintiffs arguments go to the weight and credibility of the expert's opinions rather than the admissibility. The Court agrees. There is a crucial difference between questioning the methodology employed by an expert witness and questioning the application of that methodology or the ultimate conclusions derived from that

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

application. The Court may not decide what expert evidence the jury should hear based on its own credibility determinations and resulting resolution of the disagreements between experts. Plaintiffs do not take issue with the actual methodology employed, but rather what they perceive as factual limitations and inconsistencies. This is an issue of credibility that can be addressed during cross examination. Accordingly, the motion is denied.

SUMMARY JUDGMENT

Whittaker, Clark & Daniels

Whittaker, Clark & Daniels filed its *Motion for Summary Judgment* arguing that Plaintiffs cannot establish a cause of action against it because they have failed to show that Ms. Roy was exposed to asbestos from any product containing Whittaker, Clark & Daniels supplied talc. Defendant also argues that even if there was a trace level of asbestiform in products containing talc supplied by WCD, Ms. Roy's exposure would have been well below the cumulative asbestos exposure permitted by the federal government, below that associated with ambient air, and too low to increase her risk of asbestos-related disease.

The Court first addresses the numerous objections to Plaintiffs' exhibits.

Whittaker, Clark & Daniels objects to exhibits 19, 20, and 29 on the grounds that these discovery responses are not verified. The objection is sustained. None of these responses include a verification. Louisiana Code of Civil Procedure Article 966(A)(4) authorizes "answers to interrogatories" as one of the documents that may be filed in support of or in opposition to a motion for summary judgment. Comment (c) to 2015 revision of Article 966(A)(4) states that: "Article 1458 requires that interrogatories be answered under oath, and only answers that are made under oath may be filed in support of or in opposition to a motion for summary judgment."

Whittaker, Clark & Daniels objects to exhibits 55 and 91 as irrelevant to the present matter. The objection is overruled. The interrogatories relate to the Coty product at issue and the relevant time period at issue in this litigation.

Whittaker, Clark & Daniels objects to exhibits 42, 44, 45, 46, 47, 48, 73, 80, 84, 85, and 86 as improper summary judgment evidence and lack of personal knowledge. Exhibits filed as unsworn and unauthenticated attachments to an opposition to a motion for summary judgment are not permissible supporting documents. However, if those exhibits are attached to and

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

authenticated by an affidavit or deposition offered in support or opposition to the motion, the exhibits may be considered under La. CCP. Art 966 A(2) and D(2). The objection is overruled with respect to exhibits 47, 48, and 80. These exhibits were attached to and authenticated in depositions that were attached to the opposition to the summary judgment. The objection is sustained with respect to exhibits 42, 44, 45, 46, 73, 84, 85, and 86, as these exhibits were not attached to and authenticated by affidavit or deposition.

Whittaker, Clark & Daniels objects to exhibits 5, 11, 13, 40, 41, 52, 53, 76, 77, 81, and 89 on the grounds that these are depositions and affidavits in other proceedings and not appropriate for use in a summary judgment. Defendant also argues that it did not have an opportunity to cross-examine the witness in the context of Ms. Roy's case. The objection is overruled. The cases Whittaker, Clark & Daniels cite to in support of their position apply a version of Article 966 that is no longer in effect. The article was amended to remove the "on file" requirement. There is no jurisprudence to suggest that collateral depositions are inappropriate on summary judgment under the amended article.

Whittaker, Clark & Daniels objects to exhibits 31, 32, and 68 on the grounds that these experts were not designated in this case and do not offer opinions specific to these Plaintiffs. The objection is overruled. This exhibit was authenticated and attached to depositions submitted in opposition to the motion.

Whittaker, Clark & Daniels objects to exhibits 18, 21, 22, 23, 24, 39, 65, 67, 78, 79, 83, 104, and 105 as improper summary judgment evidence. The objection is overruled with respect to exhibits 22, 24, 78, and 83. These exhibits was authenticated in and attached to timely attached depositions. The objections are sustained with respect exhibits 18, 21, 23, 39, 65, 67, 79, 104, and 105. Plaintiffs attach various academic and scientific publications to their opposition. However, these publications were not attached to an affidavit or deposition authenticating them, and thus are not competent summary judgment evidence.

Whittaker, Clark & Daniels objects to exhibits 10, 25, 26, 27, 28, 30, 34, 35, 36, 37, 38, 43, 49, 50, 62, 63, 64, 66, 90, 92, 93, 94, 96, 97, 99, 100, 101, 102, 106, 107, 108, 109, and 110 as inappropriate summary judgment evidence under Article 966(A)(4). The objection is sustained with respect to exhibits 10, 25, 26, 27, 28, 34, 35, 36, 37, 43, 49, 50, 62, 63, 64, 66, 90, 99, 100,

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

101, 102, and 110. These exhibits were not attached to timely attached affidavits or depositions. The objection is overruled with respect to exhibits 30, 38, 66, 92, 93, 94, 96, 97, 106, 107, 108, and 109. These exhibits were attached to and authenticated in timely attached depositions.

Having reviewed everything before the Court, including the properly admitted evidence, the Court finds that genuine issues of material fact exist to preclude summary judgment. The testimony of Brian Kolman established that Whittaker, Clark & Daniels was the exclusive talc supplier for Coty from 1972 to 1986. The testimony of Melissa Kaiser established that Ms. Roy used Coty Airspun Loose Face Powder daily from 1975 to the 2000s. Ms. Roy also testified that she used Chanel No. 5 Bath Powder on 90% of days from 1958 to 2000. Chanel admitted that that product contained Italian talc from 1924 to 2000. Whittaker, Clark & Daniels was the only supplier listed between 1975 and 1979.

Plaintiffs' expert, Dr. Rigler opined that Ms. Roy was exposed to asbestos from talc in the Coty and Chanel powders. Dr. Haber opined that Ms. Roy's frequent and regular use of products containing talc supplied by Whittaker, Clark & Daniels throughout the 1970s was a substantial factor in her development of mesothelioma. The Court finds this to be sufficient to establish a genuine issue of material fact as to whether Ms. Roy was exposed to asbestos through talc attributable to Whittaker, Clark, & Daniels and whether that exposure was a substantial factor in the asbestos of her mesothelioma. Accordingly, Whittaker, Clark & Daniels' motion for summary judgment is denied.

Chanel

Defendant Chanel filed its *Motion for Summary Judgment*, in which Defendant Whittaker, Clark & Daniels joined. Chanel argues that Plaintiffs cannot show that any container of Chanel No. 5 after bath powder that Ms. Lynne Roy used actually contained asbestos. Chanel also argues that Plaintiffs cannot prove that Chanel cosmetic talcum powder was a substantial factor in causing Ms. Roy's illness.

Plaintiffs argue that Ms. Roy used Chanel No. 5 Bath Powder from 1958 to 2000. The bath power contained Italian talc from 1924 to 2000. Plaintiffs contend that their experts have established that the mines the talc for Chanel No. 5 was sourced from contained asbestos, that asbestos was present in the bottles of Chanel No. 5 Bath Powder that was tested, that there was

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

more than a mere possibility that the bottles of Chanel No. 5 Bath Powder Ms. Roy used were also contaminated with asbestos, and that Ms. Roy's exposure to asbestos through Chanel No. 5 Bath Powder was a substantial factor in causing her mesothelioma.

The Court first addresses the numerous objections to Plaintiffs' exhibits.

Chanel objects to exhibits 1, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 39, 44, 45, 46, 47, 66, 67, 68, 71, 72, 73, 76, 77, 78, 80, 81, 83, 84, 85, and 86 as improper summary judgment evidence under Code of Civil Procedure Article 966(A)(4). The objections are sustained with respect to exhibits 1, 10, 18, 19, 20, 21, 23, 25, 26, 27, 28, 29, 31, 32, 34, 35, 36, 39, 44, 45, 46, 67, 68, 71, 72, 73, 77, 84, 85, and 86. These exhibits are not the type of exhibits allowed by Article 966(A)(4) and were not attached to or authenticated in a deposition or affidavit submitted with Plaintiffs' opposition. The objections are overruled with respect to exhibits 13, 14, 15, 16, 17, 22, 24, 30, 47, 66, 76, 78, 80, 81, and 83. These exhibits were authenticated in and attached to a deposition submitted with Plaintiffs' opposition.

Chanel objects to exhibits 2, 7, 37, 38, 40, 41, 43, 48, 49, 50, 52, 54, 55, 62, 63, 64, 65, and 79 as vague and improper summary judgment evidence. The Court does not find any of the exhibits to be vague. However, the objection as to improper summary judgment evidence is sustained with respect to exhibits 2, 37, 41, 43, 49, 50, 52, 55, 62, 63, 64, 65 and 79. The objection is overruled with respect to exhibits 7, 38, 40, 48, and 54. These exhibits were attached to and authenticated in timely attached depositions.

Having reviewed everything before the Court, including the properly admitted evidence, the Court finds that genuine issues of material fact exist to preclude summary judgment. The testimony of Melissa Kaiser established that Ms. Roy used Chanel No. 5 from 1975 to the 1990s. Chanel admitted through its corporate representative that that product contained Italian talc from 1924 to 2000.

Plaintiffs' expert, Dr. Rigler opined that Ms. Roy was exposed to asbestos from talc in Chanel No. 5. He also opined that that Ms. Dr. Haber opined that Ms. Roy's frequent and regular use of Chanel No. 5 was a substantial factor in her development of mesothelioma. The Court finds this to be sufficient to establish a genuine issue of material fact as to whether Ms. Roy was

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

exposed to asbestos through talc attributable to Chanel and whether that exposure was a substantial factor in the asbestos of her mesothelioma. Accordingly, Chanel's motion for summary judgment is denied.

Colgate

Defendant Colgate filed its *Motion for Summary Judgment*, in which Defendant Whittaker, Clark & Daniels joined. Colgate argued that Plaintiffs cannot show that Ms. Roy's use of Cashmere Bouquet cosmetic talcum powder was a substantial factor in causing her injuries. Colgate argues that because there is no direct evidence that any of the containers of Cashmere Bouquet that Ms. Roy personally used was tainted with asbestos, Plaintiffs cannot establish that Ms. Roy was exposed to asbestos via Cashmere Bouquet.

The Court first addresses the numerous objections to Plaintiffs' exhibits.

Colgate objects to exhibits 18, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 34, 35, 36, 37, 38, 39, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 78, and 83 on the grounds that they are improper summary judgment evidence.

The objection is sustained with respect to exhibits 18, 21, 23, 25, 26, 27, 28, 31, 34, 35, 36, 37, 38, 39, 44 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64 65, 67, and 68. The objection is overruled with respect to exhibits 22, 24, 30, 66, 78, and 83. These exhibits were authenticated in and attached to a deposition submitted with Plaintiffs' opposition.

Having reviewed everything before the Court, including the properly admitted evidence, the Court finds that genuine issues of material fact exist to preclude summary judgment. Ms. Roy testified that she used Cashmere Bouquet about 90% of days from 1958 to 2000. Melissa Kaiser also testified that she recalled her mother using Cashmere Bouquet from 1972 to the late 1990s. Colgate admitted that Cashmere Bouquet contained talc exclusively from Val Chisone, Italy until 1968. Following that year, Cashmere Bouquet contained talc from North Carolina and Montana.

Plaintiffs provided evidence that the talc from the mines in Italy, North Carolina, and Montana were contaminated with asbestos. Dr. Rigler opined that Ms. Roy was repeatedly exposed to significant concentrations of asbestos from using Cashmere Bouquet. Dr. Haber opined that Ms. Roy's frequent and regular use of Cashmere Bouquet was a substantial factor in her development of mesothelioma. The Court finds this to be sufficient to establish a genuine

issue of material fact as to whether Ms. Roy was exposed to asbestos through talc attributable to Colgate and whether that exposure was a substantial factor in the asbestos of her mesothelioma. Accordingly, Colgate's motion for summary judgment is denied.

REASONS FOR JUDGMENT READ, RENDERED, AND SIGNED this 4th day of May, 2023, in New Orleans, Louisiana.

JUDGE ELLEN M. HAZEUR

A TRUE COPY

DEPUTY CLERK - MINUTE CLERK
CLERK OF CIVIL DISTRICT COURT
PARISH OF ORLEANS, STATE OF LA

ELECTRONICALLY FILED - 2024 Jul 10 12:43 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	CIVIL ACTION NO. 2023-CP-40-04072
MICHAEL L. PERRY AND LONNIE L. LONG,	)	*In Re:* Asbestos Personal Injury Litigation Coordinated Docket
Plaintiffs,	)	**JOHNSON & JOHNSON DEFENDANTS' MOTION *IN LIMINE* NO. 2 TO EXCLUDE EACH AND EVERY EXPOSURE/CUMULATIVE DOSE CAUSATION OPINIONS**
vs.	)	
AMERICAN INTERNATIONAL INDUSTRIES, ET AL.,	)	
Defendants.	)	

Pursuant to Rules 402, 402, and 702 of the South Carolina Rules of Evidence, Defendants Johnson & Johnson, Inc. ("J&J"); LLT Management, LLC ("LLT"); Johnson & Johnson Holdco (NA), Inc. ("Holdco"); and Kenvue, Inc. (collectively, "J&J Defendants") hereby move the Court *in limine* for an order (1) precluding Plaintiffs' experts from presenting any form of the "no safe level/every exposure/cumulative dose" theory of causation,[1] by which experts rationalize their causation conclusion for virtually any product exposure, and (2) excluding from trial any written report, testimony, or argument of counsel that voices this opinion or a substantially similar opinion. In support of its Motion, J&J Defendants state as follows:

[1] This "every exposure" opinion refers to the opinion that each and every exposure to asbestos sustained by an individual contributes to cause a later case of lung cancer, mesothelioma, or asbestosis. The opinion that each and every exposure to asbestos contributes to cause a later-diagnosed disease is often expressed as "each and every breath of asbestos-containing air contributes," "each and every inhaled asbestos fiber contributes," there is "no safe level" of asbestos exposure, "each and every exposure above background contributes," "each significant, special, or occupational exposure contributes," and/or "the cumulative dose caused the disease." Though the wording varies, the meaning does not. *See Vedros v. Northrop Grumman Shipbuilding, Inc.*, 119 F. Supp. 3d 556, 560 n.2 (E.D. La. 2015) (noting that all these theories have as their basis the principle that "all exposures to asbestos should be included as a cause of mesothelioma because there is no way to know which exposures caused it and which ones did not").

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

INTRODUCTION

Plaintiffs brought this action against J&J Defendants and numerous other parties, alleging that Mr. Perry developed mesothelioma because of his alleged exposure to asbestos: (1) from his personal and bystander exposure to talcum powder products; and (2) while performing repairs and maintenance work on the brakes of family vehicles in the 1980s. J&J Defendants deny all the allegations in Plaintiffs' Complaint as to J&J Defendants.

to meet their burden on causation, Plaintiffs have designated certain experts to opine at trial that Mr. Perry's alleged exposure to asbestos from Johnson's Baby Powder and Johnson's Shower to Shower was a substantial contributing factor in the development of his mesothelioma. J&J Defendants expect that the causation opinions of Plaintiffs' experts will be some form of the "each and every exposure" or "cumulative dose" theory, namely that any exposure a person has to asbestos beyond mere background, or ambient, levels contributes to the person's total cumulative lifetime dose of asbestos and that every exposure contributing to such cumulative dose constitutes a substantial contributing factor in the development of disease. In other words, under this theory of causation, every exposure a person has to asbestos beyond background/ambient levels is a substantial contributing factor in the development of disease.

The Supreme Court of South Carolina recently reaffirmed the applicability of the substantial factor test under South Carolina law. *See Edwards v. Scapa Waycross, Inc.*, 442 S.C. 387, 391, 899 S.E.2d 597, 599 (2024). In a South Carolina asbestos injury case, the plaintiff must show "actionable exposure" to a defendant's asbestos-containing product through the "frequency, regularity, and proximity" test. *Henderson v. Allied Signal, Inc.*, 373 S.C. 179, 185, 644 S.E.2d 724, 727 (2007) (citing *Lohrmann v. Pittsburg Corning Corp.*, 782 F.2d 1156, 1162-63 (4th Cir. 1986)). Under this test, to support a reasonable inference of substantial causation, "there must be

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

evidence of exposure to a specific product on a regular basis over some extended period of time in proximity to where the Plaintiff actually worked." *Id*. In *Edwards*, the Supreme Court explained that the "cumulative dose" theory of causation is a different standard which it "rejected" in *Henderson*. 442 S.C. at 391, 899 S.E.2d at 599.

Accordingly, the "each and every" cumulative exposure theory does not meet the requirements of the *Henderson* test followed in South Carolina. Plaintiffs' experts' causation opinions that each and every one of Mr. Perry's exposures to asbestos contributes to the cumulative exposure and constitutes a substantial factor in causing his disease does not meet the standard for admissible testimony in South Carolina, nor does it establish causation.

Because causation opinions based on the "each and every exposure" or "cumulative dose" theory are not supported by any coherent, reliable, or generally accepted scientific methodology, the opinions of Plaintiffs' experts fail to satisfy the threshold standard for reliable expert testimony and, therefore, must be excluded from the trial of this matter. Accordingly, the Court should grant J&J Defendants' Motion *in Limine* and exclude any evidence and testimony that each and every exposure to asbestos is a substantial contributing cause of disease.

ARGUMENT

I. The "Each and Every Exposure" Theory Is Not Legally Valid in South Carolina.

A. Proof of causation in South Carolina.

In South Carolina, negligence is not actionable unless it proximately causes the plaintiff's injuries. Proximate cause requires proof of both causation in fact and legal cause. Causation in fact is proved by establishing the plaintiff's injury would not have occurred "but for" the defendant's negligence. Proximate cause does not mean the sole cause. A defendant's conduct can be a proximate cause if it was at least one of the direct, concurring causes of the injury. The law defines

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

the proximate cause of an injury to be something that produces a natural chain of events which, in the end, brings about the injury. In other words, proximate cause is a direct cause, without which the injury would not have occurred. If the injury would have happened as a natural and probable consequence, even in the absence of the defendant's breach, then the plaintiff has failed to demonstrate proximate cause. In other words, Plaintiffs here must prove that Mr. Perry would not have developed mesothelioma but for his exposure to asbestos associated with a product manufactured or sold by J&J Defendants. *See Bishop v. S.C. Dep't of Mental Health*, 331 S.C. 79, 502 S.E.2d 78 (1998); *Young v. Tidecraft, Inc.*, 270 S.C. 453, 242 S.E.2d 671 (1978); *Hughes v. Children's Clinic P.A.*, 269 S.C. 389, 237 S.E.2d 753 (1977).

1. Proof of exposure to establish causation in South Carolina.

As noted above, South Carolina follows the "frequency, regularity, and proximity" test for substantial factor causation. If a plaintiff in an asbestos action presents, and the Court accepts, the testimony of a medical witness that each and every "above background" exposure to asbestos causes a later disease, then the plaintiff has effectively circumvented proving causation. If such testimony is accepted, to prove any exposure to any product, however slight, is to prove causation with respect to that product. Given the *Edwards* and *Henderson* decisions, such testimony cannot substitute for the legally required evidence of causation—evidence of a substantial, more than minimal, exposure and a medical link between *that* exposure and the disease contracted. Rather, consistent with traditional principles of causation in tort law, Plaintiffs must prove *both* exposure to an asbestos-containing product and that this exposure caused the later asbestos-related disease.

Therefore, the each and every exposure theory cannot be recognized as legally sufficient evidence of causation. It is irrelevant to these proceedings and properly excluded under Rule of

Evidence 402. Further, the each and every exposure opinion is far more prejudicial than probative and is properly excluded under Rule 403.

2. The "each and every exposure" theory fails to consider the dose-response analysis.

The Court should likewise exclude any causation opinions based on the "each and every exposure" theory because this theory does not consider the dose-response analysis. "The most widely-used method of demonstrating causation in toxic tort cases is to present scientifically-accepted information about the dose-response curve for the toxin which confirms that the toxin can cause the health effects experienced by the plaintiff at the dosage plaintiff was exposed to." *Young v. Burton*, 567 F. Supp. 2d 121, 128 (D.D.C. 2008), *aff'd*, 354 F. App'x 432 (D.C. Cir. 2009). Because "all chemicals can cause health problems at some level or concentration of exposure," it is crucial to "identify a dose-response relationship for a particular chemical (or chemical mixture) and illness and analyze the results to determine whether the duration and concentration of exposure in a given instance could have caused the alleged harms." *Bombardiere v. Schlumberger Tech. Corp.*, 934 F. Supp. 2d 843, 849 (N.D.W. Va. 2013) (internal quotation marks omitted). The "relationship between dose and effect (dose-response relationship) is the hallmark of basic toxicology, and is the single most important factor to consider in evaluating whether an alleged exposure caused a specific adverse effect." *Chapman v. Procter & Gamble Distrib., LLC*, 766 F.3d 1296, 1307 (11th Cir. 2014); *see also Yates v. Ford Motor Co.*, 113 F. Supp. 3d 841, 850-51 (E.D.N.C. 2015) ("Such standards consistent with a 'central tenet' in the science of the harmful effects of chemical and physical agents on organisms—the dose makes the poison, i.e. all chemical agents are intrinsically hazardous, whether they cause harm is only a question of dose.").

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Applying these principles of a dose-response relationship, courts in asbestos cases have addressed the fundamental flaw that "each and every exposure" above background is a substantial contributing cause of the disease because it disregards dose and fiber type/length. *See Butler v. Union Carbide Corp.*, 712 S.E.2d 537, 551, 555 (Ga. Ct. App. 2011) (rejecting, under *Daubert*, such causation opinions). "Acceptance of an any exposure theory would contradict the testimony of plaintiffs' own expert, ignore the importance of dose in determining a causative link, and impose liability even where, for all the jury can tell, the plaintiff might have become ill from his exposure to background levels of asbestos or for some other reason." *Bostic v. Georgia-Pac. Corp.*, 439 S.W.3d 332, 339 (Tex. 2014); *see also id.* at 341 ("We fail to see how the theory can, as a matter of logic, exclude higher than normal background levels as the cause of the plaintiff's disease, but accept that any exposure from an individual defendant, no matter how small, should be accepted as a cause in fact of the disease. Under the any exposure theory a background dose of 20 does not cause cancer, but a defendant's dose of 2 plus a background dose of 5 does.").

In this case, if allowed to provide causation opinions relating to J&J Defendants' products, Plaintiffs' experts will opine that any exposure to any form of asbestos above background is a substantial contributing cause of his mesothelioma—no matter the type of asbestos or the dose. This is not the law in asbestos cases or in any other type of toxic tort case. *See, e.g.*, *Henricksen v. ConocoPhillips Co.*, 605 F. Supp. 2d 1142, 1161-66 (E.D. Wash. 2009) (collecting cases rejecting the "no threshold" theory as one at odds with the fundamental tenet of toxicology that "the dose makes the poison"). The failure to attribute any significance to this critical component of the well-recognized and accepted methodology in the science of toxicology renders Plaintiffs' experts' exposure and causation opinions inherently unreliable. *See Rockman v. Union Carbide Corp.*, 266 F. Supp. 3d 839, 854 (D. Md. 2017) (excluding the causation opinion of the plaintiff's experts

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

under *Daubert* because they failed to consider, among other things, the exposure "dose"); *Scapa Dryer Fabrics, Inc. v. Knight*, 788 S.E.2d 421, 427 (Ga. 2016) (excluding a plaintiff's expert's causation opinion because it "was not limited to any meaningful estimate of exposure to asbestos at the Waycross facility (whether qualitative or quantitative), and it instead invited the jury to find that causation was established by any exposure at all"). Accordingly, the Court should reject causation opinions based on the "each and every exposure" theory as inadmissible and unreliable.

B. The "Each and Every" Exposure Theory Is Not Scientifically Valid, As It Must Be in South Carolina.

In South Carolina, if scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of opinions on the issue. Rule 702, SCRE. The qualifications of an expert witness and the admissibility or exclusion of the expert's testimony are matters within the trial court's sound discretion. *Fields v. Reg'l Med. Ctr. Orangeburg*, 363 S.C. 19, 25, 609 S.E. 2d 506, 509 (2005).

"In executing its gatekeeping duties, the trial court must make three key preliminary findings [that] are fundamental to Rule 702 before the jury may consider expert testimony." *Watson v. Ford Motor Co.*, 289 S.C. 434, 446, 699 S.E.2d 169, 175 (2010). First, "the trial court must find that the proper expert has indeed acquired the requisite knowledge and skill to qualify as an expert in the particular subject matter." *Id.* Second, "the trial court must find that the subject matter is beyond the ordinary knowledge of the jury, thus requiring an expert to explain the matter to the jury." *Id.* Third, "the trial court must evaluate the substance of the testimony and determine whether it is reliable." *Id.* Without satisfying these requirements of qualifications, subject matter and reliability, proffered expert testimony is not admissible.

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Trial judges act as gatekeepers to "ensure that any and all scientific testimony . . . is not only relevant but reliable." *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 588 (1993). As for scientific testimony, the court must consider: "(1) the publications and peer review of the technique; (2) prior application of the method to the type of evidence involved in the case; (3) the quality control procedures used to ensure reliability; and (4) the consistency of the method with recognized scientific laws and procedures." *State v. Council*, 335 S.C. 1, 19, 515 S.E.2d 508, 517 (1999). The each and every exposure theory fails to measure up under any of these factors as is illustrated by the opinions from the jurisdictions outlined below.

The "each and every exposure" theory is a hypothesis. Plaintiffs' experts opine that because a safe level of exposure has not been determined, there must not be any safe level of exposure to asbestos. They take this position although there is no accepted scientific methodology establishing that "each and every" exposure leads to disease. The "each and every" exposure theory: (1) has never been scientifically tested; (2) is unsupported by any data; (3) has not been published in peer-reviewed literature of any sort; and (4) and has not been put together as a scientific principle and tested. As a result, this theory does not meet the standards of *Council* such that it can be presented to a jury in South Carolina.

In July 2017, the U.S. District Court for South Carolina, Charleston Division, rejected the same type of "each and every" exposure opinions that Plaintiffs are expected to offer in this case. *See Haskins v. 3M*, 2:15-cv-02086, 3:15-cv-02123, 2017 WL 3118017 (D.S.C. July 21, 2017). In *Haskins*, an often-used plaintiff's expert, Dr. Carlos Bedrossian, proposed to opine that the plaintiff's total and cumulative exposure to asbestos, "above background" or "occupational "levels, from any and all products, containing any and all fiber types, was a significant contributing

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

factor to the development of the mesothelioma in the plaintiffs."[2] *Id.* at *4, *12. The Court rejected the opinion because Dr. Bedrossian could not testify that the disease would not have developed but for the exposure to the individual defendant's products. *See id.* at *19. The type of testimony in question equates causation with "contribution" to the cumulative exposure. *Id.* at *15. Dr. Bedrossian opined that whenever the cumulative dose results in mesothelioma, every "occupational" exposure should be considered causative, no matter how small. *Id.* at *13. In this case, this is exactly what Plaintiffs' experts would opine because they have no idea of the extent of the exposure. There is no evidence of the amount of asbestos exposure Mr. Perry encountered from a J&J product, if any, or the frequency, regularity, or proximity of such alleged exposure.

As the *Haskins* court explained, the threshold level cannot be defined as the level of exposure that "may cause" mesothelioma. *Id.* at *19. The notion that it is theoretically possible that any amount of exposure could cause injury is different from an opinion that a particular level of dosage experienced by a plaintiff was sufficient to cause his injury. *Id*. The type of testimony offered by Dr. Bedrossian, and which Plaintiffs will seek to offer in this case, is an attempt to avoid not only the rules of evidence but more importantly the burden of proof. *Id.* at *20, n.12.

In short, Plaintiffs must prove J&J Defendants' liability through evidence of causation, more than minimal exposure to asbestos fibers released from a defendant's product, and competent medical evidence linking that dose of asbestos to Mr. Perry's mesothelioma. The "each and every exposure" theory is not sufficient to satisfy this requirement.

[2] *Haskins* was a combined order in two separate cases.

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

C. Numerous Other Courts Have Rejected the "Each and Every" Exposure Theory.

Courts across the country have concluded that the methodology underlying the "each and every" exposure opinion is not sound, not generally accepted in the scientific community, not scientifically valid, and not supported by any rational reasoning. *See, e.g.*, Mark Behrens & William Anderson, *The "Any Exposure" Theory: An Unsound Basis for Asbestos Causation and Expert Testimony*, 37 Sw. U. L. Rev. 479 (2008) ("[M]ore than a dozen courts in multiple jurisdictions have excluded or criticized any exposure causation testimony, either as unscientific under a *Daubert*/*Frye* analysis or as insufficient to support causation.").

In 2021, the Western District of North Carolina excluded causation opinions of another oft-used plaintiff's expert, Dr. Edwin Holstein, based on the each and every exposure/cumulative dose theory. *See Settlemyer v. Borg-Warner Morse TEC, LLC*, Case No. 1:19-cv-344-MR-WCM, 2021 WL 5778395 (W.D.N.C. Dec. 6, 2021). In that case, Dr. Holstein opined that the plaintiff's "cumulative exposures to asbestos while employed at Davis Oil Company were the direct and sole cause of his bilateral calcified pleural plaques and his malignant mesothelioma." *Id.* at *3. However, because Dr. Holstein did not make any effort to determine the extent of the plaintiff's exposure attributable to each defendant, the court found that Dr. Holstein's causation opinions were "merely speculation." *Id.* In excluding Dr. Holstein's testimony, the court concluded that:

> The Plaintiffs have failed to establish that Dr. Holstein's causation opinions are the result of a sound scientific methodology that was reliably applied to the facts of the case. Dr. Holstein freely admitted that he made no effort to quantify Mr. Settlemyer's cumulative exposure or exposure to any particular asbestos-containing product, instead concluding that it was "obvious" in light of his review of the relevant materials and his experience that, regardless of what the particular calculation of exposure would be, it was sufficiently substantial… Holstein then applied a legal, rather than medical or scientific, standard to determine whether Mr. Settlemyer's exposure to each of the Defendant's products constituted a substantial factor in the causation of his mesothelioma. Dr. Holstein's "methodology" in this regard cannot be tested; it has no known error rate; and it has not been published or

> subjected to the scrutiny of peer review. As such, the Court concludes that Dr. Holstein's causation opinions are not reliable, nor would they be helpful to the jury in determining the issue of causation.

Id. at *4.

In *Moeller v. Garlock Sealing Techs., LLC*, the Sixth Circuit rejected the "each and every" exposure theory where the plaintiff claimed exposure to the products of a gasket and packing company, as well as "massive exposure" to asbestos from other sources. 660 F.3d 950 (6th Cir. 2011). Dr. Arthur Frank testified that the various exposures could not be differentiated. *Id.* Instead, all the plaintiff's exposures contributed to the development of his mesothelioma. *Id.* Rejecting Dr. Frank's testimony, the Sixth Circuit explained that basing liability against a gasket and packing company on such evidence "would be akin to saying that one who pours a bucket of water into the ocean has substantially contributed to the ocean's volume." *Id.* at 955. Relying on *Lindstrom*, the Court explained that permitting Dr. Frank's testimony to satisfy plaintiff's burden would render "the 'substantial factor' test meaningless." *Id.* (quoting *Lindstrom v. A-C Prod. Liab. Tr.*, 424 F.3d 488, 493 (6th Cir. 2005).

Similarly, in 2015, the Eastern District of North Carolina also excluded a plaintiff's expert's "each and every" exposure theory. *See Yates v. Ford Motor Co.*, 113 F. Supp. 3d 841 (E.D.N.C. 2015). As the court explained:

> The theory that "each and every exposure to asbestos products results in injury to the person so exposed" has made repeated appearances in the realm of asbestos litigation. Also referred to as "any exposure" theory, or "single fiber" theory, it represents the viewpoint that, because science has failed to establish that any specific dosage of asbestos causes injury, every exposure to asbestos should be considered a cause of injury. Numerous courts have excluded expert testimony or evidence grounded in this theory, reasoning that it lacks sufficient support in facts and data. *E.g.*, *Comardelle v. Pa. Gen. Ins. Co.*, 76 F. Supp. 3d 628, 632–33 (E.D. La. 2015); *Krik*, 76 F. Supp. 3d at 752–53; *Anderson v. Ford Motor Co.*, 950 F. Supp. 2d 1217, 1225 (2013); *Sclafani v. Air & Liquid Sys. Corp.*, No. 2:12–CV–3013, 2013 WL 2477077, at *5 (C.D. Cal. May 9, 2013); *Henricksen v. ConocoPhillips Co.*, 605 F. Supp. 2d 1142, 1166 (E.D. Wash. 2009).

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Id. at 846 (citations omitted). The *Yates* Court noted that applying the *Daubert* factors, the "each and every" exposure theory "cannot be tested, has not been published in peer-reviewed works, and has no known error rate." *Id.*

In re Toxic Substance Cases, No. A.D. 03-319, 2006 WL 2404008, at *1 (Pa. Com. Pl. Aug. 17, 2006) reached the same conclusion. The Pennsylvania court reviewed extensive testimony, literature, and legal authorities at issue and held that the expert's "each and every exposure" opinion was based on a fundamentally flawed methodology and excluded from multiple cases pending in Pennsylvania. *Id*. at *5, *13. The court held that the ultimate opinion of the expert, Dr. Maddox—that every exposure constitutes a proximate cause of a subsequently diagnosed asbestos-related disease—is not based on generally accepted methodologies and would not be introduced at trial. *Id*.

In its thoughtful discussion of the reliability of the "every exposure" opinion, a federal court in Utah likewise explained:

> The every exposure theory does not hold up under careful examination. It is questionable whether it can even properly be called a theory, in as much as a theory is commonly described as a coherent collection of general propositions used to describe a conclusion, and while there are some general propositions used by [the expert], they fall far short of supporting the legal liability he attempts to reach with them. Rule 702 and *Daubert* recognize above all else that to be useful to a jury an expert's opinion must be based on sufficient facts and data. The every exposure theory is based on the opposite: a lack of facts and data. . . . [The expert] seeks to base his causation opinion not on the thin reed that he cannot rule any exposure out, but on the opposite: he rules all exposures "in," boldly stating that [the plaintiff's] mesothelioma "was caused by his total and cumulative exposure to asbestos, with all exposures and all products playing a contributing role." . . . This asks too much from too little evidence as far as the law is concerned. It seeks to avoid not only the rules of evidence but more importantly the burden of proof. . . . [The expert] wants to be allowed to tell a jury that all of the plaintiff's possible exposures to asbestos during his entire life were contributing causes of the plaintiff's cancer, and, therefore, sufficient to support a finding of legal liability as to the manufacturer of each asbestos containing product, without regard to dosage or how long ago the

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

> exposure occurred. Just because we cannot rule anything out does not mean we can rule everything in.

Smith v. Ford Motor Co., No. 2:08-CV-630, 2013 WL 214378, at *2–*3 (D. Utah Jan. 18, 2013).

Further, as the Eastern District of Louisiana explained, the every exposure theory espoused here is a "kind of blanket specific causation opinion" that "is not based on or tied to the specific facts and circumstances of any of [the plaintiff's] exposures to asbestos and it elides any differences or nuances of duration, concentration, exposure, and the properties of the fibers to which he may have been exposed." *Comardelle v. Pa. Gen. Ins. Co.*, 76 F. Supp. 3d 628 (E.D. La. 2015).

In *Krik*—which was ultimately affirmed by the 7th Circuit—an Illinois federal court explained that "the notion that it is theoretically possible that any amount of exposure could cause injury is different from an opinion that the particular level of dosage experienced by a plaintiff was sufficient to cause his or her particular injury." *Krik v. Crane Co.*, 76 F. Supp. 3d 747, 752 (N.D. Ill. 2014), *aff'd sub nom. Krik v. Exxon Mobil Corp.*, 870 F.3d 669 (7th Cir. 2017). The court noted that the plaintiff offered no expert testimony on how much asbestos exposure he experienced or whether it was sufficient to cause disease. *Id.* In rejecting the theory, the court stated that the "theory seems to be that [the plaintiff's] experts cannot rule out that a single dose of asbestos causes injury. From this, they conclude that any and all exposure to asbestos is necessarily harmful. . . . This is not an acceptable approach for a causation expert to take." *Id.* at 11-12.[3]

Finally, in *Bostic v. Georgia-Pacific Corp.*, the Supreme Court of Texas found that the expert's theory is "in irreconcilable conflict with itself." 439 S.W.3d 332, 356 (Tex. 2014). "Simply put, one cannot simultaneously maintain that a single fiber among millions is substantially

[3] Notably, Illinois has adopted the exposure and causation requirement of "frequency, regularity and proximity" from *Lohrmann*, as South Carolina did in *Henderson.*

causative, while also conceding that a disease is dose responsive." *Id. Bostic* relied on the decision of the Supreme Court of Pennsylvania in *Betz v. Pneumo Abex, LLC*, where the court applied *Frye* and held that an expert's "each and every" exposure theory was inadmissible. 615 Pa. 504, 550 (2012).

These are but a handful of the many cases critical of this theory, all of which demonstrate that "each and every exposure"/"cumulative dose" causation opinions are unreliable and inadmissible.

D. The "No Safe Level/Every Exposure" Theory Ignores Contradictory Epidemiological Literature and Fails to Rule Out Other Alternative Causes.

Not only has the "no safe level/every exposure" theory not been verified or validated through testing, but it also ignores all evidence contrary to this theory. For example, there are some known and suspected causes of mesothelioma, including therapeutic radiation and erionite. There are also a number of mesotheliomas that are not caused by asbestos exposure, erionite, or therapeutic radiation. Like other cancers, mesotheliomas can occur spontaneously and without exposure to environmental agents such as asbestos. The "no safe level/every exposure" opinion thus fails to weigh the possibility of other causes (such as amphiboles from other products in this case) or idiopathic (unknown) causes because the theory itself is that every exposure to asbestos above background is a contributing cause to mesothelioma. For this reason alone, this opinion is inadmissible under South Carolina law. *See Graves v. CAS Med. Sys., Inc.*, 401 S.C. 63, 78, 735 S.E.2d 650, 657 (2012) (upholding the trial court's exclusion of expert testimony as unreliable where the experts failed to "reasonably and objectively" reject alternative potential causes).

In *Graves*, in affirming the trial court's exclusion of the plaintiffs' expert causation testimony, the Supreme Court of South Carolina stated,

> Of great concern to us is that each of [the experts] began with the assumption that the monitor [at issue] failed and then discounted evidence to the contrary based on

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

> the *ipse dixit* of the plaintiff who hired them, an analysis we find lacking in the indicia of reliability required for reasoning to the best inference.

Id. Likewise, here Plaintiffs' causation experts begin with the assumption that Mr. Perry's mesothelioma was caused by asbestos and then opine that asbestos related to J&J Defendants was a contributing cause of Mr. Perry's mesothelioma because every exposure to asbestos is a contributing cause of a person's mesothelioma. In other words, these experts opine that *every* asbestos-containing product to which Mr. Perry was allegedly exposed, regardless of fiber type, dose, or duration, was a substantial cause of his lung cancer. The experts' opinion is that the ***cumulative*** exposures cause lung cancer and that ***every exposure*** contributes to the cumulative exposure. They make no attempt to quantify any particular contribution. Alternative causes are meaningless under this opinion, rendering the opinion inadmissible under Rule 702.

The "no safe level/every exposure" theory ignores the scientific advancements in molecular biology over the last thirty years, which demonstrates that the body's cells have protections and defenses against fiber insults. The research shows that the body's cells have very efficient mechanisms that can repair damage to cells without permanent injury or mutagenic change. Additionally, not every mutagenic change or cell injury will result in a cell cancer. The "no safe level/every exposure" theory assumes the body has no defense against inhaled fibers, however low, which is not scientifically sound.

E. The "No Safe Level/Every Exposure" Theory Also Ignores the Divergent Toxicities of Various Types of Asbestos and Relevant Dose-Response Analysis.

J&J Defendants anticipate Plaintiffs' experts will claim that because Mr. Perry may have had exposures to asbestos, regardless of fiber type and no matter how low the dose for certain products, then *ipso facto* the cause of his mesothelioma was every exposure he had to each asbestos-containing product at issue. However, it is well-settled that asbestos products "have widely divergent toxicities, with some asbestos products presenting a much greater risk of harm

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

than others." *Celotex Corp. v. Copeland*, 471 So. 2d 533, 538 (Fla. 1985); *see also Gideon v. Johns-Manville Sales Corp.*, 761 F.2d 1129, 1145 (5th Cir. 1985) ("[A]ll asbestos-containing products cannot be lumped together in determining their dangerousness. Proof that asbestos *insulation* products are dangerous or defective does not satisfy the burden of proving that products used for other purposes, such as asbestos textiles with encapsulated asbestos fibers, are dangerous."). "If there is a different risk of harm from separate asbestos products, it is only logical to conclude that an individual product may be a greater or lesser factor in causing the injury than some other product." *Vince v. Crane Co.*, No. 87955, 2007 WL 766114, at *3 (Ohio Ct. App. Mar. 15, 2007).

No safe level/every exposure opinions ignore this fact and the evidence supporting it—the evidence that asbestos products diverge widely in toxicity and harm-causing potential. Under the "no safe level/every exposure" opinion, all products and all exposures are equal. This is neither scientific nor logical. Moreover, as pointed out by one federal court, one of the most basic principles of toxicology is that the "dose makes the poison." *In re W.R. Grace & Co.*, 355 B.R. 462, 476 (Bankr. D. Del. 2006). There is no valid scientific reason to assume that this truism does not apply in the context of asbestos: "The use of the no safe level or linear 'no threshold' model for showing unreasonable risk 'flies in the face of the toxicological law of dose-response, that is, that 'the dose makes the poison.'" *Id*. There is no logical reason to believe that low exposures to certain types of products play precisely the same role in causing disease as high exposures to other types of products with widely divergent characteristics.

For all these reasons, any opinions related to the each and every exposure/cumulative dose theory should be excluded due to their lack of scientific validity.

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

II. The "No Safe Level/Every Exposure" Opinion Conflicts With Plaintiffs' Burden of Proof On Causation in South Carolina; Thus, It Is Irrelevant and Inadmissible Under Rule 402, SCRE.

The "no safe level/every exposure" causation opinions expressed by Plaintiffs' experts have the improper effect of reversing the burden of proof: Plaintiffs' experts advance the position that a case of mesothelioma is asbestos-related *unless proven otherwise*. However, the scientific community does not know the precise cellular and/or genetic mechanisms that occur to cause mesothelioma. Plaintiffs' experts choose to *assume* that every exposure counts because they do not, in fact, know, and no one has yet proven otherwise at the cellular level. This burden-shifting approach makes for both bad science and bad law, as it forces J&J Defendants to prove that their products did *not* cause Mr. Perry's disease. *See, e.g.*, *Bartel v. John Crane, Inc.*, 316 F. Supp. 2d 603, 605 (N.D. Ohio 2004), *aff'd sub nom. Lindstrom v. A-C Prod. Liab. Tr.*, 424 F.3d 488 (6th Cir. 2005) (noting that plaintiffs' "even one asbestos fiber" theory is really "a strict liability standard, which the law does not impose" and "would completely obviate the 'substantial factor' and the 'proximate cause' standards").

If a plaintiff in an asbestos action presents, and the Court accepts, the testimony of an expert who opines that there is no safe level of exposure to asbestos and that every exposure (or every exposure above background) causes a later disease, then that plaintiff has effectively circumvented proving his case under *Henderson* and *Lohrmann*. This is because if such testimony is accepted, to prove *any* exposure to any product, *however slight*, is to render both the *Henderson* standard and general and specific causation requirement meaningless. *See, e.g.*, *Bartel*, 316 F. Supp. 2d at 605 ("This argument would completely obviate the 'substantial factor' and the 'proximate cause' standards . . . ."). This method is not aligned with South Carolina law. *Henderson* made it clear that such testimony cannot substitute for the legally required evidence in an asbestos case—that is, evidence of a substantial, more than minimal, exposure, and a medical link between that

exposure and the disease contracted. Therefore, consistent with traditional principles of causation in tort law, it remains the case in South Carolina that a plaintiff in an asbestos action must prove ***both*** exposure to an asbestos-containing product and that, but for that exposure, the plaintiff would not have developed the later asbestos-related disease. The jury must make this determination for each individual defendant in this case.

The "no safe level/every exposure" opinion cannot be recognized as legally sufficient evidence of causation. It is thus irrelevant to these proceedings and properly excluded under Rule 402 of the South Carolina Rules of Evidence.

III. The "No Safe Level/Every Exposure" Theory Also Violates Rule 403, SCRE.

Even if the Court determines that an expert's opinion testimony is admissible under Rule 702, the Court should then determine whether the evidence's probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury under Rule 403 of the South Carolina Rules of Evidence. *Council*, 335 S.C. at 19-20, 515 S.E.2d at 517. The "no safe level/every exposure" theory also is inadmissible under Rule 403 because any minimal probative value it could possibly have (which J&J Defendants deny based on its contradiction with *Henderson*, as set forth above) is substantially outweighed by the danger of unfair prejudice to the defendant, as well as the danger of confusion of the issues, and misleading the jury. *See Haskins*, 2017 WL 3118017, at *5-8 (excluding this opinion under Rule 403 because it is directly at odds with the applicable causation standards under both South Carolina and maritime law).

The "no safe level/every exposure" opinion is seductive in its simplicity. Once the jury hears it, the jury will be unlikely to engage in any critical assessment of the exposure and medical evidence adduced to assess causation, as it is required to do under South Carolina law. Rather, the jury likely will accept the Plaintiffs' medical and causation experts' invitations and short circuit

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

any meaningful deliberations on specific causation. Therefore, this Court should fulfill its duty as evidentiary gatekeeper by excluding the "no safe level/every exposure" opinion testimony to ensure the jury is deciding causation on properly admitted, reliable evidence. *See Smith*, 2013 WL 214378, at *2.

In *Smith*, the court held that even if a plaintiff's expert's "no safe level/every exposure" theory were admissible under Rule 702, it would exclude the testimony under Rule 403 because "the probative value of such unsupported speculation by [the expert] is substantially outweighed by the danger of unfair prejudice, as well as being confusing, and presenting a danger of misleading the jury." *Id.* In reaching this conclusion, the court noted its agreement with "the growing number of published opinions from other courts that have reached a similar result: that the every exposure theory as offered as a basis for legal liability is inadmissible speculation that is devoid of responsible scientific support." *Id.* The same principles support excluding these opinions under Rule 403 here.

CONCLUSION

The "no safe level/every exposure/cumulative dose" theory contradicts Rule 702's reliability requirement, the factors set forth in *Council*, the causation principles under South Carolina tort law, and the evidentiary threshold adopted in asbestos cases by our Supreme Court in *Henderson* and recently reaffirmed in *Edwards*. It is not based on any methodology, much less a reliable scientific methodology, and it should therefore be excluded under Rules 702, 403, and 402. Accordingly, J&J Defendants request that this Court exclude any testimony, evidence, or argument stating or suggesting that each and every exposure to asbestos ("above background" or otherwise) causes a later case of lung cancer, that there is no safe level of asbestos exposure, or any other substantially similar opinion.

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 2:59 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

J&J Defendants further request that this Court conduct a hearing pursuant to *State v. Council* to explore these matters more fully should the Court wish to receive additional evidence and argument before ruling with respect to any specific Plaintiffs' expert.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: */s/ Blake T. Williams*
C. Mitchell Brown
S.C. Bar 012872
mitch.brown@nelsonmullins.com
Blake T. Williams
S.C. Bar 100794
blake.williams@nelsonmullins.com
Yasmeen Ebbini
S.C. Bar 104681
yasmeen.ebbini@nelsonmullins.com
1320 Main Street, 17th Floor
Columbia, SC 29201
(803) 799-2000

Kimberly G. Bueno – *Pro Hac Vice*
kim.bueno@butlersnow.com
Christopher R. Cowan – *Pro Hac Vice*
chris.cowan@butlersnow.com
BUTLER SNOW LLP
1400 Lavaca Street, Suite 1000
Austin, TX 78701
(737) 802-1800

Amy M. Pepke – *Pro Hac Vice*
amy.pepke@butlersnow.com
BUTLER SNOW LLP
6075 Poplar Avenue, Suite 500
Memphis, TN 38119
(901) 680-7200

Attorneys for Defendants Johnson & Johnson, Inc.; LLT Management, LLC, formerly known as LTL Management, LLC; Kenvue, Inc.; and Johnson & Johnson Holdco (NA), Inc.

Columbia, South Carolina

July 10, 2024

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)))	IN THE COURT OF COMMON PLEAS CIVIL ACTION NO. 2023-CP-40-04072
MICHAEL L. PERRY AND LONNIE L. LONG, Plaintiffs, vs. AMERICAN INTERNATIONAL INDUSTRIES, ET AL., Defendants.	)))))))))	*In Re:* Asbestos Personal Injury Litigation Coordinated Docket **JOHNSON & JOHNSON DEFENDANTS' MOTION *IN LIMINE* NO. 5 TO EXCLUDE PLAINTIFFS' SUMMARY EVIDENCE CHARTS**

Pursuant to Rules 1006 and 403 of the South Carolina Rules of Evidence, Defendants Johnson & Johnson, Inc. ("J&J"); LLT Management, LLC ("LLT"); Johnson & Johnson Holdco (NA), Inc. ("Holdco"); and Kenvue, Inc. (collectively, "J&J Defendants") hereby move *in limine* for an order excluding Plaintiffs' summary evidence chart, previously titled "Decades of Evidence of Asbestos Content in Johnson & Johnson Products." In support of their Motion, J&J Defendants state as follows:

INTRODUCTION

J&J Defendants anticipate Plaintiffs will seek to improperly utilize Rule 1006 to admit their so-called "Decades of Evidence" chart.[1] The "Decades of Evidence" chart sought to be admitted

[1] Plaintiffs' counsel has offered a similar chart in past trials. While J&J Defendants believe Plaintiffs will provide the charts they seek to admit to the Court as exhibits to Plaintiffs' Motion in Limine to Pre-Admit Summary Compilations, J&J Defendants attach a "Decades of Evidence" chart they believe Plaintiffs will offer as **Ex. A.**

Plaintiffs' expert, Dr. Steven Haber, produced a reference list at his deposition that contains "industry related documents and testing" that he relied on to form the basis for some of his opinions in this case. *See* **Ex. B**, *Perry*, June 24, 2024, Haber Dep., 66:4-67:1; *see also* **Ex. C,** Dr. Haber's Reference List, attached as Ex. 4 to Haber Dep. Dr. Haber's reference list contains a citation to two summary charts: "Decades of Evidence of Asbestos Content in Johnson & Johnson Products

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

in recent trials is an updated version of a chart used by plaintiffs in connection with a prior talc case.[2] Their current "Decades of Evidence" Chart now contains over 200 entries, dating back to October 6, 1948, and purports to summarize the source of information, what was tested, and the results (e.g., asbestos, amphiboles, tremolite) as to each entry. However, as evidenced by its very title—"Decades of Evidence of Asbestos Content in Johnson & Johnson Products"—this is not merely a neutral, non-argumentative summary contemplated under Rule 1006, but rather it represents a summary of Plaintiffs' counsel's interpretation and spin on the underlying documents. And those "source" documents even include expert reports prepared by Plaintiffs' counsel for litigation—not independent, objective evidence of asbestos contamination. *See* Ex. A at Entries 193-199, 202-204. Plaintiffs should not be allowed to tell the jury that their "Decades of Evidence" Chart and the underlying data it purports to summarize represent decades of evidence of asbestos in J&J Defendants' products. It is misrepresentative, argumentative, and inappropriate for admission.

ARGUMENT

A. Plaintiffs are unable to satisfy the requirements of Rule 1006 necessary for admission of their "Decades of Evidence" chart.

South Carolina Rule of Evidence 1006 provides, in pertinent part, that the "contents of voluminous writings, recordings, or photographs which cannot conveniently be examined in court may be presented in the form of a chart, summary, or calculation, provided the underlying data are admissible into evidence." Rule 1006, SCRE. The party seeking to admit a summary must demonstrate (1) the contents of the documents upon which the summary is based are so voluminous

---

Summary Chart and Underlying Documents" (No. 95) and "Summary charts relating to evidence of asbestos content of various sources of talc." (No. 297).

[2] *See* **Ex. D**, five-page summary compilation entitled "J&J's Internal Documentation".

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

it would be inconvenient to examine them in court; (2) the underlying documents are admissible in evidence; (3) the summary is a faithful rendering of the underlying data, and any inferences it contains are supported by the contents and are neutral and non-argumentative; and (4) the originals or duplicates of the underlying documents have been made reasonably available to the other parties. *State v. Warner*, 430 S.C. 76, 94-95, 842 S.E.2d 361, 370 (Ct. App. 2020), *aff'd in part and remanded on other grounds*, 436 S.C. 395, 872 S.E.2d 638 (2022). Plaintiffs are unable to demonstrate that the summary chart meets all four requirements for admission.

First, the quantity of documents that Plaintiffs seek to "summarize" through their "Decades of Evidence" chart is not voluminous—there are little more than 200 entries on the summary chart. Second, Plaintiffs have not, and are unable to, make a showing that all underlying documents and data are admissible. For instance, at least ten of the entries are "litigation reports" prepare by experts retained by Plaintiffs' counsel for other cases. *See* Ex. A at Entries 193-199, 202-204; Several other entries reflect third -party documents (*See e.g.*, documents from New York University; documents from talc competitors; and media reports; Ex. A at Entries 53, 69, 71, 114.)

But, even if Plaintiffs were able to make such a showing, the summary chart still fails to meet the third requirement for admission: the summary is not a "faithful rendering of the underlying data," the inferences it contains are not "supported by the contents," and the summary is slanted instead of neutral and non-argumentative. Plaintiffs' "Decades of Evidence" chart is replete with their counsel's cherry-picked selection of words from the underlying records presented in a summary fashion—without context—to push the false narrative that there are decades of evidence of asbestos in J&J Defendants' products. To further this misleading "summary" presentation, Plaintiffs added a column on their "Decades of Evidence" Chart which

purports to "Tally" the number of asbestos findings within their compilation—which Plaintiffs assert in this chart is 1,085. That argumentative conclusion is ***nowhere*** in any of the documents.

Plaintiffs' "Decades of Evidence" chart was prepared to suggest there are over 200 separate sources of information where asbestos was detected in "Johnson & Johnson Products," when, in fact, many of the underlying documents either say the opposite or have nothing to do with Johnson's Baby Powder or Shower to Shower. For example, at least twenty-four entries concern products that were not manufactured by J&J Defendants, such as Cashmere Bouquet, Johns-Manville, Avon, and Coty talc, and Cyprus personal air filter samples. (*See, e.g.*, Nos. 50, 60, 61, 73-75, 104, 107-108, 165.) At least nine entries refer to samples taken from parts of talc mines that never made it into the finished product, while one entry relates to test results of *non-talc* rock samples. (*See, e.g.*, Nos. 81-83, 98, 103, 105, 112, 150, 151, 158.) And at least forty entries do not relate to cosmetic talc products sold by J&J Defendants. (*See, e.g.*, Nos. 1, 18, 30, 41, 50, 65, 71, 84, 86, 92-93, 96, 98, 101, 103-105, 107-110, 117-118, 123-126, 128-130, 133, 140, 150, 159, 165.)

Plaintiffs even distort the presentation of information contained in the chart in several ways. First, the content summarized for each entry under the column labeled "What was Evaluated" is inconsistent and misleading at best. Where a product manufactured by J&J Defendants was evaluated or discussed within a document, Plaintiffs specifically identified the product; however, where a product not manufactured by J&J Defendants was evaluated in a particular entry, Plaintiffs merely provided the country from which the tested talc originated. (*See, e.g.*, entry 81 compared to 82.) Similarly, the content "summarized" within the column labeled "Source of Information" often provides information not apparent from the face of the underlying document in an effort to distort the interpretation of data. For example, several of the entries in

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

this column state "J&J admission," which is not accurate nor contained within the "summarized" document.

Plaintiffs' "Decades of Evidence" chart is not a "summary" of the underlying records but rather is simply a summary of how Plaintiffs want the underlying records to be interpreted. This is not contemplated within Rule 1006 and would unfairly prejudice J&J Defendants. As such, this Court should exclude Plaintiffs' "Decades of Evidence" chart and require Plaintiffs to seek admission of each of the underlying documents in accordance with the South Carolina Rules of Evidence.

B. Plaintiffs' "Decades of Evidence" Chart should be separately excluded under Rule 403.

Even if Plaintiffs had satisfied the threshold requirements of Rule 1006, any probative value of the "Decades of Evidence" Chart would be substantially outweighed by its unfairly prejudicial nature. Rule 403, SCRE ("[E]vidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence."). Plaintiffs' "Decades of Evidence" Chart would have an unfairly prejudicial effect on the jurors by misleading them in believing there are over 200 distinct examples of "asbestos" in "Johnson & Johnson Products."

For example, at least sixty-two entries mischaracterize findings of common, non-toxic minerals (e.g., amphiboles and tremolite) and relabel them as "asbestos" for purposes of the Chart. And at least twenty-four entries relate to products that are not manufactured by J&J Defendants (e.g., Cashmere Bouquet), which certainly do not belong in a chart titled "Decades of Evidence of Asbestos Content in Johnson & Johnson Products." In short, because the title of the Chart and the entries themselves fundamentally distort the materials Plaintiffs are claiming to summarize and

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

make unsupported conclusions, admission of the Chart would mislead the jury and deprive J&J Defendants of the right to a fair trial. *See Warner*, 842 S.E.2d at 370 (explaining that "the more inferences a summary chart contains . . . the more likely it will draw an objection based on other grounds (including Rule 403, SCRE)," making it more likely the trial court will not admit the summary)

Beyond distorting the underlying documents themselves, Plaintiffs' "Decades of Evidence" Chart would also needlessly inject highly irrelevant and collateral matters into this trial, further confusing the jury and needlessly protracting an already complex trial. For example, the "Decades of Evidence" Chart contains multiple entries that refer to documents discussing the purported asbestos content of ***industrial*** talc, an inferior grade of talc that J&J Defendants never used in the ***cosmetic*** talc products at issue in this case. Because the distinction between talc used in J&J Defendants' cosmetic talc products and the industrial talc products (e.g., roofing materials) is not evident on the face of the Chart, it will necessarily lead to rampant jury confusion. Additionally, the "Decades of Evidence" Chart contains at least nine entries that refer to documents describing the results of testing of samples taken from parts of the talc mines that, due to J&J Defendants' highly selective mining practices, never would have made it into the finished product. The "Decades of Evidence" Chart also inappropriately includes the test results of non-talc rock samples, which also have no bearing on Plaintiffs' talc-based claims.

Introducing the "Decades of Evidence" Chart would not only mislead the jury on the purported asbestos content of the cosmetic talc products that Plaintiffs allege caused Mr. Perry's mesothelioma but would also spawn numerous mini trials about collateral matters. For these reasons, the Chart is independently inadmissible under Rule 403, SCRE.

CONCLUSION

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

For the foregoing reasons, J&J Defendants respectfully request the Court enter an order *in limine* excluding the admission of Plaintiffs' summary evidence charts under Rule 1006 and Rule 403, SCRE.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: */s/ Blake T. Williams*
C. Mitchell Brown
S.C. Bar 012872
mitch.brown@nelsonmullins.com
Blake T. Williams
S.C. Bar 100794
blake.williams@nelsonmullins.com
Yasmeen Ebbini
S.C. Bar 104681
yasmeen.ebbini@nelsonmullins.com
1320 Main Street, 17th Floor
Columbia, SC 29201
(803) 799-2000

Kimberly G. Bueno – *Pro Hac Vice*
kim.bueno@butlersnow.com
Christopher R. Cowan – *Pro Hac Vice*
chris.cowan@butlersnow.com
BUTLER SNOW LLP
1400 Lavaca Street, Suite 1000
Austin, TX 78701
(737) 802-1800

Amy M. Pepke – *Pro Hac Vice*
amy.pepke@butlersnow.com
BUTLER SNOW LLP
6075 Poplar Avenue, Suite 500
Memphis, TN 38119
(901) 680-7200

Attorneys for Defendants Johnson & Johnson, Inc.; LLT Management, LLC, formerly known as LTL Management, LLC; Kenvue, Inc.; and Johnson & Johnson Holdco (NA), Inc.

Columbia, South Carolina

July 10, 2024

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit A

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
1	10/6/48	US Public Health Service	Vermont	ASBESTOS	1
2	10/15/57	J&J Hired Lab (Battelle)	Italian	Amphiboles	2
3	5/9/58	J&J Hired Lab (Battelle)	Italian	Tremolite 24 samples	26
4	5/23/58	J&J Hired Lab (Battelle)	Italian	Tremolite 30 samples	56
5	7/31/59	J&J Hired Lab (Battelle)	Italian	Tremolite 63 samples	119
6	8/31/59	J&J Hired Lab (Battelle)	Italian	Tremolite 4 samples	123
7	9/15/59	J&J Hired Lab (Battelle)	Italian	Tremolite	124
8	12/31/59	J&J Hired Lab (Battelle)	Italian	Tremolite 25 samples	149
9	1/31/60	J&J Hired Lab (Battelle)	Italian	Tremolite 44 samples	193
10	3/8/60	J&J Hired Lab (Battelle)	Italian	Tremolite 7 samples	200
11	3/8/60	J&J Hired Lab (Battelle)	J&J Baby Powder	Tremolite	200
12	4/12/60	J&J Hired Lab (Battelle)	Italian	Tremolite 20 samples	220
13	6/6/61	J&J Hired Lab (Battelle)	Vermont	Altered Amphiboles (at least 2 samples)	222
14	8/25/61	J&J Hired Lab (Battelle)	Vermont	Amphibole - altered amphiboles 3 samples	225

Plaintiff Exhibit
63

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
15	10/13/61	J&J Hired Lab (Battelle)	J&J Baby Powder Standard	Tremolite & Amphiboles "usual contaminants" Trace amphiboles are part of J&J standard for Johnson's Baby Powder	225
16	5/27/63	J&J Hired Lab (Battelle)	Vermont	Amphibole	226
17	3/1964	Schimmel Briefs	Italian	"Tremolite is a mineral of fibrous character which is often present in talc." Tremolite is often an impurity in Italian talc.	226
18	4/7/66	J&J Hired Lab (Battelle)	Vermont	Serpentine Altered Amphibole	227
19	7/13/66	J&J	Johnson's Baby Powder	Tremolite	229
20	1/30/67	J&J	Competitor baby powder Italian Talc Vermont Talc	Tremolite Fibrous	230
21	11/1/67	J&J	Vermont Italian	Tremolite - 3 samples Serpentine - 2 samples	233
22	1/24/68	J&J Hired Lab (Battelle)	Italian	Tremolite 6 samples	239
23	12/4/70	J&J Hired Lab (Colorado School of Mines)	Vermont	Tremolite-Actinolite 8 samples	247
24	4/14/71	J&J Hired Lab (Colorado School of Mines)	Vermont Product Sample	Tremolite-Actinolite Needles 2 samples	249
25	5/14/71	Internal testing by Dr. Ashton	Johnson's Baby Powder (Lot 344-L) Vermont	ASBESTOS Tremolite-Actinolite Needles	250
26	6/30/71	J&J Hired Lab (Colorado School of Mines)	Johnson's Baby Powder (Lot 344-L) Vermont	ASBESTOS Tremolite-Actinolite	251

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
27	7/7/71	J&J Hired Lab (Colorado School of Mines)	Vermont	Tremolite/Actinolite 6 samples	257
28	7/8/71	J&J Hired Lab (Colorado School of Mines)	Vermont	Tremolite and Actinolite (less that 1%)	259
29	7/9/71	Mt Sinai (Dr. Langer)	Johnson's Baby Powder	ASBESTOS	260
30	7/23/71	J&J Hired Lab (Colorado School of Mines)	Vermont	Amphiboles	261
31	7/29/71	J&J letter Subject: Talc/Asbestos Reports testing from Colorado School of Mines (344-L)	Vermont	Tremolite/Actinolite Fibrous Minerals	262
32	8/6/71	J&J letter	Italian	Tremolite Actinolite Chrysotile	263
33	8/9/71	J&J letter	Johnson's Baby Powder	Fines in baby powder implicated in asbestos toxicology	264
34	8/9/71	J&J Admission	Johnson's Baby Powder	"It would seem more than appropriate that we upgrade the quality control on our talc and baby powder, particularly as to the potential asbestos content."	264
35	9/3/71	J&J Hired Lab (McCrone)	Johnson's Medicated Powder & Johnson's Shower to Shower	ASBESTOS Chrysotile	266
36	10/12/71	J&J Hired Lab "looking at problems of talc & asbestos minerals" (McCrone)	Johnson's Shower-to-Shower	Chrysotile	267
37	10/21/71	J&J Hired Lab (McCrone)	Vermont	Chrysotile suspected Substantial similarity to the morphology of Chrysotile Several Fibers	270

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
38	11/10/71	Letter from Mt Sinai to J&J	Johnson's Baby Powder	ASBESTOS	271
39	1972	J&J admission + external lab confirmation	Johnson's Baby Powder	Tremolite repeatedly seen "This is not new"	273
40	1/1972	Article J&J Files	Johnson's Baby Powder	ASBESTOS	274
41	2/16/72	Turin Polytechnic	Italian	Asbestos minerals	275
42	4/27/72	NIOSH	Johnson's Baby Powder and Johnson's Medicated Powder	Fiber Count performed in standard manner used for asbestos samples 10,000s fibers per Mg. 2 samples	277
43	6/12/72	Outside ES Laboratories	Italian	ASBESTOS	278
44	8/3/72	FDA Testing Dr. Lewin - NYU	Johnson's Shower-to-Shower	ASBESTOS	279
45	8/9/1972 - 8/10/1972	Johnson & Johnson Internal Testing of FDA samples	Johnson's Shower-to-Shower	Tremolite Rods 4 samples	283
46	8/18/72	Letter from a Company (EMTAL) J&J bought	Vermont	ASBESTOS	287
47	8/24/72	J&J Letter Talc/Asbestos Sperry Rand Lab's Results (not hired or paid by J&J)	Shower-to-Shower (FDA/Lewin sample)	ASBESTOS	288
48	8/24/72	J&J Letter Talc/Asbestos J&J Scientist	Johnson's talc products	J&J admits tremolite fibers could be present in J&J Shower to Shower	288
49	8/31/72	Outside Lab (Sperry Rand) Expertise in examining Chrysotile Asbestos	Shower-to-Shower (FDA/Lewin sample)	Chrysotile fibers multiple fibers of chrysotile - provided J&J photographs of the fibers	289
50	9/5/72	Testing from a talc competitor to a Company (EMTAL) J&J bought	Vermont	Tremolite fibers	291
51	9/25/72	Johnson & Johnson Memo Asbestos in Talc Shower-to-Shower/Asbestos	Italian Mine	Tremolite	292
52	9/26/72	Dr. Lewin	Johnson's Baby Powder + Medicated Power + Shower to Shower	Over half the samples sold in J&J's cosmetic products were industrial grade talc	292
53	9/30/72	New York University	Italian Talc	Tremolite & Chrysotile	293
54	10/19/72	NYU (Lewin)	Johnson's Baby Powder Shower to Shower	Chrysotile & Tremolite	299

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
55	10/27/72	J&J Hired Lab (McCrone)	Johnson's Baby Powder (re-testing samples FDA/Lewin tested)	Tremolite Rods 2 samples 0.2 or .3% tremolite in sample 109T 0.5% tremolite in sample 108T	301
56	Nov 1972	J&J Hired Lab (University of Minnesota)	Johnson's Baby Powder + Shower to Shower (re-testing samples FDA/Lewin tested)	ASBESTOS 2 samples	303
57	2/26/73	J&J Hired Lab (Colorado School of Mines)	5 Talc Samples	Tremolite-Actinolite Anthophyllite Serpentine which may be chrysotile	306
58	3/14/73	J&J Mine	Vermont	Tremolite	308
59	4/2/73	J&J	Vermont	Chrysotile	309
60	4/6/73	Member of J&J industry group (Avon)	Italian Talc	1% Tremolite	310
61	4/17/73	Avon	Chinese	1-2% Tremolite ASBESTOS	311
62	4/19/73	J&J testing	Johnson's Baby Powder	Tremolite Fibers 4 samples	315
63	4/26/73	J&J Admissions	Johnson's Baby Powder	ASBESTOS repeatedly found in baby powder	317
64	4/27/73	Analysis of Johnson's Baby Powder	Johnson's Baby Powder (Lot 285-S, Lot 397-R, Lot 068-Z, Lot 086-Z)	Tremolite/Actinolite parallel sided rods .01-.001% by weight	321
65	4/30/73	Talco e Grafite (Dr. Stefano)	Italian	ASBESTOS 0.02%	322
66	5/1/73	J&J Admission	Vermont	Actinolite	323
67	5/8/73	J&J Admission	Vermont	Actinolite	325
68	5/16/73	Proposed Specs for Analyzing Talc for Asbestos (Pooley Method)	Vermont	ASBESTOS 0.05%	326
69	5/25/73	Testing from a talc competitor to a Company (Engelhard) that mined Vermont Talc	Vermont	ASBESTOS	330
70	6/4/73	J&J Admissions	Vermont	Tremolite	330

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
71	6/12/73	Testing from a talc competitor to a Company (EMTAL) J&J bought	Vermont	ASBESTOS	334
72	7/31/73	FDA	Johnson & Johnson Consumer Talc products	Tremolite + a question about Chrysotile	336
73	8/28/73	Johns-Manville - another company's internal testing	Italian and Vermont	Chrysotile + suspect Tremolite	338
74	8/28/73	Johns-Manville - another company's internal testing	Johnson's Baby Powder	Chrysotile	339
75	9/4/73	Johns-Manville - another company's internal testing	Italian	Chrysotile 1880 f/mg	340
76	9/6/73	FDA (Stuart) Asbestos and other contaminants in talc	Johnson's Shower-to-Shower	Tremolite/Actinolite	341
77	9/13/73	J&J Consultant Dr. Pooley	Vermont	Actinolite	342
78	9/13/73	J&J Consultant Dr. Pooley	Italian	Tremolite	343
79	9/14/73	McCrone	Italian	ASBESTOS 0.1-2%	345
80	9/14/73	Columbia University	Italian	ASBESTOS 0.1-2%	347
81	10/29/73	Outside lab (not hired by J&J) Hazen Research, Inc.	Johnson's Baby Powder	Chrysotile	348
82	10/29/73	Outside lab (not hired by J&J) Hazen Research, Inc.	Italian	"Italian talc has an appreciable chrysotile content"	349
83	11/20/73	NY Lab hired by Talc Supplier - WCD	Italian	Chrysotile fibers (hundreds of thousands of fibers per gram) Amphibole fibers (millions of fibers per gram)	350
84	11/20/73	NY Lab hired by Talc Supplier - WCD	Vermont	Chrysotile fibers (hundreds of thousands of fibers per gram) Amphibole fibers (millions of fibers per gram)	351
85	12/13/73	J&J Letter Re: asbestos in baby powder Outside Testing	Johnson's Baby Powder (Italian)	ASBESTOS 2 samples	353
86	12/27/73	Colorado School of Mines (lab hired by J&J)	Vermont	Chrysotile & Tremolite	357

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
87	1974	NIOSH Sponsored Multi-lab research	Italian	"Commercial talc is generally not monomineralic material, but rather a mixture of mineral phases. Some of these minerals may pose occupational or even consumer risk of disease" Common mineral impurities: Major: Tremolite + Anthophyllite Minor: Actinolite + Chrysotile 4 samples "These minerals are known to have disease potential"	361
88	2/11/1974	J&J Hired Lab (McCrone)	J&J samples	Chrysotile	362
89	3/11/1974	J&J Hired Lab (McCrone)	Talc Sample for Johnson & Johnson Baby Products Co.	Chrysotile	363
90	4/4/74	J&J visit to outside lab - admissions (Colorado School of Mines)	Vermont	Fibrous Tremolite Fibrous Chrysotile Goal: "establish destruction of tremolite in presence of Vermont talc." + "establish destruction of chrysotile in presence of Vermont talc."	365
91	4/24/74	J&J Hired Lab (McCrone)	Vermont	Chrysotile 15 samples	380
92	4/24/74	J&J Hired Lab (McCrone)	Vermont	Amphiboles 4 samples	384
93	5/9/74	J&J Hired Lab (McCrone)	Vermont	Chrysotile fibers 2 samples	386
94	5/14/74	J&J Vermont Mine Confidential findings (McCrone)	Vermont	Chrysotile 4 samples Subject: use of system to attempt to remove chrysotile "The use of these systems is strongly urged by this writer, to provide the protection against what are currently considered to be materials presenting a severe health hazard and are potentially present in all talc ore in use at this time"	390
95	5/14/74	J&J Vermont Mine Confidential findings (Dartmouth College)	Vermont	Amphibole Minerals 8 samples	396
96	5/16/74	J&J Hired Lab (McCrone)	Vermont	ASBESTOS - Chrysotile 2 samples	398

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
97	7/8/74	J&J Hired Lab (McCrone)	Vermont	Chrysotile 6 samples	404
98	7/8/74	J&J Hired Lab (McCrone)	Vermont	ASBESTOS - Tremolite	405
99	7/17/74	J&J external lab (McCrone)	Talc Sample	Chrysotile	406
100	9/24/74	Confidential J&J Letter Re "damaging" talc/asbestos release on Italian talc (Societa Talco e Grafite)	Italian	ASBESTOS - Chrysotile	407
101	10/10/74	J&J Hired Lab (McCrone)	Vermont	Chrysotile Fibers ~ 0.006%	408
102	11/26/74	J&J	Vermont	Tremolite asbestos	409
103	12/9/74	J&J Hired Lab (McCrone)	Johnson & Johnson Baby Powder	ASBESTOS - Chrysotile	410
104	1/31/75	Member of J&J industry group (Avon)	Italian Talc	Tremolite	411
105	2/24/75	J&J Supplier discussing EPA findings	Vermont Talc	"The EPA claims talc from Windsor Minerals, obtained from various manufacturing plants, contains asbestos"	412
106	2/24/75	J&J Supplier's Findings	Vermont Talc	ASBESTOS repeatedly found Tremolite + possible Chrysotile Tremolite was mainly in massive form although "further processing would likely result in additional fibrous tremolite being liberated"	412
107	3/26/75	Member of J&J industry group (Avon)	Italian Talc	Chrysotile	413
108	4/30/75	Member of J&J industry group (Avon)	Italian Talc	Tremolite	414
109	6/11/75	J&J Hired Lab (McCrone)	Talc samples sent by J&J to be tested	Amphibole fibers/bundles 2 samples	416
110	7/1/75	J&J Hired Lab (McCrone)	Vermont	ASBESTOS 9 samples Low and Medium levels of confirmed asbestos	425

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
111	9/9/75	Johnson & Johnson letter Langer's Findings	Johnson's Baby Powder + off-the-shelf talc products	Chrysotile + Amphiboles - tremolite & anthophyllite	426
112	9/9/75	Johnson & Johnson reaction to Langer findings	Johnson's Baby Powder + off-the-shelf talc products	The chrysotile finding contradicts what Dr. Pooley (one scientist) had reported - no claim it contradicts the finding about the tremolite or anthophyllite J&J immediate response: "refute the data" "prepare our strategy"	426
113	9/11/75	J&J Hired Lab (McCrone)	Vermont	Chrysotile	427
114	11/1/75	Competitor's Analysis of Italian Talc	Italian	Fibrous Tremolite 4 samples	431
115	11/5/75	J&J Hired Lab (McCrone)	Vermont	ASBESTOS 13 samples some are "rather high" most are "bundles" of fibers	444
116	11/19/75	J&J Hired Lab (McCrone)	Vermont	ASBESTIFORM - amphiboles 2 samples	446
117	3/1/76	Italian Researchers (Rubino, et al.)	Italian	Tremolite	447
118	3/30/76 - 7/16/92	Pfizer	Italian	Fibers and Bundles of Asbestos 115 samples TEM/SAED Individual samples had from 1 to 150 fibers	562
119	7/5/76	J&J Hired Lab (Colorado School of Mines)	Vermont	Amphibole Needles	564
120	2/23/77	Testing from Vermont Mining Company	Vermont	ASBESTOS	566
121	4/1/77	Geochemist Report to J&J + Certificate of Microanalysis for Asbestos (EMV Associates)	Talc Samples with new preparation and examination techniques	ASBESTOS - 4 samples "Tremolite is often present" including a bundle Composite sample: "both large and small fibrous tremolite particles found"	570
122	5/1977	NIOSH	J&J Product Vermont	Tremolite-actinolite	571
123	5/24/77	NIOSH	Vermont	Chrysotile	572

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
124	6/27/77	Testing from Vermont Mining Company done by J&J outside lab (McCrone)	Vermont	Asbestos - actinolite	573
125	8/18/77	Testing from Vermont Mining Company	Vermont	Actinolite-tremolite fibers	575
126	12/15/77	Outside Mineralogist for J&J's Vermont Mine Mountain States Research	Vermont	Tremolite-Actinolite long needles 2 samples	577
127	2/20/78	Report on Ore Reserves for Hammondsville Ore Body	Vermont	Actinolite needles	578
128	10/5/78	J&J Hired Lab (McCrone)	Vermont	CHRYSOTILE 2 samples	580
129	10/27/78	Testing from Vermont Mining Company	Vermont	Asbestos Type Found in Sample included Chrysotile	581
130	11/14/78	J&J Hired Lab (McCrone)	Vermont	Chrysotile & Tremolite asbestos	582
131	2/1/79	Testing from Vermont Mining Company	Vermont	chrysotile	583
132	2/9/79	DOC Analytical Research Quality Control for Vermont Talc	Vermont	"found massive amphiboles" specifically Tremolite + Actinolite Samples may be "indicative of a coming problem"	584
133	3/23/79	Testing from Vermont Mining Company	Vermont	ASBESTOS	586
134	4/11/79	Testing from Vermont Mining Company	Vermont	ASBESTOS	586
135	4/30/79	Testing from Vermont Mining Company done by J&J outside lab (McCrone)	Vermont	Chrysotile 0 .1%- 1% range of sample	587
136	5/17/79	Vermont Mining Company admission	Vermont	Vermont Talc: "Asbestos fiber is present."	587
137	5/22/79	Testing from Vermont Mining Company	Vermont	Chrysotile	591
138	7/17/79	Testing from Vermont Mining Company	Vermont	Asbestos	594
139	9/29/80	J&J Admission + external lab confirmation (McCrone)	Vermont	Chrysotile	595

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
140	11/6/80	J&J external lab (McCrone)	Vermont	ASBESTOS - Chrysotile	596
141	3/11/82	Testing from Vermont Mining Company	Vermont	Asbestos	598
142	8/24/82	Mine Safety and Health Administration	Exposures to asbestos at the South Plainfield Mill (Italian)	ASBESTOS 14 samples	612
143	2/24/84	J&J Hired Lab (McCrone)	Composite Sample	ASBESTOS - Chrysotile 2 grids	614
144	5/15/84	Mine Safety and Health Administration	Air filter samples South Plainfield Mill (Italian)	ASBESTOS - Anthophyllite ~0.6% by weight	619
145	9/26/84	J&J letter Subject: Talc Asbestos Findings by Paoletti published by reputable organization in Italy + Paoletti article	Italian	ASBESTOS - Chrysotile 1 sample	620
146	9/26/84	J&J letter Subject: Talc Asbestos Findings by Paoletti published by reputable organization in Italy + Paoletti article	Italian	ASBESTOS - Tremolite 7 samples	627
147	11/2/84	J&J Hired Lab (McCrone)	Air filter samples	ASBESTOS - Chrysotile 4 sample	631
148	2/26/85	J&J	Chinese	Sample of Cosmetic Grade Talc Results "Asbestiforms Positive"	632
149	8/22/85	J&J Hired Lab (McCrone)	California	ASBESTOS - Chrysotile 2 samples Multiple asbestos fibers seen and counted. J&J to complain about the lab's failure to use "substantially different language" and "couch" results as in earlier reports. Report changed to claim testing "did not find any quantifiable amount of asbestiform minerals in any samples."	632
150	11/18/85	American Chemical Society (from J&J internal files)	Italian	Fibrous Amphiboles/Tremolite	633
151	1/30/87	Johnson & Johnson	Vermont + Johnson's Baby Powder	Amphiboles	634
152	3/30/87	Johnson & Johnson	Vermont	Amphiboles 23 samples	657

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
153	7/1/87	ES Labs	Vermont	Talc Analysis (ASBESTOS) Tremolite Less than 90% talc	658
154	10/1/87	Johnson & Johnson	Vermont	Hammondsville and Rainbow mines found Amphiboles 4 samples	662
155	3/14/88	J&J Hired Lab (RJ Lee)	Johnson's Baby Powder using Chinese Talc	Chrysotile: .0024% by weight Fibrous tremolite: .014% tremolite by weight	663
156	4/15/88	Skyline Laboratories	Vermont	Actinolite	665
157	10/13/88	Windsor Minerals (J&J's talc mine)	Vermont	Sub-trace Amphiboles found - passes industry standards	666
158	5/23/89	J&J Hired Lab (RJ Lee)	Talc Sample for Johnson & Johnson Baby Products Co.	Chrysotile	667
159	11/26/90	J&J Hired Lab (McCrone)	Talc Samples sent to Quality Control Manager for Vermont Mine	Anthophyllite fiber + Chrysotile fiber 2 samples Results verified in Bench sheets but claim "no quantifiable amounts of asbestiform minerals"	669
160	11/30/90	J&J Hired Lab (McCrone)	Talc Samples sent to J&J Consumer Products	Using Johnson & Johnson's Test Method 7024 No asbestos minerals were identified in the samples Bench sheet shows Anthophyllite Talc Fiber	670
161	1991	Peer Reviewed Published Paper (Dr. Alice Blount)	Johnson & Johnson's Vermont talc	(PUBLIC - Published Paper): Amphibole fibers are labeled either "needles" or "fibers" depending on how long they are but all are regulatory fibers (3:1 aspect ratio or larger) Sample i - both needles & fibers of amphiboles (KNOWN TO J&J - NOT IN THE PAPER) Sample i is Johnson & Johnson's Vermont talc	675
162	1991	Peer Reviewed Published Paper (Dr. Alice Blount)	Italian consumer-grade talc	(PUBLIC - Published Paper): Amphibole fibers are labeled either "needles" or "fibers" depending on how long they are but all are regulatory fibers (3:1 aspect ratio or larger) Sample h - found asbestos: needles of amphiboles (KNOWN TO J&J - NOT IN THE PAPER) Sample h is Italian Cosmetic-Grade talc	676
163	3/5/91	Microscopic Analysis for Amphiboles & Chrysotile	Vermont	Actinolite fibers 16 times	692
164	3/5/91	Microscopic Analysis for Amphiboles & Chrysotile	Vermont	Tremolite fibers	693

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
165	1/29/92	Johnson & Johnson's Talc Supplier (Cyprus Industrial Minerals)	Vermont	AMPHIBOLES 6 samples <0.1% to 2.3% by weight	699
166	2/10/92	J&J hired consultant (Dr. Alice Blount)	Johnson's Baby Powder	Industrial Hygenist reports all talc contains asbestos "individual deposits, the shape distribution and quantity [of asbestos] remains fairly constant over time"	699
167	3/25/92	Johnson & Johnson's Talc Supplier (Cyprus Industrial Minerals)	Vermont	"The other serious mineralogical contaminant in the talc ores of Vermont is the fibrous variety of the amphibole minerals, tremolite and actinolite… which has been classified as asbestiform minerals by OSHA and EPA." Visible tremolite and actinolite in deposits used for cosmetic talc - Hammondsville and Argonaut	701
168	4/1992	J&J Supplier's Findings	Vermont	Fibrous Tremolite & Actinolite minerals are ubiquitous and are deleterious minerals	703
169	5/21/92	Johnson & Johnson's Talc Supplier (Cyprus Industrial Minerals)	Vermont	Fibrous amphiboles (actinolite) dikes extending in places into the contacting talc ores	704
170	9/92	J&J supplier (Luzenac)	Vermont	Ore characterization for Argonaut Vermont Mine Ore destination includes cosmetics. Associated minerals include actinolite, which is listed as a detrimental mineral	704
171	11/4/92	J&J supplier (Luzenac)	Vermont	Actinolite (needles and blades) are known impurities present in all relevant Vermont deposits and while some locations are known to be avoided "it is impossible to get rid of accidental traces."	704
172	10/13/95	J&J Hired Lab (RJ Lee)	Johnson's Baby Powder	Tremolite	705
173	3/26/96	Johnson & Johnson testing information from its supplier	Composite sample from Vermont	Amphibole	706
174	12/4/97	Johnson & Johnson's Talc Supplier testing w/ an outside lab (Bain Environmental)	Vermont	Chrysotile	707

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
175	3/16/98	Geologist and Mineralogist hired by J&J	Johnson's Baby Powder	Dr. Blount has "written extensively on talc and asbestos contamination in commercial talc preparations." "In her opinion, commercial talcum powder preparations including Johnson & Johnson Baby Powder, contain trace amount of asbestos."	707
176	12/4/00	Johnson & Johnson's Talc Supplier testing w/ an outside lab (Bain Environmental)	Vermont	Asbestos Analysis had a "hit" of asbestos in monthly floated composite talc sample	708
177	11/2001-7/9/2005	Talc Supplier (Rio Tinto lab/Imerys)	Chinese	Chrysotile Estimate of 151 million fibers per gram + Amphibole asbestos near or in Chinese ore bodies	711
178	5/23/02	Johnson & Johnson's Talc Supplier's testing	Vermont	Fibrous Tremolite in waste rock in Argonaut mine	712
179	3/31/03	Johnson & Johnson's Talc Supplier's testing	Vermont	4% Tremolite in the Argonaut mine	713
180	1/5/04	Forensic Analytical (outside lab)	Johnson's Baby Powder	ASBESTOS - anthophyllite 0.20% by weight	714
181	2/26/04	Johnson & Johnson's Talc Supplier's testing	Vermont	Quarterly Composite Testing on Vermont Talc Summary Report for 2003 Found asbestos each quarter reported	717
182	2/26/04	Johnson & Johnson's Talc Supplier's testing	Vermont	Quarterly Composite Testing on Vermont Talc Summary Report for 2001 Found asbestos each quarter reported	720
183	2/27/04	Johnson & Johnson's Talc Supplier's testing	Vermont	Quarterly Composite Testing on Vermont Talc Summary Report for 2002 Found asbestos each quarter reported	724
184	3/11/04	Johnson & Johnson's Talc Supplier's testing	Vermont	Chrysotile 4 samples	728
185	4/10/08	Talc Supplier (Rio Tinto Minerals)	Chinese	"1/3 of Chinese production has some asbestos contamination." "Purchase of finished product from China now carries serious risk of asbestiform contamination."	728
186	4/29/08	Talc Supplier (Rio Tinto Minerals)	Vermont	Asbestiform tremolite-actinolite Argonaut Mine	729

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
187	4/3/09	Talc Supplier reporting findings from the Korean Food and Drug Administration	Chinese	Asbestos found in baby powders using Chinese talc.	739
188	5/14/09	J&J Admission	Chinese	ASBESTOS	740
189	5/15/09	J&J reporting on Chinese Authorities	J&J Talc	ASBESTOS	741
190	2/1/10	J&J supplier (Luzenac/Imerys)	Talc Ore Minerology for Chinese Cosmetic Talc	up to 5% tremolite + trace serpentine Talc is a "main ingredient of baby, body and foot powders (mainly a second and third world business) Sorting and floatation cannot eliminate fibrous minerals from talc	741
191	11/2/11	J&J	Chinese	Decline in high grade talc deposits in China "High-asbestos content in talc deposits/mines of China has also led to quality concerns from clients in cosmetic and pharmaceutical sectors"	741
192	2014	Peer Reviewed Published Paper (Gordon, et. al)	Italian North Carolina Montana	ASBESTOS anthophyllite, tremolite + chrysotile 50 samples 1,840 - 1,104,000 fibers per gram Air monitoring: 1.9 f/cc when using a talc bottle	791
193	5/22/14	Scientific Analytical Institute (Litigation Report)	Italian	Grade 1615 is from Val Chisone Italy in Piedmont. Geologically the talc formed from amphiboles. Labs testing confirmed ASBESTOS Anthophyllite, Tremolite + Chrysotile Asbestos	792
194	8/1/17	MVA Scientific (Litigation Report)	Italian	Lab reviewed 13 Italian samples collected by A. Segrave (expert used by mine owner) Asbestos anthophyllite + tremolite/actinolite 11 samples (85% of the samples) 0.00002% - 0.68% by weight 1.7 - 600 million fibers per gram	803

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Decades of Evidence of Asbestos Content in Johnson & Johnson Products

Number	Date	Source of Information	What Was Evaluated	Results	Tally
195	2/2018-9/2021	Material Analytical Services (Litigation Report)	Johnson's Baby Powder + Shower to Shower (Vermont, Italian & Chinese)	ASBESTOS - Tremolite (Richterite), Actinolite + Anthophyllite 7,160-15.1 million fibers per gram 96 Samples	899
196	4/6/18	RJ Lee Litigation Report	Vermont	ASBESTOS - Chrysotile 2 samples	901
197	4/23/18	MVA Scientific (Litigation Report)	Vermont	Reviewed 15 samples collected by Mickey Gunter/RJ Lee from Argonaut mine in Vermont ASBESTOS anthophyllite + tremolite/actinolite 10 samples (67% of the samples) 0.00009% - 4.5% by weight 1.16 - 2,585 million fibers per gram	911
198	7/18/18	J3 Resources (Litigation report)	Johnson's Shower-to-Shower	ASBESTOS - Anthophyllite 11 samples (69% of the samples) 7,419 - 95,321 fibers/bundles per gram concentration + TEM	922
199	1/2019-9/2023	Material Analytical Services (Litigation Report)	Italian (Avon, Chanel, Colgate, Coty, Imerys, and Mennen)	ASBESTOS - Tremolite, Actinolite, Anthophyllite, Chrysotile 77 Samples	999
200	10/11/19	FDA AMA Analytical Services (testing done by an expert J&J recommended and expert)	Johnson's Baby Powder (Chinese)	ASBESTOS - Chrysotile 0.00002%	1000
201	10/29/19	J&J Announcement re lab results from RJ Lee	Johnson's Baby Powder (Chinese)	ASBESTOS 3 samples	1003
202	8/2020-11/2022	Material Analytical Services (Litigation Report)	Chinese (Avon, Chanel, and Imerys)	ASBESTOS - Chrysotile, Tremolite, Actinolite 80 Samples	1083
203	5/6/21	Asbestos TEM Laboratories (Litigation report)	Johnson's Baby Powder	Anthophyllite 52,000,000 fibers/gram	1084
204	5/20/21	Fitzgerald Analytical Consulting & Testing (Litigation report)	Johnson's Baby Powder	Anthophyllite asbestos 58,300,000 structures/gram	1085

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit B

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

STATE OF SOUTH CAROLINA
COURT OF COMMON PLEAS
COUNTY OF RICHLAND
MICHAEL L. PERRY and
LONNIE L. LONG,

Plaintiffs,

vs. Case No.: 2023-CP-40-04072

AMERICAN INTERNATIONAL
INDUSTRIES; et al.,

Defendants.

VIDEOTAPED TELECONFERENCE
DEPOSITION OF: STEVEN F. HABER, MD
DATE: Monday, June 24, 2024
TIME: 1:08 p.m.
TIME ENDED: 9:01 p.m.
LOCATION: Houston, Texas
REPORTED BY: YVONNE R. THURSTON-BOHANNON
Registered Merit Reporter,
Certified Realtime Reporter

76-page document that has consecutive numbers through 1,774, correct?

A. Correct. Yes.

Q. So what is -- what is this document that we've marked as Exhibit 4?

A. So this -- and this is a document that's been added to over time and which has been provided to J&J on a number of occasions, but these are basically industry -- generally industry related documents, testing, maybe newspaper articles.

These are generally not things that are published in the -- in the medical literature, though I can't say there might not be -- there may be some expert reports listed in there. I don't remember. But generally they are industry related documents and testings.

Q. Okay. Are these the documents from industry and the testing and reporting that you're relying upon for your opinions in the Perry case?

A. They -- they certainly form the basis for a lot of my opinions, not -- not -- it's not exclusive, but, yeah, some of the opinions in the Perry case will be from -- from information that as it relates to exposures that -- that he may have

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

had.

Q. Okay. Are there -- okay.

So, for example, are there documents related to Johnson & Johnson that you're relying on for the Perry case that are internal corporate documents that aren't found on what we've marked as Exhibit 4?

A. Well, I have -- I'm not sure -- like, for example, I have reviewed the -- Johnson & Johnson's discovery in Eggers and the Eggers discovery itself. I think that the underlying documents are all there, but I don't know if the -- that this would -- that the discovery responses by J&J would -- I don't -- I don't know if they're on there or not. I don't -- I don't think so.

Q. Okay. Is there anything else that comes to mind other than the discovery responses in Eggers that's not on this list of over 1700 documents?

A. I can't think of anything. I can't, you know -- you know, whatever was, you know -- well, and then the Eggers charts that I've relied on at -- at trial is not that -- all that is part of the Eggers discovery.

Q. Yeah. I mean, so, for example -- here,

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

CERTIFICATE OF REPORTER

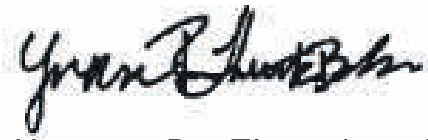
I, Yvonne R. Thurston-Bohannon, Registered Merit Reporter, Certified Realtime Reporter, and Notary Public for the State of South Carolina at Large, do hereby certify:

That reading and signing of the foregoing deposition by the witness is not waived.

That the foregoing transcript was taken before me on the date and at the time and location stated on page 1 of this transcript; that the deponent was duly sworn to testify to the truth, the whole truth and nothing but the truth; that the testimony of the deponent and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed; that the foregoing deposition as typed is a true, accurate and complete record of the testimony of the deponent and of all objections made at the time of the examination to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal July 1, 2024, at Columbia, Richland County, South Carolina.



Yvonne R. Thurston-Bohannon
Registered Merit
Reporter, CRR
My Commission expires
May 6, 2025

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit C

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit B

1. Advertisement - What You Want to Know About Johnson's Baby Powder, November 1976.
2. Talc Tests Wanting, FDA Experts Admit, J. Walcott, Record, Bergen County, NJ, 3/11/76; JNJ000030476-478.
3. Email to W. Powers, from T. McCarthy; Re: Adding TEM to the Global Talc Specification, T.J. McCarthy, Baby R&D and Product Stewardship, 5/24/11; JNJTALC000575655.
4. Excerpt of the Deposition of Susan Nicholson, pages 198-205, 2/24/20.
5. Avon Memo to C.S. Rowland, from E.G. Shay and J.J. Travers; Re: Talc Status Report, 12/19/72; AAV_STD_025210-25213.
6. Imerys Memorandum to T. Hicks, from J. Pier; Re: Explanation of "detection limit" on J&J TEM analysis of Grade 66, 12/5/96; IMERYS 253366.
7. Luzenac America Email to R. Zazenski, from E. Turner; Re: Talc & Asbestos - Broughton Project and NTP, 12/20/00; IMERYS239883.
8. Confidential Luzenac Memo to D.D. Harris, from R.J. Zazenski; Re: LNA Product Certification Program, 5/17/01; IMERYS081134-1137.
9. Email to D.A. Dorman, from R. Zazenski, Luzenac America; Re: Talc Specification, 6/7/01.
10. Luzenac America Email to B. Ducasse, from J. Pier; Re: Clivage fragments, 4/4/02; IMERYS446794-795.
11. Luzenac America Email to J. Pier, M. Lorang and J. Gauntt, from R. Zazenski; Re: It's Clean, 3/3/04; IMERYS299320.
12. Luzenac America Email to R. Pier, from J. Pier; Re: Backlog on TEM, 3/22/04; IMERYS299277.
13. Johnson & Johnson Memo to W.R. Dean, from T.H. Shelley; Re: Letter from Dr. Wagner, 2/15/72; JNJ000682120.
14. Johnson & Johnson Memo to G. Hildick-Smith, from D.R. Petterson; Re: Epidemiological Study of Workers in Italian Talc Mines, 10/26/73; JNJAZ55_000002042.
15. NIOSH Sponsored Talc Study, V. Zeitz, Windsor Minerals, 1974; with attachments; JNJ000346335-376.
16. Letter to D.R. Ferry, Charles Mathieu, from W.H. Ashton, Johnson & Johnson; Re: Objective for upcoming visit to Val Chisone, 10/14/74; JNJAZ55_000000081-82.
17. Johnson & Johnson Memo to G. Lee, from W.H. Ashton; Re: Italian Talc Source, Societa Talco e Grafite Val Chisone, Talc Publication Matters, Project No 0503.00, 10/31/74; JNJ 000270495-496.
18. Johnson & Johnson Memo to G. Lee, from G. Hildick-Smith; Re: Talc - Rubino Manuscript, 3/31/75; JNJAZ55_000009265.
19. Johnson & Johnson Memo to G. Lee, from W.H. Ashton; Re: Talc Discussions with Prof Rubino, Turin, Italy, November 5, 1975, Project No 0503.01, 11/19/75; JNJAZ55_000009160-62.
20. Letter to U. Stefano, Talco E Grafite, from G. Hildick-Smith, Johnson & Johnson; Re: Preparation of Rubino's transcript for meeting in Washington, 11/3/77; JNJAZ55_000009127-28.
21. Johnson & Johnson Email to C.G. Le, from T. McCarthy; Re: URGENT! Request by KFDA on dosage of baby powder, 4/1/09; JNJ00031410-411.
22. FDA Memorandum of Meeting between FDA Representatives and CTFA, Johnson & Johnson, et al.; Re: Asbestos in Cosmetics Containing Talc, Such as Dusting Powders and Face Powders, 8/11/72.
23. Letter to T.E. Hutchinson, Space Science Center, University of Minnesota, from G.R. Grieger, McCrone; Re: Two samples for TEM, Lewin sample and chrysotile, 8/30/72; JNJ000270084.

EXHIBIT
4

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

24. Johnson & Johnson Memo to W.H. Ashton, from F.R. Rolle; Re: Meeting with FDA (9-21-72) to discuss Chrysotile asbestos in Shower-to-Shower powder - Project No 503, 9/26/72; - JNJTALC000289200-202.
25. Letter to Dr. T.E. Hutchinson, University of Minnesota Space Science Center, from I.M. Stewart, McCrone; Re: Micrographs, 10/5/72; JOJO-MA2546-01482.
26. Graphs from Hutchinson's Investigation of Possible Asbestos Contaminations in Talc Samples, McCrone, 1972-73; JOJO-MA2546-000138-148.
27. Letter to R. Schaffner, FDA, from W. Nashed, Johnson & Johnson; Re: Shower-to-Shower Brand Body Powder, 10/17/72; JNJAZ55_000017552-53.
28. Johnson & Johnson Memo from J.P. Schelz; Re: Analysis of Johnson's Baby Powder for Tremolite Asbestos, Project No 503, 11/8/72; JNJTALC000289518.
29. Letter to A.J. Goudie, Johnson & Johnson, from I.M. Stewart, McCrone; Re: Shower to Shower report, 6/21/73; JOJOMA2546-00163-184.
30. FDA Talc Submissions, Volume I, July 7, 1971 to September 7, 1971, Johnson & Johnson; JNJNL61_000013350-62.
31. Excerpt from Deposition of John Hopkins, 10/23/18; Examination of Johnson and Johnson's Product Shower to Shower for Asbestiform Minerals, McCrone Project No. 2546, Copy 2 of 6, 6/22/73; JOJO-MA2546-00164-183.
32. Letter to R. Schaffner, FDA, from W. Nashed, Johnson & Johnson; Re: Receipt of communication dated October 4, 1973, to Fuller re "Summary and Comments on Analyses for Asbestos in Cosmetic Talc Products," 11/9/73; JNJ000231355-231356.
33. Letter to R. Schaffner, FDA, from W. Nashed, Johnson & Johnson; Re: Lewin's Letter to the Editor, Wall Street Journal, March 12, 1973, 3/30/73; JNJAZ55_000001801-1802; JNJ000232297-98.
34. Letters to the Editor: Asbestos Report, S.Z. Lewin, 3/12/73; JNJ000244743; JNJMX68_000004614.
35. Johnson & Johnson Memo to R.A. Fuller, from Hildick-Smith; Re: Conversation with Dr. Clark Cooper, School of Public Health, University of California, 7/30/71; JNJNL61_000008624-25.
36. Johnson & Johnson Memo to D. Wiles and J. Shipp, from L. McKenna; Re: Coker v. Johnson & Johnson, 54.2121, Mesothelioma/Talc Medical Research, 10/16/97; JNJ000319333-337.
37. Johnson & Johnson Memo to File, from G. Hildick-Smith; Re: Talc/Asbestos Meeting with Commissioner Schmidt, FDA, Jan 16, 1974, 1/18/74; JNJMX68_000017147-17150.
38. Rio Tinto Memo to K. Ray, from E. McCarthy; Re: Vermont Market Plant 2006-2010, 7/15/06; IMERYS090653-662.
39. “Talc,” E.F. McCarthy, N.A. Genco, E.H. Reade, Industrial Minerals and Rocks, Vol 7, 2010; IMERYS072882-897.
40. Video - Mine site blast in Western Australia, Undated.
41. Letter to R. Cooper, J&J Ltd, Montreal, Quebec, from W.H. Ashton, Johnson & Johnson; Re: Crash program to develop acceptable talc, 2/21/80; Johnson & Johnson Memo to G Lee, et al, from WH Ashton; Re: Report on Italian Talc, Test Run - Grand Island, Nebraska, Cyprus Minerals, 2/20/80; JNJ 000085048-51.
42. Talc Supply Agreement between Cyprus Mines Corporation and Johnson and Johnson Baby Products Co, 1/6/89; ITA-Sabatelli-000675-994/IMERYS235927.
43. Cyprus Industrial Minerals Mine Plans, 1991; AB-ITA-09-000001-3.
44. Johnson & Johnson Memo to W. Ashton and D. Jones, from R. Denton; Re: Trip Report, Talc Validation Team Meeting - November 16, 1993, Windsor, Vermont, 11/23/93; JNJ000240739-742.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

45. Johnson & Johnson Memo to G. Lee, from A. Frank; Re: Audit Testing of Windsor 66 Talc for Asbestos, 6/28/77; JNJMX68_000018545-46.
46. Letter to R.N. Miller, Windsor Minerals, from G. Lee, Johnson & Johnson; Re: Windsor 66 Talc Specification, 2/23/78; JNJ000237200-201.
47. Johnson & Johnson Memo to Distribution, from T. Hammet; Re: Validation Results Approval, 10/14/88; Windsor 66 Talc Process Change, Process Validation Protocol; Material Specification 8-006; JNJMX68_000001878-86.
48. Letter to R.A. Arzapalo, Johnson & Johnson Baby Products Company, from D.P. Palenik, McCrone; Re: Talc sample #BBP4285, 5/13/83; JNJMX68_000003699.
49. McCrone Standard Operating Procedure - Talc, 3/24/87; JNJNL61_000040532-35.
50. J&J Consumer Companies Worldwide Specification, Analysis of Powdered Talc for Asbestiform Minerals by TEM, TM7024, 8/21/95; JNJNL61_000005032-40.
51. Johnson & Johnson Power Point - Analytical Detection Limits, Undated; JNJ000132604.
52. CTFA Memo to CTFA Talc Subcommittee, from N.F. Estrin; Re: CTFA Talc Methodology, 11/2/76; Letter to N.F. Estrin, CTFA, from W.C. McCrone; Re: Review of Proposed CTFA Specifications, 9/3/76.
53. Letter to Round Robin Participants, from P. Schelz, Johnson & Johnson; Re: Comparative Work-up of data, 4/21/77; JNJNL61_000020544-45.
54. CTFA Memo to Task Force Members, from JP Schelz; Re: Coded talc samples for Round Robin Retest, 6/10/77; JNJ000250596.
55. Position II (yes), CTFA Round Robin Results, Undated; JNJ000267828.
56. Position I (no), CTFA Round Robin Results, Undated; JNJ000267827.
57. Minutes of CTFA Task Force on Round Robin Testing of Consumer Talcum Products for Asbestiform Amphibole Minerals, 5/17/77; JNJNL61_000020521-23.
58. Email to T. McCarthy and S. Nettenheim, Johnson & Johnson, from C. Bernard, Rio Tinto Minerals; Re: Urgent: Talc in Cosmetic Products, 4/25/09; JNJ000555855-858.
59. Imerys Talc Email to J. Pier, from N.J. Lou; Re: Draft abstracts for Johnson, 10/15/10; IMERYS245989-990.
60. Imerys Talc Email to K. Cutler, from S. Sharma; Re: Imerys Talc M4 presentation, 10/13/15; Imerys Power Point - Product Stewardship at Imerys Talc, J Pier and Sharma; IMERYS360562-563.
61. Johnson & Johnson Standard Test Method; Subject: Determination of Asbestos Minerals in Windsor 66 Talc by Transmission Electron Microscopy, TM 7024, 6/28/83; JNJ000235155-157.
62. Johnson & Johnson Memo to I. Sloan, from F.R. Rolle; Re: Review of CTFA Methodology for the Detection of Asbestos in Talc, as well as Comments on TPF Methodology, 2/28/75; JNJ000300436-438.
63. Minutes of the CTFA Subcommittee of SAC on Asbestos in Talc, 10/11/73.
64. A Procedure to Examine Talc for the Presence of Chrysotile and Tremolite-Actinolite Fibers, Colorado School of Mines, Project No. C10704, 12/27/73; JNJ000268037-45.
65. J&J Ltd Memo to F.R. Rolle, from I.W. Sloan; Re: UK work on analytical methods, 2/18/75; JNJNL61_000062953.
66. Johnson & Johnson Memo to G. Lee, from W.H. Ashton; Re: Disturbing proposal request, 11/24/76; JNJMX68_000004346.
67. Johnson & Johnson Memo to G. Kaplan to F.R. Rolle, from P.D. Carpe; Re: Chrysotile Asbestos in Talc - Concentration by Method of Dr. F. Pooley, 12/12/73; JNJ000236137-138.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

68. Report of Two Simple Laboratory Tests for the Indication and Concentration of Chrysotile Asbestos from Toilet Talc, F.D. Pooley, University College, Cardiff, Undated; JNJNL61_000008217-8240.
69. Johnson & Johnson's TEM Method, TM 7024, Undated.
70. Imerys Email to R. Zazenski, from M. Refregier; Re: Article in IM - asbestos, 1/31/08; IMERYS442002-4.
71. Johnson & Johnson Memo to W.R. Dean, from I.W. Sloan; Re: Telephone Conversation - Dr Fred Pooley 31.3.76, 3/31/76; JNJTALC000102214-102215.
72. Letter to F.D. Pooley, University College, Cardiff, from F.R. Rolle, Johnson & Johnson; Re: Lot 228 P for use in all studies, 10/1/71; JJNJTALC000290233.
73. Johnson & Johnson Memo to T.H. Shelley, from F.R. Rolle; Re: Project #503, 10/1/71; JNJTALC000290232.
74. Letter to W.H. Ashton, Johnson & Johnson, from M.G. Patengill, CSMRI; Re: XRD and point count analysis of 228-P, 10/22/71; JNJAZ000006115-6116.
75. Characterization of Johnson's Baby Powder, Lot 228P, 6/11/72; JNJ000245268-294.
76. Johnson & Johnson Memo to G. Lee, from F.R. Rolle; Re: Re-Examination of the Asbestos Content of Johnson's Baby Powder Lot 228p - Project No. 503.00, 8/12/74; JNJ000272310-311.
77. Letter to W.H. Ashton, Johnson & Johnson, from J. Krause, Colorado School of Mines; Re: Report on Results of Examination of Talc Sample 228P, 2/22/77; JNJTALC000070368-70.
78. Johnson & Johnson Memo from J. Halcott; Re: Newspaper articles and latest draft covering talc program arising from Tenovous findings, 6/29/71; JNJMX68_000015773-77.
79. Johnson & Johnson Memo to File, from W. Nashed; Re: Talc/Asbestos FDA Meeting, August 11, 1972, 8/14/72; JNJTALC000300161-165.
80. Letter to T.H. Shelley, Johnson & Johnson, from F.D. Pooley, University College, Cardiff; Re: Report of Investigation of Talc Samples Supplied by Johnson and Johnson, 8/10/71; JNJ000274547-556.
81. McCrone Technical Report MA-2330-2, Examination of Baby Powder for Johnson and Johnson GR Grieger, IM Stewart, 8/19/71; JNJ000260473-480.
82. Map of Cyprus Windsor Operations, Vermont, 1989; IMERYS072747.
83. Defendants Johnson & Johnson and Johnson & Johnson Consumer, Inc's Responses to Plaintiffs' Second Requests for Admission, Chapman v. BASF Catalysts LLC, et al., Superior Court of New Jersey Law Division, 11/21/18.
84. Johnson & Johnson Memo to G. Lee, et al, from W.H. Ashton; Re: Italian Talc for Johnson's Baby Powder Initial Shipments/Specifications, 12/20/79; JNJAZ55_00000024-25.
85. Johnson & Johnson Baby Products Co Authorization for Interim Specification 72118 A/IS 72118A, Johnson's Baby Powder, Italian Talc Supra Grade 00000, 7/30/80; JNJ000235074-75.
86. Memo to J. Beider, from J.A. Molnar; Re: Gambino Interrogatories, 4/17/84; JNJ000062074-75.
87. Authorization for a Product Release for a Raw Material and Process Change, Johnson's Baby Powder and Shower-to-Shower with Non-Shear Disc and Luzenac Grade 96 Talc, Formula #777-145-148, APR Addendum 99-057-1, December 2001; JNJTALC000437433-440.
88. Email to L. Szczepaniak, Johnson & Johnson, et al., from R. Lanham, FDA; Re: Conference Call #2, Johnson's Baby Powder, Batch #22318RB/ Positive Sample found for Chrysotile, a type of asbestos, 10/17/19; JNJTALC001282054-2055.
89. Email to J. Pier, Imerys, et al, from A. Miller, NIH; Re: Revisiting Talc Expert Panel Priorities, 5/4/12; IMERYS444355_001-8.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

90. Deposition of Mickey Gunter, 6/1/12; with Gunter's Notes on Conversation with Alice Blount; GUNTER00002233.
91. Draft Copy of "An Epidemiological and Prospective Clinical Study of Talc Millers of the Talco and Grafite Val Chisone Company, G.F. Rubino, Undated; JNJAZ55_000004573-77.
92. Johnson & Johnson Memo to Nashed; Re: Talc/Asbestos, 1/25/73; JNJMX68_000010125-26.
93. Johnson's Baby Powder Gym Sampling Program, 2012; JNJ000124217.
94. Windsor Minerals Memo to R. Miller, from HJG; Re: Reducing the number of ore samples collected for analysis by McCrone Associates, 11/14/78; JNJ000314315-16.
95. Decades of Evidence of Asbestos Content in Johnson & Johnson Products Summary Chart and Underlying Documents.
96. Letter to HE Ashe, State of Vermont Dept of Public Health, from DH Byers, US Public Health Service; Re: Mineral samples, 10/6/48; JNJ000331298.
97. Progress Report on Studies of the Physical Properties of Talc, Their Measurement and Comparison to Johnson and Johnson, W.L. Smith, Battelle Memorial Institute, 10/15/57; JNJ000087868-901.
98. Progress Report on The Physical Concentration of Talc Ores – Flotation to Johnson and Johnson, W.E. Brown, W.L. Smith and R.D. MacDonald, Battelle Memorial Institute, 5/23/58; JNJ000087077-104.
99. Progress Report on Further Studies on the Measurement and Correlation of the Physical Properties of Talc to Johnson and Johnson, W.L. Smith, Battelle Memorial Institute, 5/9/58, 7/18/58; JNJ000087231-274.
100. Progress Report on the Physical Concentration of Talc Ores – Flotation of Italian No 2 Talc to Johnson and Johnson, W.E. Brown, Battelle Memorial Institute, 7/31/59; JNJ000087166-230
101. Summary Report on Ultrasonic Communition of Talc to Johnson and Johnson Research, JN Antonevich, W.E. Chase, L.E. Walkup, Battelle Memorial Institute, 8/31/59; JNJ000087105-122.
102. Phase Report on An Investigation of the Measurement and Causative Factors of Luster in Fine Particulate Talcs to Johnson and Johnson, Battelle Memorial Institute, 9/15/59; JNJTALC000668937-951.
103. Progress Report on The Physical Concentration of Talc Ores – Flotation of Italian Run-of-Mine Talc to Johnson and Johnson, W.E. Brown, Battelle Memorial Institute, 12/31/59; JNJ000087123-165.
104. Phase Report on Pilot-Plant Beneficiation of Italian Run-of-Mine Talc to Johnson and Johnson, R.W. Schatz, Battelle Memorial Institute, 3/8/60; JNJ000086877-86896.
105. Letter to N.L. Warner, Johnson & Johnson, from M.E. Chase, Battelle; Re: Flotation studies in our laboratory, 4/12/60; JNJ000087723-727.
106. Letter to W.H. Ashton, Johnson & Johnson, from W.L. Smith, Battelle; Re: Observations made at Wight Mine, Gouverneur Mine, Hammondsville Mine and subsequent petrographic examinations of the ores and beneficiation products, 6/6/61; JNJTALC000129140-142.
107. Letter to W.H. Ashton, Johnson & Johnson, from W.L. Smith, Battelle; Re: Exploration work on Hammondsville Talc Deposit, 8/25/61; JNJ000087716-719.
108. Letter to W.H. Ashton, Johnson & Johnson, from W.L. Smith, Battelle; Re: Requested addendum to letter of July 11, 1961 re various grades of commercial talc, 10/13/61; JNJ000868183-187.
109. Letter to W.H. Ashton, Johnson & Johnson, from W.L. Smith, Battelle; Re: Petrographic examination of a Vermont talc product labeled D-8, 5/27/63; JNJ000087245.
110. Characterization of Flotation Tailings from the West Windsor Talc Plant to Johnson and Johnson, Battelle Memorial Institute Research Report, 4/7/66; JNJTALC000301073-1102.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

111. Johnson & Johnson Memo to W.H. Ashton, from R.S. Russell; Re: Microscopic Examination, Museum Baby Powder Samples, 7/13/66; JNJ000085374.
112. Johnson & Johnson Memo to J.T. Dettre and J.R. Marvel, from R.S. Russell; Re: Baby-Mate Baby Powder, Subject sample, 1/30/67; JNJ000235800; Johnson & Johnson Memo to R.L. Sundberg, from J.T. Dettre; Re: Sample of Baby-Mate, 1/16/67; JNJ000235800; JNJNL61_000009897.
113. Johnson & Johnson Memo from W. Ashton; Re: Metropolitan Talc, Lot G 716, Preliminary Evaluation, 11/1/67; JNJTALC000588519-526.
114. Letter to W.H. Lycan, Johnson & Johnson, from W.R. Brown, Battelle; Re: Data on the beneficiation of talc by flotation, 1/24/68; JNJ000087825.
115. Geological Audit Windsor Minerals, File #124 - Geology and Ore Reserves, Hammondsville Mine, Windsor Minerals, Colorado School of Mines, 12/4/70; JNJ000308591-750.
116. Letter to R.S. Russell, Johnson & Johnson, from R.C. Beers, Colorado School of Mines; Re: Two Vermont Final Product Samples, Project 200534, 4/14/71; IMERYS238596.
117. Methodology, Colorado School of Mines, Undated; Johnson & Johnson Memo to G. Hildick-Smith, from W.H. Ashton; Re: Assay of Talc in baby Powder, 5/14/71; Letter to W.H. Ashton, Johnson & Johnson, from M.G. Pattengill, CSMRI; Re: Analysis of Sample 344L Baby Powder, 5/10/71; JNJTALC000291146-163.
118. Letter to W.H. Ashton, Johnson & Johnson, from M.G. Pattengill, Colorado School of Mines; Re: Analysis on sample 344L baby powder and six-monthly Vermont finished product samples, 6/30/71; JNJTALC000291142.
119. Letter to W.H. Ashton, Johnson & Johnson, from M.G. Pattengill, Colorado School of Mines; Re: X-ray analysis of 344-L Vermont talc product and the six-monthly Vermont talc product samples, 7/7/71; JNJ000247079-81.
120. Meeting with Dr. Langer on July 9 Concerning Analytical Analysis of Talc, 7/9/71; JNJ000260510-515.
121. Letter to W.H. Ashton, Johnson & Johnson, from M.G. Pattengill, Colorado School of Mines; Re: X-ray and microscopic analyses of Vermont talcs, Project 310704, 7/23/71; JNJTALC000297477-480.
122. Johnson & Johnson Memo to L. Foster, from W. Nashed; Re: Talc/ Asbestos, Your memo of July 26, 1971, 7/29/71; JNJ000244833-834.
123. Letter to W.T. Caneer, Colorado School of Mines, from W. Ashton, Johnson & Johnson; Re: Drum of Italian rock from the Crosetto Mine in the Chisone Valley, 8/6/71; JNJTALC000291207-209.
124. Johnson & Johnson Memo from T.H. Shelley; Re: Dr. R.L. Sundberg to W Ashton; Re: Removal of fines, 8/9/71; JNJ000087959.
125. Johnson & Johnson Memo to H. Kramer, from T.H. Shelley; Re: Baby Powder – Talc, 8/9/71; JNJTALC000290215.
126. Microprobe Analysis (Authentication Studies), McCrone Project MA-2347, 8/23/71; JOJO-MA2347-0058.
127. Preliminary Report on Examination of Grantham Ore, Medicated Talcum Powder and Shower to Shower Talcum Powder, McCrone Project MA-2347, 9/3/71; JOJO-MA2347-0046-48.
128. Preliminary Report on the Grantham Ore and the Shower to Shower and Medicated Powders, MA-2347, McCrone, 9/3/71; JNJ000269817-823.
129. Letter to A. Goudie, Johnson & Johnson, from G. Grieger, McCrone; Re: Sample 228-P and other samples, 10/12/71; McCrone Copy of Letter and Report, 11/11/71; JOJO-MA2546-00805-811.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

130. Final Report on Shower to Shower, Medicated Powder and Feminine Spray, McCrone, 11/11/1971; JOJO-MA2546-00812-815; Affidavit.
131. Report to Windsor Mineral Co., McCrone Technical Report MA-2401, Examination of Talc Samples for Windsor Mineral Co, 10/21/71; JNJ000260811-815.
132. Letter to G. Hildick-Smith, Johnson & Johnson, from A.M. Langer, Mt Sinai; Re: Tenovous sample, 11/10/71; JNJ000259771-773.
133. "Asbestoform Impurities in Commercial Talcum Powders," D.W. Snider, D.E. Pfeiffer, J.J. Mancuso, The Compass: Sigma Gamma Epsilon, Jan 1972; JNJTALC000291239-241.
134. Determinazione Petrografica Di Silicati Asbestoidi, Societa Talco e Grafite Val Chisone, 2/16/72; JNJTALC00028941-414.
135. Petrographic Identification of Asbestos Silicates in Val Chisone (SVC) Talc, Mining Institute of the Polytechnic School of Torino, February 1972; JNJTALC000289411-412.
136. NIOSH Memo from R.D. Zumwalde; Re: Talcum sample results, 4/27/72; JNJ000314643.
137. E.S. Laboratories Chemical Analyses of Three Talc Samples for Whittaker, Clark & Daniels, 6/12/72; WCD002478-82.
138. Letter to Dr. A. Weissler, FDA, from S.Z. Lewin, New York University; Re: Final analytical results on 102 talc products, 8/3/72.
139. Handwritten List of Shower-to-Shower QA Retained Samples, February 1970 to August 1971, 8/9/72; JNJTALC000437351.
140. Handwritten Notes - Lewin Samples of Shower to Shower, 8/10/72; JNJTALC000437349-350.
141. Letter to V.A. Backels, Eastern Magnesia Talc Co., from J.C. Anzivino, Royal Globe Insurance; Re: Dust survey on July 25, 1972, 8/18/72; BASF_LOPEZ000012442-44.
142. Johnson & Johnson Memo to R.A. Fuller, from W. Nashed; Re: Talc/Asbestos, Shower to Shower Talc, 8/24/72; JNJTALC000289185-186.
143. Johnson & Johnson Memo from A.J. Goudie; Re: Trip to Sperry Rand Microanalytical Lab, Rockville, Maryland, Project No 503, 8/31/72; JNJTALC000169515-516.
144. Letter to T.D. Oulton, Englehard Minerals, from E.J. Bulava, Johns-Manville; Re: Six samples of talc, 9/5/72; BASF_LOPEZ000000018-19.
145. Johnson & Johnson Memo to File, from W. Nashed; Re: Shower to Shower/ Asbestos FDA Meeting, September 21, 1972, 9/25/72; JNJ000086531.
146. Lewin Samples, Product Name and Mineral Composition, 108T and 109T, 10/19/72.
147. Examination of Johnson's Baby Powder, McCrone Report, Copy 2 of 4, 10/27/72; JNJ000260840.
148. McCrone Study Being Redone – New one is in Master File; Letter from McCrone; Re: Baby powder samples, 10/27/72; JNJ000286691-692.
149. Examination of Johnson's Baby Powder, McCrone Report, Copy 1 of 4, Dot Not Use, 10/27/72; JNJMX68_000006930-32.
150. Johnson & Johnson Memo to Dr. Goudie, from W. Nashed; Re: Tremolite in baby powder, Undated; JNJ000260836-837.
151. Handwritten Report titled Transmission Electron Microscope, T. Hutchinson, Minnesota Space Science Center, 1972; JOJO-MA2546-0144-148.
152. Letter to G.J. Dippold, Whittaker, Clark & Daniels, from S.Z. Lewin, New York University; Re: Analysis of four most recent talc samples, 9/30/72.
153. Handwritten Letter to Ian Stewart, McCrone, from T. Hutchinson, Minnesota Space Science Center; Re: Report, 11/29/72; JOJO-MA2546-01365.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

154. Investigation of Possible Asbestos Contaminations in Talc Samples, Tom Hutchinson, University of Minnesota Space Science Center, 1972-73; JOJO-MA2546-01282-1314; 00138-146; Affidavit.
155. Avon Analytical Research Laboratory Requisition and Report for 2 Avon Coded Talcs, J&J Baby Powder Talcs and Mennen Bath Talc, 4/6/73; AV_JENKINS_S-0002465-68.
156. Johnson & Johnson Memo to F.R. Rolle, from D.H. Hamer; Re: Dispersion staining examination of retained samples of Johnson's baby powder – Project No. 503, 4/19/73; JNJ000245155.
157. Johnson & Johnson Memo to D.D. Johnston, from D.R. Petterson; Re: Windsor Minerals and Talc, 4/26/73; JNJ000294872-874.
158. Microscopic Examination of Johnson's Baby Powder, Johnson & Johnson, 4/27/73; JNJ000273729.
159. Statement of Umberto Stefano, MD, 4/30/73; JNJ000270588-591.
160. Proposed Specs for Analyzing Talc for Asbestos; Johnson & Johnson Memo to F.R. Rolle, from T.H. Shelley; Re: Proposed specs, 5/16/73; Johnson & Johnson Memo to T.H. Shelley, from F.R. Rolle; Re: Proposed Specs for Analyzing Talc for Asbestos, 5/22/73; JNJ000232679-685.
161. Letter to T.D. Oulton, Englehard Minerals, from E.J. Bulava, Johns-Manville; Re: Inspection of samples 73-J-1 through 4 and 73-K-1, 5/25/73; BASF002466-67.
162. Johnson & Johnson Memo to R.F. Rolle, from T.H. Shelley; Re: British Toilet Preparation Federation techniques, 6/4/73; JNJ000286971-972.
163. Johnson & Johnson Memo to R.J. Mortimer, et al., from D.R. Petterson; Re: Concentration techniques, 6/6/73; JNJ000231416.
164. Letter to W.H. Ashton, Johnson & Johnson, from W.T. Caneer, Colorado School of Mines; Re: Meeting with Bowling Green University Geological Staff, Project No. C10704, 6/8/73; JNJ000294531-36.
165. Englehard Minerals Technical Service Request to G.A. Hemstock, from J.H. Shafer; Re: Emtal Mine Waste Rock, Asbestos-form Particles and Free Silica, TSR No. T-2, 6/12/73; BASF02462-66.
166. FDA Memorandum to R.M. Schaffner, from Dr. A. Weissler; Re: Summary and Comments on Prof Lewin's Analytical Results for Asbestos in Talc, 7/31/73; HHS000000197-232.
167. Johns-Manville Memo to R.S. Lamar, from V.E. Wolkodoff; Re: Determination of Chrysotile by TEM in Commercial Talcs, 8/28/73; CRMC-Talc-Micro-001371-1416; Affidavit.
168. FDA FY 1974: Project Title: Asbestos and Other Contaminants in Talc, J Stuart, 9/6/73.
169. Johnson & Johnson Memo; Re: Summary Papers Prepared by Professor Pooley for his meeting on September 12, 1973, 9/13/73; Section 1-2, Pooley Report, Undated; JNJ000264500-510.
170. Avon Memo to J.C. Anderson, from J.J. Travers; Re: Talc, 9/14/73; AV_STD_027240-27245.
171. Determination of Asbestos in Talc by Light Optical Microscopy for WCD, South Plainfield, NJ, Report No 1621, Ernest F. Fullam, 11/20/73; JNJ000267972-974.
172. J&J Benelux Memo to Worth, from W. Nashed; Re: Asbestos in baby powder, 12/13/73; JNJTALC000376583-584.
173. "Practical Guide to the Recognition of Impurities in Talc," Societa Talco e Grafite Val Chisone, 1974; JNJ000294278.
174. Letter to I. Stewart, McCrone, from J.P. Simko, Colgate-Palmolive; Re: Three samples of talc, 1/28/74; MCCRONE0168-0180; COL00643-655.
175. Confidential Report - New Reagent Systems - Plant Trial at Windsor Minerals, V. Zeitz, 1/29/74; Examination of Talc Ores and Products, Beneficiation Processes, Windsor Minerals, 5/8/74; JNJ 000326070-116.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

176. Letter to F.R. Rolle, Johnson & Johnson, from R. Shimps, McCrone; Re: Analysis of Samples S5-888, T-280 and S1-1028-72831, 2/11/74; JNJNL61_000008111.
177. Letter to F.R. Rolle, Johnson & Johnson, from I.M. Stewart, McCrone; Re: Chrysotile content of sample, Shimps letter dated 11 February 1974, 3/11/74; JNJ000265803-804.
178. Johnson & Johnson Memo to G. Lee, from W.H. Ashton; Re: Notes on Visit to Denver Area March 26 thru March 27, 1974, 4/4/74; JNJ000287913-915.
179. Letter to R.S. Russell, Johnson & Johnson, from G.R. Grieger, McCrone; Re: Examination of four samples designated as A, UDSA, UDSB and AC, 4/10/74; JOJO-MA2546-00567.
180. Examination of Talc Samples, Argonaut Ore Body, MA3295, V. Zeitz, Windsor Minerals, McCrone Project MA-3295, Copy 1 of 7, 4/24/74; JNJ000222859-866.
181. Examination of Talc Ores and Products from the Argonaut Ore Body, Windsor Minerals Company, McCrone, MA3295, 5/9/74; JNJ000274273-277.
182. Johnson & Johnson Memo to A.M. Marks, from R.S. Russell; Re: Talc - New Flotation Method, Project No. 1133.02, 5/16/74; JNJ000246883-884.
183. Letter to R. Rolle, Johnson & Johnson, from G.R. Grieger, McCrone; Re: Analysis of 21 samples, 7/8/74; JNJTALC000287007-009.
184. Johnson & Johnson Confidential Memo to G. Lee, from W.H. Ashton; Re: Damaging Editorial reference, 9/24/74; JNJ000274275-276.
185. Letter to V. Zeitz, Windsor Minerals, from R.J. Shimps, McCrone; Re: Analysis of 11 talc samples, 10/10/74; JNJ000291308.
186. Letter to R. Russell, Johnson & Johnson, from G.R. Grieger, McCrone; Re: Analysis of samples J and J 3390-66, 12/9/74; JOJO-MA2546-00509-11.
187. Mineralogy and Chemistry of British Talc and Consumer Talcum Products, F.D. Pooley, University College Cardiff and NIEHS, 1975; JNJTALC000167976-988.
188. Avon Raw Material Analytical Report, Talc A85, Ilshin Industrial, Code 0747, 1/31/75; AV_STD_003327.
189. Cyprus Laboratory Report 1790-79; Subject: Electron Microscopy of Windsor Minerals Talc Samples, 2/24/75; CAMC-Sabatelli-000677-80.
190. Avon Laboratory Notebook 2447, Project No 50003, 4 Samples of Talc, W. Luckewicz, 3/26/75; AV_STD_018897.
191. Technical Services R&D Control Laboratory Raw Materials Analytical Report, Talc - Italian, Tecnia Mineral, SA, Code 0747/0755, 5/14/75; AV_STD_002731.
192. Letter to G.R. Grieger, McCrone, from R.S. Russell, Johnson & Johnson; Re: 7 samples of talc, 5/8/75; Letter to G.R. Grieger, McCrone, from R.S. Russell; Re: 4 samples of talc, 5/29/75; McCrone Results Sheet; JOJO-MA5880-0023-26.
193. Letter to R.S. Russell, Johnson & Johnson, from G.R. Grieger, McCrone; Re: Eleven samples, 6/11/75; JNJ000687275.
194. Letter to V. Zeitz, Windsor Mineral, from G.R. Grieger, McCrone; Re: Examination of two groups of samples, 7/1/75; JNJ000291318-320; JNJ000296901.
195. Johnson & Johnson Memo from G. Lee; Re: AM Langer Analysis of Talcum Powder Products - Edinburgh Meeting, 9/9/75; JNJ000253056-57.
196. Windsor Minerals Memo to V. Zeitz, from I. Stewart, McCrone; Re: Copy of talc analysis photos, 9/11/75; WIND-04055-0026-29.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

197. Pfizer, Coty Div., Memo to S. Shope, from F.W. Mabus; Re: Routine Analysis of Coty Talc for Fibrous Tremolite, 11/1/75; PFE-Hug00007124.
198. Letter to V. Zeitz, Windsor Mineral, from G.R. Grieger, McCrone; Re: Report of 1 July 1975, 11/5/75; JNJ000578954-955.
199. Letter to V. Zeitz, Windsor Minerals, from G.R. Grieger, McCrone; Re: 24 talc samples dated 9-2-75 for asbestiform minerals, 11/19/75; JNJ000066174-75.
200. Letter to Dr. F. Haslam, BAT, from Moyler, Yardley; Re: Analysis of Italian Talc Batch 73859, 12/31/75.
201. Johnson & Johnson Memo from G. Lee; Re: Talc Advisory Group Meeting, January 7, 1976, 1/12/76; JNJTALC000300138-141.
202. Determination of Content of Asbestos Type Minerals in Talc Samples for Johns-Manville, Hazen Research, Project 1431, Johns-Manville Report 414-3, Discussion, 10/29/73; MTC 000563-591.
203. Pfizer Analysis of Two Talcs from Coty (John Clements), 3/8/76; PFE-Hug00007094-7101.
204. Johnson & Johnson Handwritten Notes- Minerals in Baby Powder, Lot 228P, 7/5/76; JNJ000064762; Letter to J Krause, CSMRI, from WH Ashton, Johnson & Johnson; Re: Lot 228P, 3/16/76; JNJ000265171.
205. Pfizer, Coty Div., Testing of Coty Talc 1615, 7/16/76 to 7/28/76; PFE-Hug00007189-7190.
206. Pfizer Memo to DS Young, from HD Stanley; Re: TS-5222 Addendum - Section 4, 7/16/76; PFI_SEL_00003592-3599.
207. Pfizer, Coty Div., Testing of Coty Talc, WCD 1615, 8/30/76; PFE-Hug00007195.
208. Pfizer, Coty Div., Testing of Coty Talc, 12/16/76 to 12/17/76; PFE_Hug00007198.
209. Determination of Mineral Fibres in Two Talc Powder Samples, University of Turin, 2/23/77; JNJ000314406-414.
210. Englehard Minerals Technical Service Request TSR J77-2; Re: Filter Analysis of MESA samples, 2/23/77; BASF02484-86.
211. EMV Associates Consultant Report to Johnson & Johnson, 9 Talc Samples, , 4/1/77; JNJ 000061131-54.
212. EMV Associates Certificate of Microanalysis for Asbestos, A Composite, 4/4/77; JNJ000062160.
213. EMV Associates Certificate of Microanalysis for Asbestos, Old Stock Composite, 4/4/77; JNJ000061156.
214. Pfizer, Coty Div,. Testing of Coty Talc, 6/6/77 to 6/7/77; PFE_Hug00007209.
215. Letter to F.J. Dzierzanowski, Englehard Minerals, from McCrone; Re: Examination of two talc samples under PO 33716, 6/27/77; BASF_CPR00000083-84.
216. Englehard Memo to T.D. Oulton, from K. Newger; Re: Mineralogical Evaluation of Waterbury and Johnson Talc, 8/18/77; BASF_LOPEZ000000047-50.
217. Colgate Sample Talc 1615, Lab #4811, MA Project 5500, 11/9/77; McCRONE 0077.
218. Letter to J.P. Simko, Colgate, from L.B. McCrone; Re: Examination of Two Samples - French Talc and talc 1615 Lab #4811, 11/16/77; McCRONE0075.
219. Mineralogical Investigation of Three Main Contaminating Rock Types in the Talc Deposit of Windsor, Vermont, Mountain States Research and Development, Job No. 522, 12/15/77; JNJ000338378-385.
220. Geology and Ore Reserves of the Hammondsville Ore Body, Report of the Geology Section, W.J. Gregg, Windsor Minerals, 2/20/78; IMERYS436972-7097.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

221. Letter to R.N. Miller, Windsor Minerals, from G.R. Grieger, McCrone; Re: 38 talc samples, 10/5/78; JNJ000063173.
222. Englehard Memo to D.L. Caputo, from R.A. Nadkarni; Re: Asbestos in Talc Samples, 10/27/78; BASF02510-12.
223. Englehard Technical Service Request J-79-1, Sample REL 79-1, 2/1/79; BASF02513-14.
224. Johnson & Johnson Handwritten Call Report from H. Cohen; Re: BPC Quality Control, 2/9/79; JNJ000063167.
225. Pfizer, Coty Div., Testing of Coty Talc, 2/8/79 to 2/14/79; PFE_Hug00007212.
226. Englehard Memo to G.A. Hemstock and A.L. Yunko, from E.J. Triglia; Re: Talc Investigation, 3/23/79; BASF02518-20.
227. Pfizer, Coty Div., Testing of Coty Talc, 3/26/79; PFE_Hug00007085.
228. Pfizer, Coty Div., Testing of Coty Talc, 4/5/79 to 4/27/79; PFE_Hug00007218-7220.
229. Englehard Memo to E.J. Triglia, from P.N. Gale; Re: Talc Investigation - Review and Update, 4/11/79; BASF_Goodhue000051-53.
230. Letter to PN Gale, Englehard, from McCrone; Re: Analysis of samples, 4/30/79; BASF_LOPEZ000010430-33.
231. Pfizer, Coty Div., Testing of Coty Talc, 5/10/79 to 6/18/79; PFE_Hug00007087; PFE_Hug00007087, 7222.
232. Production Preamble, Talc Meeting, Englehard, 5/17/79; BASF02557-558.
233. Englehard Memo to G.A. Hemstock, from E.J. Triglia; Re: Talc Investigation, 5/22/79; BASF_LOPEZ000000091-93.
234. Pfizer, Coty Div., Testing of Coty Products, 7/10/79; PFE_Hug00007088.
235. Pfizer, Coty Div., Testing of Coty Talc 1615, 7/16/79 to 7/27/79; PFE-Hug00007089.
236. Englehard Memo to G.A. Hemstock, from E.J. Triglia; Re: Talc Investigation, 7/17/79; BASF02562-568.
237. Letter to E.L. Triglia, Englehard, from J.L. Hubbard, Engineering Experiment Station, Georgia Institute of Technology; Re: Three sets of asbestos counts, 9/19/79; BASF_LOPEZ000000110-111.
238. Pfizer Memo to S. Shope, from F.W. Mabus; Re: Routine Analysis of Coty Talc for Fibrous Tremolite, 11/1/79; PFE-Hug00007079.
239. Pfizer, Coty Div., Testing of Coty Talc 1615, 4/7/80 to 6/30/80; PFE-Hug00007135-7140.
240. Letter to I.M. Stewart, McCrone, from H. Grayson, Windsor Minerals; Re: 2 samples of talc, 9/29/80; JNJ000064626.
241. Letter to H.J. Grayson, Windsor Minerals, from R.M. Ellis, McCrone; Re: Talc sample from W Gregg KR, 11/6/80; JNJ000063236.
242. Pfizer, Coty Div., Testing of Coty Talc 1615, 2/24/81 to 9/17/81; PFE-Hug00007254.
243. Pfizer Test of 1615 Talc, QC #1C4176, 3/12/81; PFI_GIBB_00000787.
244. Johnson & Johnson Memo to W.R. Lipsky, from E.S. Faxstein; Re: Johnson's Baby Powder with Petrolatum, 8/28/81; JNJ000246617-619.
245. Englehard Technical Service Request RMK-82-2 to D.B. Swanson; Re: EMTAL Particle Characterization, 3/11/82; BASF02599-601.
246. DCST Sampling at Talc Properties, MSHA, Personal Exposure Samples, 1/1/74 through 8/19/82, 8/24/82.
247. Letter to R.A. Arzapalo, Johnson & Johnson, from D.P. Palenik, McCrone; Re: Analysis of sample 5-HV66, 2/24/84; JNJ000062127.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

248. MSHA Inspection Report, South Plainfield Mill, Cyprus Industrial Minerals Co., 5/15/84; CAMC-Herford-000119-125.
249. Letter to J.P. Grange, Talcs de Luzenac, from W.H. Ashton, Johnson & Johnson; Re: Talc Asbestos L Paoletti, et al, 9/26/84; JNJTALC000128194-128208.
250. Letter to R.N. Miller, Windsor Minerals, from M.E. Palenik, McCrone; Re: Analysis of four air filter samples, 11/2/84; JNJ00063266.
251. Johnson & Johnson Analytical Request and Report, Project No 2881, Chinese Talc, Sample 912-47 100T lot of cosmetic grade, W.H. Ashton, 2/26/85; JNJ000062436.
252. Letter to A.J. LaPierre, Windsor Minerals, from T.J. Gore, McCrone; Re: Analysis of Seven Talc Samples for Asbestos Mineral Content by Transmission Electron Microscopy, ME-1862, 8/22/85; JNJ000063206-7.
253. Letter to I. Stewart, McCrone, from R.N. Miller, Windsor Minerals; Re: Methodology and Reports, 9/10/85; JNJ000064652.
254. Letter to R.N. Miller, Windsor Minerals, from T.R. Gore and J.R. Millette, McCrone; Re: McCrone Project ME-1862, PO WS-17577, 10/8/85; JNJ000288584.
255. Abstract of "Characteristics of Italian Talcs and possibility of association with harmful minerals," U. Verdel, B. Sperduto, P. Ricchiardi, C. Laurini, Ind Min (Rome), 11/18/85, American Chemical Society CAS Online, 1985; JNJ000086585.
256. Cyprus Minerals XRD Analysis/ Testing of Talc, Supra and Mistron, 1986-1988; LEHMAN01830-1852; CPC-FISHBAINTRSCPT0000143-65.
257. Letter to R.N. Miller, Windsor Minerals, from J. Schmidt, Johnson & Johnson; Re: Windsor Minerals Raw Talc Submissions November 1986 to January 1987, 1/30/87; JNJAZ55_00000877-1878.
258. Letter to R.N. Miller, Windsor Minerals, from J. Schmidt, Johnson & Johnson; Re: Windsor Minerals Raw Talc Submissions, 3/30/87; Mineralogical Report, Project No. 2621, 2/12/87; JNJ000237376-77; JNJ000285289-95.
259. J&J Baby Products Co. Authorization for Interim Specification No. 75899 A, Talc- Pharmaceutical Grade, J&J KK Japan, 12/1/88; Letter to MA Nunes, from Coors Analytical Laboratory; Re: XRD Analysis of Talc 879-57 Talc L, 3/22/88; Letter to H. Nishimura, from W.H. Ashton; Re: Examination of Talc L by J&J Scientists, 9/17/87; JNJTALC000215579-591.
260. Letter to R.N. Miller, Windsor Minerals, from J. Schmidt, Johnson & Johnson; Re: Talc Samples from Mountain States R&D, May 1, 1987, 10/1/87; JNJ000266310.
261. Letter to M.A. Nunes, Johnson & Johnson, from A. Dickey, R.J. Lee; Re: Analysis of talc sample 879-57 TALC L, 3/14/88; JNJ000062176-77.
262. Windsor Minerals Memo to Dr. M. Gross, from R.N. Miller; Re: Rainbow Mine Sourced Grade 66 Composite Sample for Testing, 10/13/88; JNJTALC000215210-216.
263. Talc Analysis ES#9020, 731-98 Talc Powder, 200 Mesh, Qixia Shan Dong, ES Laboratories for Johnson & Johnson BP Division, 1/17/89; JNJ000062359-63.
264. McCrone Project Cost Record for Project MA-90013, TEM Analysis on one talc sample, PO ME-7885, 11/30/90; JOJO-MA90013-001-16; Affidavit.
265. “Amphibole Content of Cosmetic and Pharmaceutical Talcs,” A.M. Blount, Environmental Health Perspectives, Last page of handwritten identification of samples, 1991; JNJ000241177-83.
266. “Amphibole Content of Cosmetic and Pharmaceutical Talcs,” A.M. Blount, Environmental Health Perspectives, 1991; Letter to M Refregier, Talc de Luzenac, from AM Blount, The Newark Museum;

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Re: Call from Slim Thompson re my paper in Environmental Health Perspectives, 2/10/92; Typed list of sample identification; JNJ000379224-229.

267. Letter to R. Hatcher, Mehaffy & Weber, from A.M. Blount; Re: Up-to-date scientific view on asbestos, amphiboles, and intermediate fibers, 4/23/98; JNJ000064241.
268. Amphibole Scans - WWM, Grades 66 & 96, 1991-1992; AB-CYP-41-0001513-1668.
269. Cyprus Industrial Minerals Memo to J. Scott, from J.M. Radcliffe; Re: Floatation System Mineralogy, November 1991 Composites, Project No 92-004, 1/29/92; JNJ000280878.
270. Letter to M. Refregier, Talc de Luzenac, from A.M. Blount, The Newark Museum; Re: Call from Slim Thompson re my paper in Environmental Health Perspectives, 2/10/92; JNJ000379224-229.
271. Imerys Memo from R.C. Munro; Re: Cyprus Ore Reserves - Arsenic & Tremolite, 3/25/92; IMERYS219720-22.
272. Cyprus Memo to US Borax, from R.C. Munro; Re: Hamm Mine Core Drilling, 5/21/92; IMERYS238270-277.
273. Letter to W.H. Ashton, Johnson & Johnson, from W.H. Powers R.J. Lee; Re: R.J. Lee Group Inc. Job No. AOH510299, 10/13/95; JNJ000063951.
274. Johnson & Johnson Memo to J. Hopkins, from R. Gallagher; Re: Optical Microscopy/ Dispersion Staining of Luzenac America Talc Composite Samples for 1995, 3/26/96; JNJ000240636.
275. Letter to H.L. Hobson, Attorney, from J.L. Abraham, Health Science Center at Syracuse; Re: Exam of Johnson's Baby Power Sample, 8/25/97; JNJ000064544.
276. Luzenac Float Feed Sample to Bain Environmental from West Windsor Laboratory, LAI 97-10, LAI 97-11, October-November 1997, 12/4/97; JNJ000280762-764.
277. Letter to JC O'Shaugnessy, from M.R. Hatcher, Mehaffy & Weber; Re: Coker vs. Bill Thames Pharmacy, 3/16/98; JNJ000064591-92.
278. Email to R. Zazenski, from M. Hayes; Re: Bain asbestos analysis, 12/4/00; IMERYS288636.
279. Luzenac Technical Report to D. Crouse, from J. Pier; Re: Analysis of Fibrous Material from Argonaut Waste Rock, Project No A01709, 5/23/02; IMERYS422289-90.
280. Luzenac Memo to D. Crouse, from H.A. Rothschopf; Re: PLM Analysis of Argonaut Drilling Sample, Project No A02703, 3/31/03; IMERYS482077-83.
281. Email to S Mann, from J Hopkins; Re: Talc, 2/24/04; Memo to S. Mann, from M. Monseau; Re: Asbestos, 2/24/04; Letter to M. Monseau, from M. Ozdaglar, KCRA TV3, 2/23/04; Quantitative Analysis Report, Forensic Analytical, 1/5/04; JNJ000375386-389.
282. Luzenac Product Certification Report to R. Corder, from J. PIer; Re: AO3098, AAO3372 and AO3499, Summary Report, 2001, 2/26/04; IMERYS354089.
283. Luzenac Product Certification Report to R. Corder, from J. PIer; Re: AO3098, AAO3372 and AO3499, Summary Report, 2003, 2/26/04; IMERYS077643.
284. Luzenac Product Certification Report to R. Corder, from J. PIer; Re: AO2224, AO2400, AO2524 and AO3038, Summary Report 2002, 2/27/04; IMERYS342782.
285. Luzenac Technical Report to R.J. Zazenski, from J.W. Pier; Re: Table I. Summary of TEM Asbestos Results: Grade 66/96 USP Product Composites, 3/11/04; IMERYS342778-779.
286. Letter to S Smith, Law Offices of Peter G. Angelos, from S. Fitzgerald, SAI; Re: AGI Talc Powder Testing, 5/22/14.
287. Report of Results: MVA11730: Investigation of Italian Talc Samples for Asbestos, S.P. Compton, MVA, 8/1/17.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

288. Analysis of Johnson & Johnson's Baby Powder and Valiant Shower to Shower Talc Products for Amphibole (Tremolite) Asbestos, W.E. Longo, MAS, 8/2/17.
289. Analytical Test Report of the Gunter Argonaut Samples, M. Gunter, R.J. Lee, 4/6/18.
290. Report of Results: MVA12588: Investigation of Vermont Talc Samples for Asbestos, S.P. Compton, 4/23/18.
291. Letter to J.D. Satterley, from L.W. Poye, J3 Resources; Re: Hayes v. Colgate - Shower to Shower Samples, 7/13/18.
292. Analysis of Colgate-Palmolive-Cashmere Bouquet Cosmetic Talc Products for Amphibole Asbestos, Supplemental Expert Report, W.E. Longo, M.W. Rigler, MAS, 9/25/18.
293. The Analysis of Johnson & Johnson's Historical Product Containers and Imerys' Historical Railroad Car Samples from the 1960s to the Early 2000s for Amphibole Asbestos, 2nd Supplemental Report, W.E. Longo, M.W. Rigler, MAS, 2/1/19.
294. AMA Analytical Services, Inc Certificate of Analysis 308006, 6A, 6B, Summary of Analysis, 13/3/19, Revision #2, 10/11/19; JNJTALC00121994-2048.
295. Johnson & Johnson Press Release - 15 New Tests from the Same Bottle of Johnson's Baby Powder Previously Tested by FDA Find No Asbestos, 10/29/19.
296. Supplement Report 1: MAS Project #M71166: Off-the-Shelf 2020 JBP Talcum Powder Analysis, W.E. Longo, MAS, 9/29/20.
297. Summary charts relating to evidence of asbestos content of various sources of talc.
298. Excerpts from the Deposition of Nancy Musco, Foley vs Avon Products, Inc., et al., Middlesex County, New Jersey, Volumes 1 and 2, 2/15/19 and 3/8/19.
299. Trial Testimony of John Hopkins, Blinkinsop v. Albertsons Companies, et al., Los Angeles, California, 3/25/19.
300. Statistical Probability Excel Spreadsheet.
301. Johnson & Johnson Memo from J.P. Schelz; Re: Analysis of Johnson's Baby Powder for Tremolite Asbestos, Project No 503, 11/8/72; Attachments: 10/31/72 Memo; 11/8/72 Letter to A.J. Goudie, Johnson & Johnson, from FD Pooley, University College, Cardiff, 11/8/72; HHS00000022-55.
302. McCrone Project MA-2347 - Preliminary Report on Examination of Grantham Ore, Medicated Talcum Powder and Shower to Shower Talcum Powder, 9/3/71; JOJO-MA2347-0016-25.
303. Johnson & Johnson Email to R. DePano, from L. Telofski; Re: Powder Factoids, 1/31/01; JNJ000564091-92.
304. Letter to A.P. Raphael, Levy Phillips, from C.H. Chung, Quinn Emanuel; Re: Colgate Documents Production, Bernard and Konopka-Sauer, 4/19/10; Letter to E. Granek, McGivney & Kluger, from FOIA Officer, FDA; Re: Record request dated October 30, 2009, HHS bates-stamped documents, 12/2/09.
305. Business Records Affidavit of David A Wiley, McCrone Documents Produced Pursuant to Subpoena Served In Re: All Asbestos Litigation Filed by Maune Raichle Hartley French & Mudd, 9/14/17.
306. Letter to J Schmidt, Johnson & Johnson, from GR Dunmyre, RJ Lee; Re: J&J PO 004854, 5/23/89; JNJ000223509-10.
307. Johnson & Johnson Standard Test Method No 7024; Subject: Determination of Asbestos Minerals in Windsor 66 Talc by Transmission Electron Microscopy, 4/29/77; Standard Test Method No 7019; Subject: Determination of Serpentine Minerals in Windsor 66 Talc by Differential Thermal Analysis, 4/5/77; JNJ 000264812-18.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

308. Site Visit: Guilin Talc, Project TLH102104, R.J. Lee, Prepared for Johnson & Johnson, April 2011; JNJ000133309-33.
309. Colgate Samples Chart: Talc Samples Tested by Plaintiff's Experts, 2015.
310. Avon Products Basic Batch Formula for 2-9804-1HN Sweet Honesty #64843-03, Rev #3, 1/9/78; Rev #4, 8/14/78; Rev #5, 7/28/81; AV_Garcia_000001-3.
311. Avon Products Basic Batch Formula 2-7485-1HN for Skin-So-Soft #58854-A-1, Rev #5, 8/14/78; Rev #6, 7/28/81; AV_Garcia_000004-5.
312. Avon Formula Master, Talc-Candid, Code 10113-11, 6/5/78; Basic Batch Formula 2-9842-1HN Candid #10113-10, Rev #3, 8/14/78; Rev #4, 1/12/79; Rev #5, 7/24/81; AV_Garcia_000006-9.
313. Avon Formula Master, Aerosol-Powder Mist; Candid Concentrate, Code 13199-05, 1/15/79; Basic Batch Formula Rev #5, 7/24/81; AV_Garcia_000010-11.
314. Avon Raw Ingredient Testing Specifications, Code 0747-1, Italian Talc, Rev #3, 8/24/77; API0019561-25-API0019561-26.
315. Avon Raw Ingredient Testing Specifications, Code 0747-1, Italian Talc, Rev #1, 1/30/80; Rev #4, 7/2/81; API0019561-21-API0019561-24.
316. Avon Raw Ingredient Specifications, Code 0750-1, Brazilian Talc, 7/15/81; AV_Garcia_000028-29.
317. Avon New Raw Ingredient Release, Code 0752-1, Olympic Talc, 6/11/76; Rev #1, 1/19/77; Rev #3, 1/9/81; AV_FORNI-0006376; 1927-1928; AV_Garcia_000026-27.
318. Avon Raw Ingredient Specifications, Code 0752-1, Olympic Talc, Rev #4, 10/14/82; API0013866-1-API0013866-2.
319. Cyprus Product Application, Cosmetic, Undated; CAMC-Ratcliff-000025-27.
320. Avon Raw Ingredient Specifications, Code 0768-1, Talc #2450, Rev #3, 8/15/77; Rev #2, 7/2/81; AV-FORNI-0004002-3; AV_Garcia_000018-19.
321. Mineral Analysis of Currently Used Talcs, J.J. Travers, Avon Products, 3/28/72.
322. Excerpt of the Deposition of Dennis St. George, Hirshberg v. Johnson & Johnson, 3/2/21.
323. Avon Raw Ingredient Testing Specifications, Code 0815-1, Northern Talc, Rev #1, 9/20/71; Teletype to L.J. Richards, from S.N. Zia; Re: Pasadena Carload Receipt of Talc Designated as Montana, Code 0815, from American Talc with WCD labels, 7/17/72; Analytical Research Laboratory Requisition and Report, 2 Avon Coded Talcs, J&J Baby Powder and Mennen Bath Talc, 4/6/73; Avon Raw Ingredient Testing Specifications, Code 0815-1, Northern Talc, Rev #2, 3/16/77; API0017948-5-API0017948-6; AV-FORNI-0005036; AV-LEBRECHT-0010391; API0017921-5-API0017921-6.
324. Avon Raw Ingredient Specifications, Code 0815-1, Northern Talc, Rev #3, 12/20/79, 7/2/81; AV_Garcia_000012-17.
325. Avon Memo to R.C. Charlesworth, Montreal, from C.P. Randa; Re: Talc Testing, 7/12/76; AV_STD_002234.
326. Summary Chart, Avon Talc Sources
327. Letter to J.J. Travers, Avon Products, from L.D. Murino, United Sierra; Re: Testing of Talcs, 8/31/71; AV_STD_027204-207.
328. Letter to R.R. Krammes, Whittaker, Clark & Daniels, from R.E. Stevens, EF Fullam; Re: Request for Quotation, October 11, 1973, 10/16/73; Test Results of Six Talc Samples, 10/19/73; Report of Analysis, 11/20/73; LoGiudice/WCD/0170-174.
329. Letter to J.P. Simko, Colgate, from R. Shimps, McCrone; Re: Analysis of Samples designated 516, Cashmere Bouquet and NC Regal, 2/5/74; COL00645-654; MCCRONE 0170-0179.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

330. Pfizer, Coty Div. Testing, 643 Grade Talc, 2/16/79; ES Laboratories Testing Report for 643 Talc, North Carolina, 3/10/80, 6/14/79, 12/15/78; PFE-Hug00007214.
331. Pfizer, Coty Div., Testing, 643 Grade Talc, 7/23/79; ES Laboratories Testing Report for 643 Talc, North Carolina, 3/10/80, 6/14/79, 12/15/78; PFE-Hug00007090.
332. Pfizer, Coty Div., Testing of 141 Talc, 2/14/79, 4/24/79, 5/19/79, 7/16/79 and 4/7/80; PFE-Hug000007212.
333. Cyprus Laboratory Report, Beaverhead Mine Development, 7/20/88; LUZ00000069-70.
334. Excerpt of Talc and Chlorite Deposits in Montana, R.B. Berg, 1979.
335. Cyprus Memo to G.D. Lessner, from H.M. Harlan; Re: Willow Creek Mine and Greenhorn Claims, Madison County, Montana, 4/6/84; Montana0406-0416.
336. Whittaker, Clark & Daniels Sales Report of Sales to Charles of the Ritz, 1975-1981; WCD Alderice Disc Docs 001062-1070.
337. Whittaker, Clark & Daniels Sales Report of Sales to Charles of the Ritz, 1982; WCD (IL) Garcia 0013.
338. Cyprus Industrial Minerals Sales Analysis by Customer, Sales to Charles of the Ritz, 12/31/82 to 12/31/87; ITA-Polakow-000001-6.
339. Cyprus Customer Specification Sheets for Charles of the Ritz, 10/27/82, 4/14/83, 6/6/85; LEHMAN01608, 1638-39.
340. Summary Chart, Charles of the Ritz Talc Sources
341. MAS Analysis Report, Project #M71031 to M71038, Jean Nate Body Powder Products, W.E. Longo, 7/31/20.
342. MAS Analysis Report, Project #71138 Jean Nate Silkening Body Powder, Danielle Polakow's 6 oz Container, W.E. Longo, 8/6/20.
343. MAS Supplement Report #2, Project #M70293, Jean Nate Silkening Body Powder, W.E. Longo, 8/7/20.
344. MAS Chart of Jean Nate Testing, W.E. Longo, 8/10/20.
345. Declaration of William E. Longo, Jean Nate, 8/10/20.
346. MAS Supplement Report, Project #M70629, Jean Nate Silkening Body Powder, W.E. Longo, 8/10/20.
347. Johnson & Johnson Handwritten Memo to D.R. Petterson; Re: Harvard Results, 3/21/75; Clinical Data, 3/18/75; IMERYS235445-448.
348. Pfizer Memo to J.E. Clements, from H.D. Stanley; Re: Coty, Asbestos in Talc (on results of testing by TEM of Talc 1, Talc 141 and Talc 1615), 12/8/72.
349. Johnson & Johnson Talc Advisory Group (containing results of Coty and Cashmere Bouquet testing), 5/4/76; JNJNL61_000035497-98.
350. Collection of Pfizer notebook entries of results of 126 tests of Talc 1615 by TEM from 1976-1982, various bates stamps; Table summarizing the results of Pfizer's tests of Talc 1615 (table/summary prepared by counsel).
351. Collection of Pfizer notebook entries of results of 41 tests of Talc 141 by TEM from 1976-1982, various bates stamps; Table summarizing the results of Pfizer's tests of Talc 141 (table/summary prepared by counsel).
352. Letter to S.R. Mountsier, Whittaker, Clark & Daniels, from SZ Lewin, New York University, 11/1/71.
353. Collection of six tests of Talc 4615 (Canada) by XRD, 11/2/71 WCD 0242, 5/14/72; WCD 0243, 6/12/72 WCD 0244, 7/20/72 WCD 0245, 12/18/72 WCD 0247, 3/22/76; WCD 0265.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

354. Letter to Peter Bixby, from S.Z. Lewin, New York University, 7/18/72 (Ex. 3 to the deposition of Whittaker, Clark & Daniels representative Dennis St. George, 9/20/17).
355. Whittaker, Clark & Daniels Memorandum to R.F. Miller, from M.D. Inskeep; Re: Asbestos Content of Talcs, 8/3/72; WCD0293.
356. Letter from Dr. Alfred Weissler to Frederick Roesch, 4/19/73, WCD – Pipes (OK) 1173; Letter from Frederick Roesch to Dr. Alfred Weissler, 4/6/1973, WCD – Pipes (OK) – 1174; Letter from George Dippold to Canada Talc, Madoc, Canada, 3/16/1972, WCD – Pipes (OK) – 1078 (Ex. 14 to the deposition of Whittaker, Clark & Daniels representative Dennis St. George, 12/13/18).
357. Memorandum to Gene Hauer, Amoco, from J. Zechinati (on Talc 4615), 11/21/75.
358. Talc Analysis (Asbestos), Walter C. McCrone Assn., 4615 (Canada), 4/13/76; WCD0266.
359. Pfizer Memo to S. Shope, from F.W. Mebus; Re: Results of eight lots of talc, 3/1/79; PFI_ROY_00000443; corresponding laboratory notebook entries for each quality control number, various bates numbers.
360. Pfizer Memo to O. McKay, from H.D. Stanley; Re: Results of four samples, 9/13/76; PFI_ROY_00000300.
361. Pfizer Memo to D.S. Young, from H.D. Stanley; Re: Comments on TS-5222 Addendum – Section 4, 7/26/76; PFI_SEL_00001245-46.
362. Bruce Hicks Memorandum to Montana Talc File, “Summary of Tremolite Testing of Montana Talc,” 2/8/91; PFZ001162_05753-55.
363. Letter to Robert Smith, President of Whittaker, Clark & Daniels, from D. Ferry, Metropolitan Talc; Re: Canadian Talc sale of 4602 to Nestle, 2/16/70.
364. Talc Supply Agreement with Schedule I between Cyprus GeoResearch Company and Whittaker, Clark & Daniels (stating origin of talc grades), 8/28/79; ITA 294-301.
365. Collection of Pfizer notebook entries of results of 42 tests of Talc 643 by TEM from 1978-1981, various bates stamps; Table summarizing the results of Pfizer’s tests of Talc 643 (table/summary prepared by counsel).
366. Collection of E.S. Laboratories XRD results of Talc 643 (stating product origin of Talc 643 in North Carolina), 2/23/1977, 1/17/1978, 9/13/1978, 12/15/1978, 6/14/1979, 3/10/1980, 10/21/1981, 4/7/82.
367. Johnson & Johnson Support to International, Report for July – October 1980, 10/1980, JNJ 000065269-72.
368. Talc, Prepared for EPA by Rio Tinto Minerals and Barretts Minerals, October 2009, Edward McCarthy, Julie Pier, Erik Ronald and Gary Tomaino, 11/3/09; IMERYS 036155-36196.
369. Letters to Audrey Osborn, Revlon Research Center, from Beacon CMP Corporation, 12/23/92, 7/8/93, 12/31/93; Rev – Garcia – 000046-48.
370. Collection of Pfizer notebook entries of results of 14 tests of RCT 1004C, 4/1980 to 9/1981; PFI_Roy_00000416, 418, 490, 492, 494, 1374, 1388, 1390, 1400, 1402.
371. Letter to G. Roach, Colgate-Palmolive, from R.M. Ellis, McCrone; Re: Asbestos analysis of talc sample labeled RCT1004C, Lot #12873, 7/26/83; CPC-NYCALTRSCPT00011041-44.
372. Excerpts of the deposition of Brian Kolman, Representative for Coty, Inc. (on the sources of talc in Coty Air Spun), 10/17/18.
373. Excerpts of Defendant Coty Inc's Second Amended Answers to Plaintiff's First Supplemental Interrogatories and Document Requests, Hug v. Brenntag North America, et al., 2/19/16; Verified.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

374. Excerpt of Defendant Pfizer Inc.'s Responses to Plaintiff's First Supplemental Interrogatories and Document Requests, Schoeniger v. Brenntag North America, Inc., et al., Middlesex County, New Jersey, 1/13/17.
375. Excerpts of the deposition of Dennis St. George, Representative for Whittaker, Clark & Daniels, 3/2/16.
376. Pfizer Analytical Report - Upgrading of Victorville Talc by Flotation or Other Techniques, 11/5/65; PFE-Hug00007102-7103.
377. WC&D Memorandum on discount for sales of Talc 1615 to Coty, 9/7/72; WCDROY-000014.
378. WC&D Memorandum on sale of Talc 1615 to Coty, 6/1/73; WCD-ROY-000015.
379. Summary of Talc Sales to Coty from WC&D and Cyprus, 1975 to 1985 (prepared by counsel).
380. Whittaker, Clark & Daniels Sales Summaries to Coty; WCD 001015-24. (Ex. 16 to the deposition of Thomas Hubbard, 3/2/16).
381. Cyprus Industrial Minerals Sales Records to Coty, 1979-1989; ITA-Schoeniger-000001-11.
382. Coty Batch Card for L'aimant Dusting Powder, 4/10/79. (Ex. 4 to the deposition of Brian Kolman 10/17/18).
383. Coty International Master Formula for L'aimant dusting powder, 7/8/87. (Ex. 5 to the deposition of Brian Kolman 10/17/18).
384. Coty Products Raw Material Specification for Italian Talc 5/0 Dec, 7/18/94, COT-HUG-0000235 (Ex. 5 to the deposition of Pfizer's Ed Gramling 4/6/16).
385. Coty Products Master Formula for Airspun Translucent Powder, 6/10/03; COT-HUG-0000233-234.
386. Whittaker, Clark & Daniels Memorandum to Bob Smith, from C. Clark; Re: Sales Report Month of November 1969, Metropolitan Talc Co. (showing sales to Lanvin, Coty, Revlon, Nestle and others), 12/10/69; FM-WCD-MOR-KAN 00002326-28.
387. Letter to Bob Smith, Whittaker, Clark & Daniels, from Larry Clark, Metropolitan Talc Company, 3/16/70; WCD 002853-54.
388. CTFA Memo to Norman Estrin, from Anita Curry; Re: July 1969 vintage of Mt. Sinai Coty sample and Coty talc sources, 3/12/76; WCD 000004.
389. Excerpts of the Deposition of Dennis St. George, Representative for Whittaker, Clark & Daniels (on Talc 4601 and Metro #1 being the same talc from Canada), 3/2/21.
390. Exhibit 3 to the Deposition of Theodore Hubbard, Representative for Whittaker, Clark & Daniels (on the origin of talc in various talc codes), 3/2/16.
391. Cyprus Industrial Minerals Company Call Report to Coty Products, 7/11/90; IMERYS 096098.
392. Talc Usage by Industry from 1997 Competition Database, Luzenac America, 3/24/97; IMERYS 231100- 231101.
393. Notes/History on Coty Products, Paul Driscoll, Whittaker, Clark & Daniels, 9/28/98; WCD-ROY-000025.
394. Colgate-Palmolive Cashmere Bouquet Formula (listing M-6831 Canadian talc "1004C" from Beacon CMP), 8/26/81; QE-CPC00001436.
395. Letter to S. Price, Color Techniques, from J. Bonina, Revlon; Re: Timato (111089-00) 1004CX Talc, 5/28/86; Rev – NJ – 000821.
396. E-mail from Audrey Osborn of Revlon attaching prior certificate of analysis for RCT 1004CX (Timato), 3/24/04; Rev – NJ – 000788-90.
397. Luzenac America Memo to S. Abarca, et al., from K Ailslieger; Re: Table of Cosmetic/Pharmaceutical/Food Products (by location), 12/12/97; IMERYS 426200-201.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

398. Excerpt of Colgate's Response to Plaintiff's First Supplemental Interrogatories, Bell (containing response to S4 on sources of talc), 6/16/16.
399. Excerpts of the Deposition of Dr. Michael Burke, 8/19/21.
400. Colgate-Palmolive Cashmere Bouquet Formulas, 1968-1970; COL 00121, 00126, CPCNYCALTRSCPT00008833, 8838.
401. Colgate-Palmolive Cashmere Bouquet Formulas 1970-1975; COL 00124, CPC-NYCALTRSCPT00008828, 8836, QE-CPC00001537-1538.
402. Colgate-Palmolive Cashmere Bouquet Formulas, 1975-1978; QE-CPC00001536.
403. Colgate-Palmolive Cashmere Bouquet Formulas, 1978-1981; QE-CPC00001534-1535.
404. Colgate-Palmolive Cashmere Bouquet Formulas, 1981-1984; QE-CPC00001439-1441.
405. Colgate-Palmolive Cashmere Bouquet Formulas, 1984-1995; QE-CPC00000195, 1438, 1447 to 1448, MKCPC-00000112.
406. Cyprus Industrial Minerals Company Call Reports to Colgate-Palmolive, 2/12/76; CYP00000698, 3/30/1976 CYP00000697, 4/19/1976 CYPRUS (2015) 000722-723.
407. NIOSH Preliminary Industrial Hygiene Survey of American Talc Company, 8/24/76.
408. Colgate-Palmolive Raw Material Purchase Specifications, 4/20/78; MK-CPC-00000358; 5/11/83; QE-CPC00001411-1412; 1/23/84; QE-CPC00001414-1415.
409. Cyprus Industrial Minerals Sales Records to Colgate-Palmolive, 1979-1987; Cyprus (2015) 001080-89.
410. Analysis of Cashmere Bouquet Cosmetic Talcum Powder Products for Amphibole Asbestos Expert Report, W.E. Longo, M.W. Rigler, MAS, 3/24/19.
411. Declaration of William Longo, Ph.D., Testing of 58 Containers of Cashmere Bouquet, 5/2/19.
412. Supplement Report #2: The Analysis of Colgate Palmolive's Historical Cashmere Bouquet Product Container Samples from the 1910s to the 1990s for Chrysotile and Amphibole Asbestos, MAS Project No. M69934, W.E. Longo, Materials Analytical Services, 5/17/21.
413. Excerpts of Chanel's Responses to Interrogatories, Mae K. Moore vs. Johnson & Johnson, et al., Superior Court of the State of California for the County of Los Angeles, Central District, Complex Asbestos Litigation, 9/15/21.
414. Chanel Master Batch Records, 1974-1999.
415. Excerpts of Chanel's Responses to Requests for Admissions, Roy, 8/2/21.
416. Chanel raw material specifications, 1982-1999; CHANEL-ROY-000185-187.
417. Excerpts of the deposition of Dennis St. George, representative for WC&D, 10/12/17.
418. Cyprus Industrial Minerals Company Sales Records to Chanel, 1979-1994; ITA-Weirick-000001-21.
419. Avon Memo to G.A. Sprott, from J.J. Travers; Re: Asbestos and Talc, 10/4/71; AV_JENKINS_S-0006012-6021.
420. Avon Memo to Dr. J.J. O'Neill, from R.S. Wilsher; Re: Report on Talc Meeting with Professor Ypma, 10/12/71; AV_STD_000328-329.
421. FDA Memorandum to R.M. Schaffner, from A. Weissler, Acting Director; Re: Background Memorandum on Asbestos in Talc, 7/20/72; AV_STD_013691-13694.
422. Avon Memo to R.M. Casciano, from Y. Gressel; Re: Asbestos and Talc, 12/10/71; AV_STD_002249-2259.
423. Excerpt from A Textbook of Mineralogy, E.S. Dana, 1898.
424. Avon Memo to S. Pennisi, from T. Eagle; Re: Steatite and cosmetic talc, 12/16/87; Talc, Kirk Othmer Encyclopedia; AV_MARTINEZ_K-0002963; 2985-2993.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

425. “Talc Today - the culmination of twenty years' growth,” Industrial Minerals, April 1975; JNJNL61_000009747-9760.
426. Avon Abstract (Draft) - Determination of Asbestos in Talcs by IR & DTA, 9/25/73; AV_STD_022852-22862.
427. Avon Memo to C.S. Rowland, from H.Y. Saad; Re: Talc - Supply and Asbestos Situation, 12/3/71; AV_STD_023692-23693.
428. Frequency of Asbestoforms in Current Codes, Avon Products; AV_PIPES_0011785-AV_PIPES_0011788.
429. Letter to James Donovan, OSHA Compliance Office, from J.J. Travers, Avon Products; Re: Response to your questions regarding Avon talcs, 9/21/76; AV_STD_000359-360.
430. Avon Memo to B. Woods, from R. Kaplan; Re: DTA Acquisition Considerations for Control Laboratory Analyses of Talc, 4/13/76; AV_STD_000354-356.
431. Avon Memo to J.B. Ward, from J.J. Travers; Re: Talc Analysis - 0765, 1/3/72; AV_JENKINS_S-0002684-2686.
432. Avon Talc Meeting, 8/18/70; AV_STD_023631-23633.
433. Avon Memo to G.A. Sprott, from J.J. Travers; Re: Long Range Plans for a Source of Good Talc, 6/19/72; AV_STD_004629-4631.
434. Avon Memo to R.A. Arzapalo, from W. Luckewicz; Re: Asbestos (Tremolite) in Talcs by IR - Status Report, 8/8/73; AV_STD_000336-338.
435. Avon Memo to W.R. Chaney, from C.S. Rowland; Re: Hazards of Aerosol Talc, 3/28/72; AV_PIPES_0011772-11775.
436. Avon Memo to C.S. Rowland, from J.J. Travers; Re: Avon Action - Asbestos in Talc - Dr Lewin's Report and FDA, 11/9/72; AV_STD_021097 - 021099.
437. Avon Memo to W.J. Swigert, et al., from E.F. Milardo; Re: Talcs #0777, #0761, #0810, #0765, 3/14/72; AV_STD_004776-4777.
438. Avon Memo to B.D. Crosby, from J.B. Rushton; Re: Talc Use Levels, 7/3/79; AV_STD_002407.
439. Avon Raw Ingredient Specification and Methods Revision Request, Fibrous Amphibole Testing of Talcs, 9/19/89; AV_STD_000383.
440. Avon Handwritten Memo re Asbestos in Talc - discussion with V. Reardon, 1/15/91; AV_PIPES_0000991.
441. Avon Memo to M. Dickens, from V. Reardon; Re: Proposition 65 Team - Asbestos Analysis of Talcs, 4/1/91; McCrone Project MA60416; CTRL-AVON-0000329-330; AVON-MA60416-0002-14.
442. Report of CTFA Talc Subcommittee on Method to Detect Chrysotile and Tremolite in Talc, 12/10/73; AV_STD_001888-1894.
443. Avon Memo to C.G. Christie, from R.A. Arzapalo; Re: Revised Specifications for Talc, 3/29/72; AV_STD_000333.
444. Letter to W. Luckewicz, Avon, from R.J. Hinch, McCrone; Re: Analysis of Talc Samples 13A and 13B, 12/18/87; AV_STD_004053-4055.
445. Avon Laboratory Notebook 2224, W. Luckewicz, 3/30/72 to 11/13/73; AV_PIPES_0010756-10804.
446. Avon Laboratory Notebook 2634, W. Luckewicz,5/21/73 to 12/16/74; AV_PIPES_0010868-10879.
447. Avon Laboratory Notebook No 2447, W. Luckewicz, 10/24/72 to 11/13/73; AV_PIPES_0010812-10864.
448. Avon Memo re Talcs from England, AJN22077, Rep 3412-35, Alabama Talc, Code 7550, 6/11/75; AV_STD_025360.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

449. Avon Memo to C.G. Christie, from R.A. Arzapalo; Re: Visit to Whittaker, Clark & Daniels on Talc Specifications, 7/10/72; AV_LEBRECHT-0006029-6030.
450. Whittaker, Clark & Daniels Memo to B. Smith; Re: Talc Samples, 5/21/70; FM-WCD-MOR-KAN 0002325.
451. Avon Memo to E.F. Milardo, from C.P. Randa; Re: Talc, RI, 6/29/76; Memo to C.P. Randa, from J.J. Kamrowski; Re: Raw Talc Information, 6/29/76; AV_STD_002263-2264.
452. FDA Memorandum to RM Schaffner, from HJ Eiermann; Re: Asbestos in Talc, 3/18/76.
453. Excerpt of the Deposition of Amy Wyatt, Mae K. Moore vs. Johnson & Johnson, et al, Superior Court of the State of California for the County of Los Angeles, Central District, Complex Asbestos Litigation, 10/26/21.
454. Revlon Product Process Standard 4685D for Nate Bath Powder and Talc, 1/18/00 TO 10/20/09; REVLON-JN-REDACTED-000001- REVLON-JN-REDACTED-000020.
455. MAS Testing of Charlie Perfumed Body Powder
456. Deposition of Theodore Hubbard, representative for Whittaker, Clark & Daniels (on the origin of talc in various talc codes), 3/2/16.
457. Excerpts of the deposition of Theodore Hubbard, representative for Whittaker, Clark & Daniels (on the origin of talc in various talc codes), 8/8/16.
458. Summary of sales of talc to Revlon by WC&D and Cyprus Mines Corporation in 1975 to 1985 (prepared by counsel).
459. Whittaker, Clark & Daniels Sales Report to Revlon, WCD Lashley Disc Docs 001056-90.
460. Cyprus Industrial Minerals Company sales records to Revlon 1979-1989, IMERYS 233718, 234036, 234096, 234975, 233920, 100479, 101022, 233399; ITA-Polakow-000008-12.
461. Pfizer Bulletin 75-9, Listing of Whittaker, Clark and Daniels' Product Codes for Pfizer products, 4/2/75, PFZ01162_012295 (Ex. 4 to the deposition of Pfizer representative Nikhil Trivedi 6/29/17).
462. Letter to Revlon Research Center, from F McGonigle, Whittaker, Clark & Daniels; Re: Quarterly certification, 9/8/88, Rev-NJ-000477.
463. Product/Application Cosmetic, Cyprus Industrial Minerals; CAMC-Ratcliff-000025-27.
464. FDA Memo from Ronald Yates to Heinz Eiermann, Tabulated Results of DCST's Analyses for Asbestos Minerals in Lewin, Field Activity Surveillance (FAS), Investigational and Consumer Cosmetic Talc Products, 1/7/76, AV_STD_006713-6724.
465. WCD Memo to Peter Bixby, from Clarence Clark; Re: Canadian and Italian talc from Metropolitan Talc Co., 3/10/70, FM-WCD-MOR-KAN 00002322-24.
466. Summary of sales of talc for Pinaud/Clubman (Nestle LeMur, American International Industries) from WC&D and Cyprus Mines Corp. 1975-2004 (prepared by counsel).
467. Whittaker, Clark & Daniels sales to Nestle LeMur (Pinaud/Clubman) 1977-1985, WCD Depoian 000008-13 (Ex. 10 the deposition of Whittaker, Clark & Daniels representative Theodore Hubbard 8/8/16).
468. Cyprus Industrial Minerals Company sales to Nestle LeMur (Pinaud/Clubman) 1979-1980; IMERYS 233656, 233718.
469. Whittaker, Clark & Daniels sales to American International Industries (Pinaud/Clubman) 1988-2004, WCD Depoian 000001-7 (Ex. 11 the deposition of Whittaker, Clark & Daniels representative Theodore Hubbard 8/8/16).
470. Excerpts of the deposition of Whittaker, Clark & Daniels representative Theodore Hubbard (on origin of Talc 4628), 8/4/16.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

471. Avon Ingredient Specifications, Code No. 0747 (listing Italian talc), 6/26/61; AV_STD_024349.
472. Avon Ingredient Specifications, Code No. 0755 (listing Alabama or Sierra Talc), 6/26/61; AV_STD_024359.
473. Excerpt of Avon 1963 Annual Report showing tour of plant floor with bags of Supreme 325 talc.
474. Excerpts of United Sierra Division of Cyprus Mines Corporation "Talc Operations" (showing origin of Cyprus grades including Supreme 325), 9/20/67; cover and pages 21-22.
475. Summary of sales of talc to Maybelline from WC&D (1977-1982) and CMC (1981-1987) (prepared by counsel).
476. Whittaker, Clark & Daniels sales to Maybelline 1977-1982.
477. Cyprus Industrial Minerals Company sales to Maybelline 1981-1987, IMERYS 234034, 234959, 233289, 100464, 101020, 233374.
478. Excerpt of Chattem, Inc.'s Responses to Interrogatories (pages 1-2, 5-6, verification), 7/9/10.
479. Colgate Formula, Beacon CMP Talc Grade 1004C, 2/17/82; CPCNYCALTRSCPT00008806.
480. Declaration of David Madigan, Ph.D., Moore vs. Johnson & Johnson, et al., 11/2/21.
481. Excerpt of the Deposition of Maryann Alfieri, Moore vs. Johnson & Johnson, et al., 9/28/21.
482. WCD Product Data Sheet for 643 Talc BC, Code 69-0064, April 1987; Moore_EL_00000730.
483. Whittaker, Clark & Daniels Certificate of Analysis, Supra AA 1709, Code 69-0104, 5/4/00; Moore_EL_00000835-838; CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.
484. WCD Data Profile for 3465H Supra H Talc, 8/11/99; Moore_EL_00000875-880; CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.
485. Appearances, Excerpt of Michael Helman Deposition, Revlon, 1/29/20.
486. Estee Lauder Analytical Raw Material Report for Code No. 69-0064, Talc 643 (618) BC, WCD, 1984-1989; Moore_EL_00000744.
487. Estee Lauder Products Raw Material Data for Code 69-0064, Talc 634 (formally Talc 618), WCD, 10/24/84; Moore_EL_00000797.
488. Whittaker, Clark & Daniels Material Safety Data Sheet (MSDS) for Talc, January 1997 (stamped 6/10/97); Estee Code 69-0064; Moore_EL_00000756-759; CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER.
489. Letter to R. Wasislewski, Chesebrough-Pond's, from T.W. Grunstra, Whittaker, Clark & Daniels; Re: Product Data and MSDS for No 1521 Talc Blend, 1/26/89; CONOPCO-MARK DAVIS 0001628-1631.
490. XRD Talc Analysis of 1625 Talc, 1972-1992; WCD(CA) DAVIS 0004739-4912.
491. United Sierra Consumer Carload Prices, 5/1/66; THAN1423-1424.
492. United Sierra Sales Report to Avon, 12/31/67; IMERYS052837-052839.
493. United Sierra Grand Island Products, United Sierra, 8/15/68; AB-CYP-10-000006.
494. Avon Products Ingredient Specifications for Code No 0755-1, 9/18/70; API0020334-1.
495. Avon Ingredient Specifications for Code 0755-1, Alabama or Sierra Talc, 5/27/71 to 9/20/71; AV_Moore000092-97.
496. United Sierra Talc Price List, 10/1/72; CAMC-R-Foster-006370-6373.
497. XRD Talc Analysis of 2450 North Carolina Talc, 1972-1991; WCD(CA) DAVIS 0004913-5329.
498. Avon Formula - By Batch, 2505 Cotillion Talc #56082, 11/20/64, Pasadena Revision, 2/1/65; AV_LEBRECHT-0000010.
499. Request for Product Safety Program to C.F. Torrey, from T. Kelly; Re: White Shoulders Perfumed Body Powder #2, 5/17/90; Request for Product Safety Program to C.F. Torrey, from T. Kelly; Re: White Shoulders Perfumed Body Powder, 6/22/89; Project CPL-02-137 Re Making White Shoulders

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

a Dusting Powder, 3/2/89; White Shoulders Body Powder Ingredients, 4/14/89; Elizabeth/ Revlon Raw Material Scanned Files, TALC, White Shoulders Powder, Elizabeth Arden, 7/6/17; EAI000001, 98, 107, 110, 111.

500. Whittaker, Clark & Daniels Blends, 1521 Talc, Undated; WCD(CA) DAVIS 0005407.
501. Whittaker, Clark & Daniels Sales Report to Evyan Perfumes (White Shoulders), 1985-1989; WCD(CA) DAVIS 0004380.
502. Avon Formula - By Batch, 2512 Unforgettable Talc #56321-A, 6/1/65; 2593-1 Unforgettable #57094-C, 7/3/67; AV_HAMMOCK-000006; MF_PROCESS_STANDARDS_004-2179.
503. Report of Results: MVA11054: Analysis of Grantham Mine Talc for Asbestos, S.P. Compton, 7/8/15.
504. Vanderbilt-Grantham Action Plan, Asbestos-Talc Study, Project No 9790-4, Cyprus Industrial Minerals, 4/11/75; CAMC-Abbott-000247-344.
505. United Sierra Lab Report No 3790-16; Re: Grantham talc pieces obtained in mine 3/25/69 and other samples 4/29/69, 5/20/69; CAMC-Booker-001649-1652.
506. Johns-Manville Memo to F.D. Richards, from S. Speil; Re: Tremolite in Grantham talc, 8/9/71; CRMC-WK-Pfizer-Micro-000057-59.
507. Electron Microscope Examination of the Grantham Talc Sample, from Johnson and Johnson, F.D. Pooley, University College, Cardiff, 9/2/71; JNJ000090050.
508. Desert Minerals Memo to G.L. Swallow, from E.J. Bulava; Re: Grantham Talc Samples, 9/1/72; CRMC-Talc-Micro-001869-1870.
509. Revlon Raw Material Specification & Analysis for Arbit (98061), Alabama Talc, Altalc 400, 10/21/82.
510. Whittaker, Clark & Daniels Memo to C.E. Clark, from RGS; Re: Metropolitan Talc Meeting, 2/3/69; WCD(NY)Peltz-Tippin 000083-86.
511. Revlon Raw Material Specification & Analysis RM-933 for Rownd (98775), American Ground Italian Talc #1615, 10/6/69.
512. Whittaker, Clark & Daniels Sales Report to Colgate-Palmolive, 1975-2004; WCD000002-19.
513. Revlon Formula Batch Card Record MC-11283B for Touch & Glow Face Powder - Cream Beige, 2/22/85; TG Formula_000043.
514. Revlon Formula 11283C for Touch & Glow Face Powder – Cream Beige, 10/30/85; TG Formula_000044.
515. Letter to F. McGonigle, Whittaker, Clark & Daniels, from J. Bonina, Revlon; Re: Revlon Raw Material Specifications for Talc 141 and Talc 1629, 5/28/86; ARBIT_000070.
516. Exhibit 34 = WCD Codes, Moore v. WCD, 10/29/21. (Ex. 34 to the Deposition of Dennis St. George 10/29/21)
517. Revlon Pilot Batch Formula for Charlie White Xmas Body Powder 2.5 oz 7677-01, Revlon Code 98775-00, Undated; Rev-Alleyne-000001-2.
518. Noxell Raw Material Specifications & Procedures, RM-801780, 1615 AGI Talc (BC), 8/10/77; CG-PELTZ-000476.
519. Noxell Request for Raw Material Approval No 71 to R.J. Gutowski, from R.H. Ashley; Re: Olympic Talc (Cyprus Industrial Minerals), 1/24/79; CG-PELTZ-000463-465.
520. Noxell Master Formulas for Compact Powder, Laboratory Formula No CG1WP 12260-01, Honey Beige, Shade No 2, 12/15/82; CG-PELTZ-000780-783.
521. Noxell Formulas for Cover Girl International Pressed Powder, Compact Powder, 6/22/76 to 1/18/78; CG-PELTZ-000510-527.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

522. Noxell Request for Raw Material Approval No 70 to R.J. Gutowski, from R.H. Ashley; Re: Mistron Monomix Talc (Cyprus Industrial Minerals), 1/24/79; CG-PELTZ-000492.
523. WCD Sales Report to Len Ron-Estee Lauder and Len Ron Mfg Co, 1975-1978; WCD (NY) Peltz-000076-81.
524. Chart – Avon Skin So Soft Talc Formulas, Bryant v. Avon Products (Exhibit 2 to the Deposition of Lisa Gallo, 12/7/21)
525. Chart - Avon Raw Ingredient Codes 0747, 1961-2000; Bryant v. Avon Products (Exhibit 3 to the Deposition of Lisa Gallo, 12/7/21)
526. Whittaker, Clark & Daniels Sales Report to Avon, 1975-1979; WCD(NY)-Purser-000001-12.
527. Whittaker, Clark & Daniels Sales Report to Avon Products, Avon Service Center and Avon Canada, 1989-1999; WCD Smith 003003-3112.
528. Deposition of George J. Dippold, Whittaker, Clark & Daniels, Caruolo v. Keene Corporation, et al., 3/29/95.
529. Deposition of Dennis St. George, Whittaker, Clark & Daniels, Moore v. Johnson & Johnson, et al., 10/29/21.
530. Deposition of Theodore Hubbard, Whittaker, Clark & Daniels, Colpitts v. American International Industries, et al., 8/4/16.
531. Talcs: Magnesium Silicate, Pyrophyllite, Soapstone, Steatite, Whittaker, Clark & Daniels, 1957.
532. Whittaker, Clark & Daniels Letter to G.W. Achenbach, Johnson & Johnson; Re: North Carolina Talc, 11/6/59; JNJTALC001282659-61.
533. Pfizer Lab Notebook, 2692-7 – Evaluate Talcs – Upgrade Talcs by Flotation or Other Techniques, Undated; PFE_Hug00007161.
534. Deposition of Dennis St. George, Whittaker, Clark & Daniels, Moore v. Johnson & Johnson, et al., Volume 2, 11/12/21.
535. Whittaker, Clark & Daniels Letter from S.R. Mountsier, Jr; Re: Complaint regarding talcs used in rubber industry, Undated; WCD(CA) Moore 0004370-4371.
536. Deposition of George J. Dippold, Whittaker, Clark & Daniels, Keller v. Pulmosan Safety Corp, et al., 4/11/84.
537. Deposition of George J. Dippold, Whittaker, Clark & Daniels, Volume 2, Caruolo v. Keene Corporation, et al., 5/15/95.
538. Talc, Soapstone and Pyrophyllite in 1972, Mineral Industry Surveys, 12/27/72; WCD(CA) Moore 0003799.
539. Whittaker, Clark & Daniels File Memorandum from K.R. Klippel; Re: Talc, American Talc Company, 7/2/71; WCD(CA) Moore 0003756.
540. Letter to C.U. Driscoll, Whittaker, Clark & Daniels, from P.H. Bixby, American Talc Co; Re: New York Post article of June 30, 1971, 7/8/71; WCD (CA) Moore 0003760-3763.
541. Memorandum of Meeting at FDA; Re: Contamination of Talc with Asbestos, 7/8/71.
542. Discussion Session on "Asbestos and Talc," FDA, 8/3/71.
543. Mennen Standard Practice Bulletin, Quinsana Formula, 11/22/46; Mennen-00004634.
544. Mennen Standard Practice Bulletin, Bath Powder for Men Formula, 2/3/53; CP-MENNEN-00000796.
545. Talc Today - the culmination of twenty years' growth, Industrial Minerals, April 1975; JNJNL61_000009747-9760.
546. Summary Report on An Investigation of Selected Talc Deposits of the United States to Johnson & Johnson, Battelle Memorial Institute, 2/29/56; JNJMX68_000000528-571.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

547. Updated Cosmetic Talc Report, DOBS-16, J. Webber, 7/11/22.
548. Appendix B: DOB-16, Updated Tippin Cosmetic Talc Report, Summary Table of Pfizer TEM Results for Talc 1615, Updated Cosmetic Talc Report, DOBS-16, J. Webber, 7/11/22.
549. Whittaker, Clark & Daniel Memo from F. Roesch; Re: Talc - Asbestos Content Evaluation, 8/16/72; WCD 001555-57.
550. Letter to S.Z. Lewin, NYU, from G.J. Dippold; Re: Four samples of talc for XRD analysis, 9/14/72; Letter to G.J. Dippold, from Lewin; Re: Analysis of Four Samples, 9/30/72.
551. Whittaker, Clark & Daniels Advertisement - 399 Magnesium Silicate SF, Quality control starts at the mill, 1955.
552. Summary Table of Findings of Asbestos Minerals and Asbestos in Montana talc WCD Sold
553. Evaluation of Victorville Talcs, -8 Evaluation of Competitive Talcs and Victorville Talcs, Progress Report No 2, File No. 2692-8, 10/29/65; PFI_SEL_00010289-10299.
554. ES Laboratories Talc Analysis (Asbestos) of 399 and 1745 Montana Talc, WCD Sample #2755, 6/12/72; Booker WCD 001038-1040; WCD Alderice Disc Docs 005471-5473.
555. Pfizer Request for Physical-Chemical Testing – Routine Examination of Montana Talc, 7/26/74; PFI_SEL_00001420-1421.
556. Pfizer Memo to O.D. Rohlfs, from R.E. Norwood; Re: Montana Claims Analysis, 1/3/75; PFI_TIPP_00003460-3464.
557. Colgate Laboratory Notebook 6164-99, 62130 X-Ray Diffraction, P. Briscese, 3/9/76; CPC-NB00000061.
558. Letter to W. McCrone, from C.M. Fairchild; Re: Three talcs for analysis - Civil, Arbit and Jaybar, 7/13/76; Rev-NJ-000413.
559. Letter to A. Osborne, from E. Browarny, Whittaker, Clark & Daniels; Re: Grades of talc that are active raw materials, 5/25/89; Rev-NJ-000800.
560. Letter to C.M. Fairchild, Revlon, from L.B. McCrone, McCrone Associates; Re: Analysis of three talc samples (Arbit, Civil and Jaybar), 9/1/76; Rev-NJ-000406-407.
561. Pfizer Request for Physical-Chemical Testing – Routine Analysis of Montana Talc, September 1976, 10/14/76; PFI_BOOK_00008380.
562. Pfizer Memo to W. Nazarewicz, from J.R. Stets and J.H. Donnelly; Re: Routine Analysis of Pfizer Montana Talcs, QC November and December 1978, 3/29/79; PFI_SEL_00000782.
563. Pfizer Memo to D. Coss, from J.H. Donnelly and D.W. Holstein; Re: a-Quartz, Tremolite and Fiber Content of Production Composites, 4/19/79; PFI_SEL_00000780.
564. Pfizer Memo to D. Coss, from J.H. Donnelly and D.W. Holstein; Re: a-Quartz, Tremolite and Fiber Content of Production Composites, 4/19/79; PFI_SEL_00000781.
565. Pfizer Memo to W. Nazarewicz, from J.R. Stets and J.H. Donnelly; Re: Routine Analysis of Pfizer Montana Talcs, QC, July and August 1979, 10/24/79; PFZ01162_019830.
566. Pfizer Memo to W. Nazarewicz, from R.E. Olson, J.H. Donnelly; Re: Analysis of Pfizer California CP Talc Finished Products, October 1979, 12/3/79; PFI_SEL_00000100.
567. Pfizer Test Standard TS-5775-L: Crystalline Silica (a-quartz) Content, A Database for MPM Natural Products, 12/3/79; PFI_SEL_00000798-805.
568. Pfizer Memo to W. Nazarewicz, from B.J. Andersen and J.H. Donnelly; Re: Routine analysis of Pfizer Montana Talc, June 1980, 8/7/80; PFI_TIPP_00000511.
569. Pfizer Memo to W. Nazarewicz, from F.W. Mebus; Re: Routine Analysis of Pfizer Montana Talc; Fourth Quarter, 1982, 4/5/83; PFZ01162_019806.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

570. Pfizer Memo to G. Vaplon, from J. Haack; Re: Standard Operating Procedure for the Handling of Tremolite & Chrysotile Concerns at the Treasure Mine Site, 7/29/88; PFZ001162_06481-6484; PFI_TIPP_00003403-3406.
571. Pfizer Memo to M. Richardson, from W. Stowe and T. Polton; Re: Safety and Health Review, Barretts, September 7 & 8, 1988, 3/6/89; PFI_TIPP_00003396-3402.
572. Letter to F.W. Mebus, Pfizer Pigments, from J.R. Schlaegle, R.J. Lee; Re: Analysis of sample #4101-658.01, 6/5/89; PFI_BOOK_00009470-9472.
573. Letter to L. Kirk, Maxim Technologies, from W.H. Powers; Re: PLM Point-Count Analysis, R.J. Lee Group Inc. Job AOH005990, Maxim Project No. 27153, 6/30/00; MDEQ-000941-944.
574. Letter to J. Parks, Barretts Minerals, from K.A. Allison, Maxim Technologies; Re: Transmittal of Personal Air Monitoring Results, Treasure Mine, Dillon, Montana, 7/17/00; MDEQ-000819-831.
575. Regal Mine Petrographic Descriptions, D.W. Mogk, 9/6/00.
576. Final Barretts Regal Mine Non-Ore Rock Management Plan, Maxim Technologies, 10/25/00.
577. Maxim Technologies Memo to D. Lindsey and J. Parks, Barretts Minerals, from L.B. Kirk; Re: Appendix D: Final Regal PAR Characterization, 10/25/00.
578. Final Environmental Impact Statement Amending and Adopting the Draft Environmental Impact Statement, Barretts Minerals, Inc Regal Life-of-Mine Expansion Plan, February 2001.
579. Identification and Assessment of Asbestos Emissions from Incidental Sources of Asbestos, R.J. Kuryvial, EPA-650/2-74-087, September 1974.
580. NIOSH Results of Talc Samples from "Analysis of Talc by X-Ray Diffraction and Polarized Light Microscopy," PB84190651, May 1977; QE-CPC00004071-4075.
581. Pfizer Laboratory Testing Notebook, 643 Grade Talc, 5/1/78 to 7/9/81; PFI_SEL_00009842 and various bates.
582. Letter to A. Weissler, FDA, from R.R. Roesch; Re: Sample of industrial talc no longer in production, 4/6/73; WCD-Pipes(OK)-1174.
583. WCD Responses to Standard Asbestos Interrogatories, Macauley v. Celotex Corp, et al., 10/9/87.
584. Letter to C.U. Driscoll, Whittaker, Clark & Daniels, from A.S. Johnson, Asbestos Corporation Ltd; Re: Termination of Representative's Agreement, 10/22/75.
585. Deposition of George J. Dippold, Whittaker, Clark & Daniels, Farrar v. Atlantic Casting & Engineering, et al.., 1/14/83.
586. CTFA Memo to Dr. Roesch, from N. Estrin; Re: Newspaper Article entitled, “Asbestos Cancer Risk Linked to Low Level of Contact with Fiber,” Chemical Marketing Reporter, 9/23/74; WCD(CA) Moore 0004429-4430.
587. Inside News From CTFA, 72-2, 3/24/72; WCD(CA) Moore 0003901.
588. Deposition of Dennis St. George, Hirshberg v. Johnson & Johnson, 3/2/21.
589. Letter to N. Estrin, CTFA, from F.F. Roesch, Whittaker, Clark & Daniels; Re: Test program for asbestos started in August 1971, 3/11/76.
590. Letter to FDA and C.U. Driscoll, from N.F. Estrin, CTFA; Re: Optical Microscopy Method, 9/13/73.
591. Meeting Notes of CTFA Talc Subcommittee, December 4, 1974, 12/19/74.
592. Whittaker, Clark & Daniels Memo to C.U. Driscoll, from F. Roesch; Re: CTFA Talc Subcommittee, 8/26/74; WCD(CA) Moore 0004323-4324.
593. CTFA Memo to Members of Standards Committee and Members of Talc Committee; Re: Final version of Cosmetic Talc Standard, 9/5/75; WCD000064-65.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

594. CTFA Method J 4-1, Asbestiform Amphibole Minerals in Cosmetic Talc, 10/7/76; QE-CPC00001142-1151.
595. Memo from F. Roesch; Re: CTFA Subcommittee Meeting on Asbestos in Talc, 12/5/74; WCD000139-140.
596. President's Message, CTFA, 12/28/73; WCD000060-63.
597. CTFA Talc Subcommittee Minutes, 3/15/76; JNJNL61_000021692-21694.
598. CTFA Talc Subcommittee Minutes, 3/31/76; WCD000162-163.
599. Preliminary MVA Report of Results: MVA1810: Friction Product Fiber Release Studies, J.R. Millette, 5/24/96.
600. Letter to D. Kelner, Revlon, from R.M. Loncar, Color Techniques; Re: RCT1004 Cosmetic Talc, 7/11/83; Color T 568.
601. Revlon Memo to I. Brown, et al, from B. Bearg; Re: Product Process Standard, 11/5/85; TG Formula_000072-73; Chapman0026-27.
602. Revlon Formulas and Change Request for Touch & Glow Face Powder, 6/25/85 to 10/30/85; TG Formula_000044-73.
603. MAS Summary Charts of Testing identifying what was tested, where the sample came from, the vintage, the percentage of known structures that are bundles, asbestos detected with testing limited to some asbestos types, asbestos detected when testing all types, percentage that were 1 micron or less and percentage with an aspect ratio 5:1.
604. Revlon Research Center Memo to Distribution, from M. Shortal-Mulkearns; Re: Supplier Update, 9/9/91; Rev-NJ-000792.
605. Chart – 26 Times Pfizer Identified Asbestos Fibers by TEM/SAED in Talc 141 in 1976-1988. (Exhibit to the Deposition of Pfizer in Payne, August 2022)
606. Pfizer Testing of Talc 1615 and 141 for Coty Products, 8/18/76; BMI_TIPPIN_000007.
607. Pfizer Testing of Talc 141 for Coty Products, 6/1/78; PFI_SEL_00009848.
608. Pfizer Testing of Talc 141 for Coty Products, 9/17/79; PFI_ROY_00000883.
609. Pfizer Testing of Talc 141 for Coty Products, 10/11/79; PFI_SEL_00009661.
610. Pfizer Testing of Talc 141 for Coty Products, 1/19/81; PFI_ROY_00000913.
611. Pfizer Testing of Talc 141 for Coty Products, 4/7/81; PFI_ROY_00000937.
612. Pfizer Testing of Coty Talc 141, 5/12/81; PFE-Hug00007260.
613. Pfizer Testing of Talc 141 for Coty Products, 1/6/82; PFI_ROY_00000428.
614. Asbestos Study for Ammco Tools, National Loss Control Service Corp, 1/30/73.
615. Preliminary MVA Report of Results: MVA1810: Friction Product Fiber Release Studies, J.R. Millette, 5/24/96.
616. Hand Sanding of Brake Shoes: Work Practice Study, W.E. Longo, MAS, March 2001.
617. Opening Asbestos Containing Brake Shoe Boxes: Work Practice Study, Protocol, W.E. Longo, MAS, 10/18/03.
618. Declaration of William Longo with Exhibits A-C, MAS Testing of Colgate-Palmolive Cashmere Bouquet, 6/23/21.
619. Analysis of Avon Night Magic Talcum Powder M68319, W.E. Longo and M.W. Rigler, MAS, January 2019.
620. Avon Unforgettable Talcum Powder Analysis with Automated FESEM and ATEM, MAS Project #M66289, W.E. Longo, MAS, March 12 & 26, 2019.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

621. Talcum Powder Analysis of Avon and Clinique Containers, MAS Project #M71171, W.E. Longo, MAS, 9/5/21.
622. Talcum Powder Analysis, Avon Splits, MAS Project #M71543, W.E. Longo, MAS, 7/1/22.
623. Historical Avon Splits: Wild Rose 1965, Cotillion 1961 & Persian Wood 1958, Talcum Powder Analysis, MAS Project #M71550, W.E. Longo, MAS, 7/1/22.
624. Chanel No 5 Body Powder, Sharon Harpster's Container, MAS Project #71129, W.E. Longo, 8/13/20.
625. Declaration of William Longo, Testing of 42 Chanel Loose Powder Products, 8/10/20.
626. Analysis of Charlie Perfumed Powders, W.E. Longo and M.W. Rigler, MAS, May 2019.
627. Talcum Powder Analysis for Brian Gref's Pinaud Clubman Talc Container, W.E. Longo, MAS, 3/15/22.
628. Analysis Report, Coty Talc Product, MAS Project #M66526, WE Longo, MAS, 5/25/17.
629. Talcum Powder Analysis of Coty Airspun Loose Face Powder Containers, MAS Project #71202, W.E. Longo, MAS, 9/7/21.
630. Talcum Powder Analysis of Coty Airspun Loose Powder Containers, MAS Project #M71443, W.E. Longo, MAS, 12/15/21.
631. Declaration of William Longo, Testing of 13 Coty Containers, 5/19/22.
632. Talcum Powder Analysis of Coty Powder Products, Supplement #1, MAS Project M71492/M71494/M71495, W.E. Longo, MAS, 4/22/22.
633. PLM Analysis of Estee Lauder Youth Dew Talcum Powder, 7 oz, M71365, P. Hess, MAS, 8/16/21.
634. TEM Analysis of Giorgio Beverly Hills Dusting Powder for Amphibole Asbestos: Expert Report, W.E. Longo and M.W. Rigler, MAS, January 2018.
635. Two JBP, One Gold Bond Off-the-Shelf Talcum Powder Containers: Purchased from Lucky's Talcum Powder Analysis, MAS Project #M71216, W.E. Longo, MAS, 4/13/21.
636. Talcum Powder Analysis of Gold Bond Medicated Powder, MAS Project M71381, M71382, M71383 & M71385, W.E. Longo, MAS, 9/8/21.
637. Talcum Powder Analysis of Gold Bond Medicated Powder, MAS Project 71134 & M71376, W.E. Longo, MAS, 9/10/21.
638. Declaration of William Longo, Testing of 10 Containers of Gold Bond Products, 4/4/22.
639. Talcum Powder Analysis of Gold Bond Medicated Powder, MAS Project #M71379, W.E. Longo, MAS, 10/14/21.
640. Talcum Powder Analysis of Jean Nate Powder Products, MAS Project #M71516, W.E. Longo, 6/3/22.
641. Supplemental Analysis Report, Janet Titley's JBP Container Split, MAS Project #M71095, W.E. Longo, MAS, Revision #2, 9/23/20.
642. MAS Chart of J&J Testing (current as of January 31, 2021)
643. Talcum Powder Analysis of Revlon Powders Products, Corey Tippin Supplement #1, MAS Project M71480/M71489/M71493, W.E. Longo, MAS, 4/28/22.
644. Collections of documents from FMSI.
645. Caterpillar Tractor Co. Gasket Study, 9/24/75.
646. WCD Sales Report to American International, 1987-2004; WCD-McBride(IN)-000001-4.
647. Brenntag Specialties Product Data for Talc BC - Pharmaceutical Grade, WCD 1745, February 2011; AII000172.
648. American International Raw Material Specification and Assay Reports, Micro Talc USP, Supplier: Brenntag, 10/24/11 to 3/2/12; AII000054-64.

649. Bills of Lading from Barrett Minerals/Specialty Minerals to American International, 42000 Lb of Microtalc, 7/28/15; AII 000039-44.
650. WCD/SMI Talc Product Listing, Prepared by Robbie Cowsert, 2/12/04.
651. Luzenac America Memo to S. Abarca, et al., from K. Ailslieger; Re: Table of Cosmetic/Pharmaceutical/Food Products (by location), 12/12/97; IMERYS426200-426201.
652. Luzenac America Talc Product Data Sheets, Undated; IMERYS231141-231144.
653. History Page, Caldescene Talc Powder; Letter to D. Vitatoe, Pharma Tech, from R.E. Lemieux, Insight Pharmaceuticals; Re: Change to Barrett's Talc, 2/19/01; Blending Record, 1/29/02; Insight 0002590-McBride.
654. Insight Pharmaceuticals Raw Material Specification, Talc USP, 2/13/01; Barrett's Talc Material Safety Data Sheet (MSDS), USP Talc, 5/17/00; Insight 0002691-2692, 2711-2712- McBride. (Confidential)
655. Insight Pharmaceuticals Raw Material Specification, Talc USP, 2/13/01; Barrett's Talc Material Safety Data Sheet (MSDS), USP Talc, 5/17/00; Insight 0002691-2692, 2711-2712- McBride. (Confidential)
656. Email to C. Knight-McIlvaine, from J. Meffen; Re: Talc supplier change, 9/11/14; Imerys Certificate of Analysis for Glacier 200 FCC Talc, 9/24/12; Insight 0004182-4183- McBride.
657. Photo of Montana Talc Mines - Beaverhead, Treasure Chest and Treasure State
658. Excerpt of the Deposition of Martin Moore, Corporate Designee for GSK Consumer Health, 8/12/22.
659. Defendant Fisons Corporation's Responses to Plaintiffs' Interrogatories, McBride v American International Industries, et al. (excerpt only)
660. Excerpt of Fisons Consumer Health, Confidential Information Memorandum, July 1992; Fisons-002057, 2100, 2102.
661. Fisons Pharmaceuticals Batch Formula for Caldescene Powder, 8/25/93; Fisons-001999-2001.
662. Fisons Raw Material Quality Control, Report of Analysis, Altalc 500, 10/27/91; Fisons-005262-5272.
663. Fisons Raw Material Quality Control, Report of Analysis, Regular Talc, 8/9/91; Fisons-005283.
664. Raw Material Specifications, Code No 10,304, 4601 Metro #1 Talc, 2/21/68; Mennen-00004650.
665. Mennen Production Formula; Title: Bath Talc for Men with Deodorant, No 21-2, 3/19/65; CP-MENNEN-00000817.
666. Mennen Production Formula 21-3; Title: Bath Talc for Men with Deodorant, 3/6/68; MEN-00000821.
667. Mennen Standard Manufacturing Procedure 21-3; Title: Bath Talc for Men with Deodorant, 3/6/68; MEN-00000823.
668. Mennen Production Formula 21-4; Title: Bath Talc for Men with Deodorant, 5/27/69; MEN-00000826.
669. Mennen Raw Material Specification Index, Undated; Raw Ingredients - Talc, 1969-1971; Mennen-00002951-2963.
670. Defendants Johnson & Johnson and Johnson & Johnson Consumer, Inc's Responses to Plaintiffs' Supplemental Interrogatories and Requests for Production of Documents dated November 10, 2017, Chapman v. BASF Catalysts LLC, et al., Superior Court of New Jersey Law Division. (excerpt only)
671. Johnson & Johnson Raw Material Specification for Emtal Extra Talc, 4/21/64; JNJ000235105-110.
672. Excerpt of the Deposition of Roger Miller, Cunningham, et al. v. Owens-Corning Fiberglas Corporation, et al, 6/12/91.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

673. Defendant Arkema Inc's Objections and Answers to Plaintiffs' Interrogatories, McBride v. American International Industries, Inc., et al., 3/17/22; Verified.
674. Cyprus Industrial Minerals Sales Report to Penwalt Corp, 12/31/80; ITA-Schackne-000035-42; Fisons-001828-1835.
675. Cyprus Industrial Minerals Sales Report to Penwalt Corp, 1990-1992; ITA-Schackne-000022-26; Fisons-001815-1819.
676. WCD Sales Report to Pennwalt Corporation for Talc, 1979-1988; WCD- McBride(IN)-020900-20902.
677. WCD Sales Report to Fisons Pennwalt Corporation for Talc, 1988-1992; WCD- McBride(IN)-020897-98.
678. Excerpt of deposition of Ted Hubbard regarding 140 and 141 talcs, Dalis v. Brenntag North America, Inc., et al., 3/2/16.
679. Talc Analysis (Asbestos), 141 Alabama Talc, ES Laboratories, 5/3/82; WCD-McBride(IN)-022235.
680. Talc Analysis (Asbestos), 141 Alabama Talc, ES Laboratories, 6/1/82; WCD-McBride(IN)-022241.
681. Luzenac America, Inc's Response to Plaintiff's Master Discovery, Sanders v. Bill Vann Company, Inc., et al., 12/6/11; Verified.
682. Defendant Cyprus Amax Minerals Company's Objections and Responses to Plaintiffs' First Set of Interrogatories Directed to Defendant, Smith vs. Alcatel-Lucent USA, Inc., et al., Madison County, Illinois, 7/14/16; Verified.
683. Excerpt of the Deposition of Patrick Downey, Corporate Designee for Imerys Talc America, Altalc and Beaverhead Mine, 6/23/15.
684. Insight Pharmaceuticals, LLC's Answers to Plaintiffs' Interrogatories, McBride v. American International Industries, Inc., et al., 4/4/22.
685. Barretts Minerals Material Safety Data Sheet (MSDS) for Talc, 12/17/10.
686. Excerpt of the Deposition of Theodore Hubbard, Corporate Designee for Whittaker, Clark & Daniels, Pfizer 399 Montana Talc, 8/8/16.
687. Defendant American International Industries Response to Plaintiff's Standard Talc Liability Interrogatories, Tippin v. 3M Company, et al., 2/25/22; Verified.
688. Pfizer's Responses to Plaintiffs' Interrogatories Propounded to Pfizer, Inc., McBride v. American International Industries, Inc., et al., 8/1/22.
689. Talcum Powder Analysis for Brian Gref's Pinaud Clubman Talc Container, MAS Project M71373, W.E. Longo, MAS, 3/15/22.
690. Declaration and Summary Chart of William E. Longo Regarding the Testing of 21 Gold Bond Containers, 6/23/22.
691. Excerpt of the Deposition of Karen Linda Nappi, Gref v. American International Industries, Inc., et al., Authentication of Gref container, 6/16/21.
692. Defendant Colgate-Palmolive's Responses to the Court's January 5, 2015, Order for Colgate's Response to Plaintiffs' Contention That All Talcum Powder is Contaminated with Asbestos, Winkel v Calaveras Asbestos, Ltd, et al, Los Angeles, CA, 1/21/15; Verified.
693. Excerpt of the Deposition of Frederick Pooley, Beneficiation, 2/1/18.
694. Excerpt of the Deposition of Susan Nicholson, TEM best tool, pages 178-181, 2/24/20.
695. Johnson & Johnson Memo to W. Ashton, et al, from G.E. Heinze; Re: Talc Symposium – May 8, 1973 Department of the Interior, 5/18/73; JNJNL61_000006726-6732.
696. Johnson & Johnson Notes on Meeting with Professor Fred Pooley, Cardiff, 9/30/92; JNJ000035507-35509.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

697. Memorandum of Meeting Between FDA Representatives and Industry Representatives, 3/15/76; Affidavit.
698. Confidential Memo to Windsor Minerals, from R.C. Reynolds, Dartmouth; Re: Analysis of Talc Products and Ores for Asbestiform Amphiboles, March 1974; JNJNL61_00029410-43.
699. Letter to R.N. Miller, Windsor Minerals, from T. Kremer; Re: Results of Sample Analysis, McCrone Project No ME-2275, 4/29/86; JNJ000063285.
700. Letter to M.J. Keener, Cyprus Windsor, from E.K. Sprague, McCrone; Re: 3 talc samples, 11/26/90; Letter to J.R. Millette, from Cyprus Windsor; Re: CWM samples 90-28, 90-29, 90-30, 11/2/90; JNJMX68_000012851-12860.
701. Colgate-Palmolive Laboratory Notebook 6164-99, 3/7/76; CPC-NB00000061.
702. Pneumo Abex Responses to Plaintiff's First Set of Interrogatories, Chamberlain v. Avon Products, Inc., et al., In the Court of Common Pleas of Allegheny County, Pennsylvania, 9/28/22.
703. Avon Raw Ingredient Specifications, Code 0-0762-1S, Talc Osmanthus 200 Type, 2/18/92; AV_FORNI-00003934-3935, 4658-4659.
704. Supplement Report: MAS Project M71570, Avon Talcum Powder Container Analysis for Asbestos, W.E. Longo, MAS, 9/30/22.
705. Analysis Report, MAS Project #M65215, M65218 & M65227, Avon Products, W.E. Longo, MAS, 11/15/22.
706. Talcum Powder Analysis, Avon Powder Products, MAS Project M71387 & M71587, W.E. Longo, MAS, 11/15/22.
707. Talcum Powder Analysis, Avon Powder Products, MAS Project M71560 & M71562, W.E. Longo, MAS, 11/15/22.
708. Analysis of Cashmere Bouquet and Avon Cotillion Cosmetic Talc Products for Presence of Asbestos, Lee Poye, J3 Resources, Inc., 7/12/19.
709. Analysis of Avon Cotillion talc for the presence of asbestos, Mark Bailey, Asbestos TEM Laboratories, Inc., 12/17/19.
710. Testing of Avon Cotillion Perfumed Talc, STC2112022, Alan Segrave, Segrave Technical Consulting, 9/6/22.
711. Avon Formulas with Olympic Talc, Code 0752, 7/24/81 to 1991.
712. Avon Formulas with Olympic Talc, Code 0752, as an option, 8/14/78 to 1981.
713. Avon Formulas with Osmanthus 200 Type Talc, Code 0762, 2/9/93 to 1999.
714. Emtal Testing, Englehard Minerals, 1976-1979.
715. Responses by Englehard Corporation to Plaintiffs' First Standard Set of Liability Interrogatories, Chernick v. ABB Lummus Global, Inc., et al., Supreme Court of the State of New York, Undated.
716. Talcum Powder Analysis, MAS Project M71570, Rita Chapman Avon Powder Containers, W.E. Longo, MAS, 9/8/22.
717. Analysis Report, Rita Chapman's Cover Girl Sample, MAS Project #M71575, W.E. Longo, MAS, 9/7/22.
718. Supplement Report: Talcum Powder Analysis, Rita Chapman Cover Girl Powder Container, MAS Project M71575, W.E. Longo, 9/30/22.
719. Talcum Powder Analysis, Cover Girl Make-Up Compact Powder Containers, MAS Project M71583, W.E. Longo, MAS, 9/30/22.
720. Dana Corporation Material Safety Data Sheet, Victopac 1, 3/14/85; VPD-146-0001318-1319.
721. Dana Corporation Material Safety Data Sheet, Victopac 6, 3/14/85; VPD-146-0001122-1125.

722. Dana Corporation Material Safety Data Sheet, Victopac 6W, 3/14/85; VPD-146-0001086-1089.
723. Dana Corporation Material Safety Data Sheet, Victopac 14, 3/15/85; VPD-146-0001324-1325.
724. Dana Corporation Material Safety Data Sheet, Victopac 18, 3/15/85; VPD-146-0001088-1089.
725. Dana Corporation Material Safety Data Sheet, Victopac 56, 3/15/85; VPD-146-0001090-1091.
726. Dana Corporation Material Safety Data Sheet, Victopac 60, 3/15/85; VPD-146-0001330-1331.
727. Dana Corporation Material Safety Data Sheet, Victopac 65, 3/15/85; VPD-146-0001092-1095.
728. Dana Corporation Material Safety Data Sheet, Victopac 66, 3/15/85; VPD-146-0001094-1097.
729. Dana Corporation Material Safety Data Sheet, Victopac 70, 3/15/85; VPD-146-0001336-1337.
730. Dana Corporation Material Safety Data Sheet, Victopac 71, 3/15/85; VPD-146-0001338-1339.
731. Dana Corporation Material Safety Data Sheet, Victopac 85; VPD-146-0001096-1097, 1340-1341.
732. Dana Corporation Material Safety Data Sheet, Victopac 100, 3/15/85; VPD-146-0001342-1343.
733. Excerpt of the Deposition of Marcella Duncan, Dana Corporation, 9/27/19. (4 pp)
734. Asbestos Exposure from Gasket Operations, LR Liukonen, KR Still and RR Beckett, Naval Regional Medical Center, Bremerton, WA, May 1978.
735. Shell Oil Gasket Study, M Carroll, 1985.
736. Results of Fiber Counts at Garlock Inc., Palmyra, NY, D.R. Fussaro, Industrial Hygiene Foundation, 9/21/78.
737. Letter to B. Murphy, Cumberland Swan, from R. Beck, The Montana Talc Co.; Re: Revised Certificate of Analysis, 8/9/93; VIJONPAYNE00005708-5710.
738. Email to Jim Heyden, Vi-Jon, from Carlos Raines, Minerals Tech; Re: Specialty Minerals/ Vijon History, 5/24/12; VIJONPAYNE00033624.
739. Responses to “Plaintiff’s First Set of Interrogatories to Defendant Vi-Jon, LLC”, Chamberlain vs. Avon Products, Inc., et al., In the Court of Common Pleas of Allegheny County, Pennsylvania, 11/3/22.
740. Minerals Technologies/Barretts Mineral Letter to Customers, from Steve Baker; Re: Country of Origin, 7/2/13; VIJONPAYNE00004072.
741. Email to Jim Heyden, Vi-Jon, from Carlos Raines, Minerals Tech; Re: Specialty Minerals/ Vijon History, 5/24/12; VIJONPAYNE00033662.
742. Excerpt of Whittaker Clark & Daniels Answers to Plaintiffs Mary Wade and Wesley Wade’s Supplemental Interrogatories and Document Request Regarding Coty, Inc.
743. Excerpt of deposition of Ralph Macchio dated May 25, 2016 in Mary Wade and Wesley Wade vs. Brenntag North American, Inc.
744. Avon Raw Ingredient Specifications, Code 0755, Talc 3300, January 1977 to June 1993.
745. XRD Talc Analysis for 3300 Talc, Whittaker Clark and Daniels, 1979-1990; WCD_Chamberlain (PA)_06869 - WCD_Chamberlain(PA)_07013.
746. Whittaker, Clark & Daniels Sales Report of Sales to Coty 1979 – 2002; WCD Chamberlain Discovery 000221 - 000248.
747. Whittaker Clark & Daniels Sales Report of Sales to Maybelline 1982 – 2000; WCD Chamberlain Discovery 0000285-286, 291-309.
748. Letter to I Stewart, McCrone Associates, from JP Simko, Colgate; Re: Analysis of Samples A, F and S, 11/18/74; MCCRONE0155-0158.
749. Letter to JM Simko, Colgate, from R Shimps, McCrone; Re: Examination of Three Talc Samples - 85, 120 and 123, 3/26/74; McCrone2-00381.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

750. Letter to JP Simko, Colgate, from McCrone; Re: Three samples of talc in Samples A, F and S, 12/10/74; MCCRONE 0159-166.
751. Letter to JP Simko, Colgate, from GR Grieger; Re: Samples of talc labeled 0925AX6, 0215DX, 1971CB4, 04143, 0326, 3214, 3/31/76; McCrone2-00457-460.
752. Letter to JP Simko, from RJ Shimps; Re: Test results, 5/3/76; McCrone2-00441-442.
753. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Examination of talc sample designated as 5-28-29, 6/24/76; McCrone2-00429-436.
754. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as 6-13-14, 7/8/76; McCrone2-00428.
755. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample Lot 7-18-19, 8/6/76; McCrone2-00420-427.
756. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as 8-6-7, 8/31/76; McCrone2-00578-582.
757. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample 8-14-15, 9/8/76; McCrone2-00419.
758. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as 8-28-29, 9/15/76; McCrone2-00613-615.
759. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of two talc samples designated as 9-8-9 and 9-9-10, 10/5/76; MCCRONE0017-20.
760. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Lot 10-7-8, 10/28/76; McCrone2-00590-596.
761. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Examination of Talc Sample 4915, 11/18/76; McCrone2-00570-572.
762. Letter to JP Simko, Colgate, from GR Grieger; Re: Results of analysis, 12/2/76; McCrone2-00568.
763. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of ABE sample, 1/3/77; McCrone2-00565-567.
764. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Lot 1-5-76, 1/17/77; McCrone2-00598.
765. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Lot 1-21-22, 2/10/77; McCrone2-00599.
766. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as 4166, 2/11/77; McCrone2-00600-604.
767. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Lot 2-10-11, 3/8/77; McCRONE 0066.
768. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Lot 2-22-23, 3/10/77; McCRONE 0067.
769. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Lot 3-31-4-1, 4/13/77; McCRONE 0068.
770. Letter to JP Simko, Colgate, from RJ Shimps, McCrone; Re: TEM examination of Colgate Pre-shipment sample MTR Talc, Code M6670-2, Lot No 4-26-27, 4-26-77, 5/9/77; McCrone-00417.
771. Letter to JP Simko, Colgate, from RJ Shimps, McCrone; Re: Analysis of talc sample designated as MTR-Talc-Code M-6670-2, Lot 5-2-3, Date 5-3-77, 5/11/77; McCrone2-00416.
772. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Lot 6-1-2, 6/14/77; McCrone2-00642.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

773. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as MON-6, 040 dated 6-13-77, 7/12/77; McCrone2-00530.
774. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Lot 7-24-25 from the 1977 series, 8/12/77; McCRONE 0063-65.
775. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Lot 9-21-22 from the 1977 series, 10/13/77; McCrone2-00683-686.
776. Letter to JP Simko, Colgate, from RJ Shimps, McCrone; Re: Analysis of talc sample designated as Talc Code M-6670-2, Lot No 10-26-77, 10-27-77, preshipment sample, 11/15/77; McCRONE0074.
777. Letter to JP Simko, Colgate, from LB McCrone; Re: Microscopical examination of your two samples - French talc - Lot 5854 - and Talc 1615 #4811, 11/16/77; MCCRONE 0075-77.
778. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of Preshipment talc sample designated as Lot 11-27-28 of the 1977 series, 1/5/78; McCRONE 0078.
779. Letter to JP Simko, Colgate, from RJ Shimps, McCrone; Re: Analysis of talc sample designated as Lot 1-5-6 of the 1977 series, 1/25/78; McCRONE 0079-80.
780. Letter to JP Simko, Colgate, from RJ Shimps, McCrone; Re: Analysis of talc sample designated as Lot 2-6-7, 2/23/78; McCrone2-00688-690.
781. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as 3-16-17, 4/7/78; McCrone2-00687.
782. Letter to DR Ferry, Charles Mathieu, from GR Grieger, McCrone; Re: Examination of talc sample RMPS, M-6670-9, Lot 5-2-3, 6/2/78; McCrone2-00531-534.
783. Letter to DR Ferry, Charles Mathieu, from GR Grieger, McCrone; Re: Examination of talc sample designated as Lot 11-2-3, 1978 Series, 11/22/78; McCrone2-00544-546.
784. Letter to DR Ferry, Charles Mathieu, from GR Grieger, McCrone; Re: Examination of talc sample designated as Lot 12-19-20, 1978 Series, 1/22/79; McCrone2-00541-543.
785. Letter to DR Ferry, Charles Mathieu, from GR Grieger, McCrone; Re: Examination of talc sample designated as Monital 100, Lot 881800, 2/9/79; McCrone2-00538-540.
786. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of sodium carbonate, 2/13/79; McCrone2-00705-722.
787. Letter to DR Ferry, Charles Mathieu, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Monotel 6040, Lot #492400, 5/4/79; McCrone2-00547-551.
788. Letter to DR Ferry, Charles Mathieu, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Monital 6040, Lot #590300, 5/9/79; McCrone2-00560-563.
789. Letter to DR Ferry, Charles Mathieu, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Monital 6040, Lot #592200, 7/6/79; McCRONE0181-0185.
790. Letter to DR Ferry, Charles Mathieu, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Monital 6040, Lot #791000, 9/6/79; McCRONE0186-0188.
791. Letter to DR Ferry, Charles Mathieu, from GR Grieger, McCrone; Re: Analysis of talc sample labeled as Mon0-blend Talc M-6277 (Monital Talc) Lot 109 1300, 11/12/79; McCRONE0195-200.
792. Letter to JP Stiff, Cyprus Industrial Minerals, from RM Ellis, McCrone; Re: Asbestos analysis of talc sample Monoblend Code M6277 Lot #1291100, 1/8/80; McCRONE0197-200.
793. Letter to McCrone, from JP Stiff, Cyprus Industrial Minerals; Re: Monoblend talc for analysis, 8/28/80; McCRONE0201-0203.
794. Letter to JP Stiff, Cyprus Industrial Minerals, from RM Ellis, McCrone; Re: Asbestos analysis of talc sample labeled Lot #601809, 9/6/80; McCRONE0202.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

795. Letter to JP Stiff, Cyprus Industrial Minerals, from RM Ellis, McCrone; Re: Asbestos analysis of talc sample labeled Lot #802509, 9/19/80; McCRONE0203.
796. Letter to L. Murino, Cyprus Minerals, from R.M. Ellis, McCrone; Re: Analysis of Cyprus Monoblend Talc Lot #110865, 3/16/81; MCCRONE 0205.
797. Letter to V. Alltus, Cyprus Industrial Minerals, from R.M. Ellis, McCrone; Re: Analysis of Cyprus Monoblend Lot #311865, 4/29/81; McCrone2-00768-770.
798. Letter to M.M. Kazazian, Cyprus Industrial Minerals, from R.M. Ellis, McCrone; Re: Diffraction pattern of monoblend talc sample #110865, 8/26/81; McCRONE0208-211.
799. Letter to V. Alltus, Cyprus Industrial Minerals, from R.M. Ellis, McCrone; Re: Analysis of monoblend talc sample #Lot 812065, 9/22/81; McCrone2-00765.
800. McCrone Project Cost record for Project MA11196, 7/27/82; Letter to Dr. K.W. Olson, Cyprus Industrial Minerals, from D.P. Palenik, McCrone; Re: Analysis of talc sample "Altalc 400, 052582, 10/21/82; McCrone2-00776-782.
801. Letter to G. Roach, from R.M. Ellis; Re: Asbestos analysis of talc sample labeled RCT1004C, Lot #12873, 7/26/83; McCRONE0215-0218.
802. Letter to J.P. Simko, from D.P. Palenik, McCrone; Re: Asbestos analysis of three talc samples Labeled 12873, 13080, and 13081, 10/27/83; MCCRONE 0146-0147.
803. Letter to J.P. Simko, from D.P. Palenik, McCrone; Re: Asbestos analysis of one talc sample labeled Lot #S09063, 11/16/83; MCCRONE 0152-0153.
804. Letter to J.P. Simko, Colgate, from D.P. Palenik, McCrone; Re: Results of Analysis on 6 talc samples, 4/27/84; MCCRONE 0221-226.
805. Colgate TEM testing chart.
806. Sanchez slides re TEM testing.
807. Chart, Colgate corporate representative deposition exhibit, Lynne Roy v. Colgate-Palmolive Company, et al., 11/23/21.
808. Chart with Images, Colgate corporate representative deposition exhibit, Lynne Roy v. Colgate-Palmolive Company, et al., 11/23/21.
809. Letter to H.J. Eiermann, FDA, from N.F. Estrin, CTFA; Re: Analysis of talc for asbestos, 3/15/76; CTFA Memo to N.F. Estrin, from A.S. Curry; Re: Current talc analysis, 3/12/76; Letter to N. Estrin, CTFA, from J.J. Travers, Avon Products; Re: Results of Avon talc tests, 3/12/76; Letter to N. Estrin, CTFA, from M. Berdick, Chesebrough Ponds; Re: Concern re asbestos in talc, 3/12/76; Letter to N.F. Estrin, CTFA, from C.H. Costello, Colgate; Re: Summary of Analytical Data on 42 Talc Samples, 3/15/76; Colgate Memo to C.H. Costello, from J.P. Simko; Re: Analytical Data on Talc Samples 1972-Present, 3/12/76; Letter to N.F. Estrin, CTFA, from Mulryan, Cyprus; Re: March 11, 1976 CTFA Talc Sub-Committee Meeting, 3/12/76; Talc Investigations, Faberge, Undated; Letter to N.F. Estrin, CTFA, from G. Lee, Johnson & Johnson; Re: Examination for Asbestos in Talc, 3/15/76; Examination of American & British Talcum Powder Products, F.D. Pooley, 3/14/76; Letter to N. Estrin, CTFA, from I.M. Stewart, McCrone; Re: Recent conversation on talc analyses if asbestos, 3/12/76; Letter to N. Estrin, CTFA, from R.A. Mundy, Sterling Drug; Re: Testing of ZBT Baby Powder, 3/12/76; Letter to N. Estrin, CTFA, from F.F. Roesch, WCD; Re: August 1971 Test Program, 3/11/76.
810. Cyprus Call Report; Re: Determine status of Olympic talc, 6/4/76; CYPRUS (2015)000720.
811. Colgate Laboratory Notebooks No 6490, P Briscese, 3/10/76 to 4/17/78; CPC-NB00000055-100.
812. Cashmere Bouquet Coded Samples Being Tested at Mount Sinai, Excerpt from Laboratory Notebook No 6490-54, P Briscese, 10/28/76; CPC-NB00000088.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

813. Report of the Examination of Talc Samples obtained from Mount Sinai Hospital, F.D. Pooley, University College, Cardiff, 1/8/76; JNJNL61_000035499-35562.
814. List of Product Samples and Test Results Identified by Arthur Langer in his June 14, 2013 Deposition.
815. Deposition of Arthur Langer, 6/4/13.
816. Report of the Examination of American Consumer Talc Samples, 5/4/76; JNJTALC000102293-102313.
817. Avon formulas, All Products, 0747 Italian, 1952-1961; AV_Graham_000001-18.
818. Avon formulas table, 1952-1961.
819. Avon formulas, All Products, 0755, 1963-1966; AV_Graham_000019-48.
820. Sierra Talc sales to Avon, 1964, 0755 – Supreme 325.
821. USD-CMC Talc Products, Supreme 325, 1/15/69; CAMC-Booker-002475.
822. Avon makeup formulas, 1969-2011; AV_ChapmanRita_000494-603.
823. Avon makeup Raw Ingredient Specs, 1969-2000; AV_ChapmanRita_000604-637.
824. Avon Formulas, Face Powders, 1961-1969; AV_Payne_007051-7057.
825. Avon Formulas, Eye Shadows, 1972-1979; AV_Payne_007270-7413.
826. Avon Formulas, Eye Shadows, Dazzle Dust, 1980-1989; AV_Payne_007414-7651.
827. Avon Cotillion Formulas chart, 1952 to 1995.
828. Avon Cotillion formulas, 1952-1995; Various Bates.
829. Luzenac Product List – Supra H for Mary Kay, Undated; LUZ00000057.
830. Cyprus Industrial Minerals Sales Analysis by Customer, 1985; IMERYS 100415-498.
831. Cyprus Industrial Minerals Sales Analysis by Customer, 1983; IMERYS 234909-994.
832. Cyprus Industrial Minerals Sales Analysis by State, 1981; IMERYS 234030-177.
833. Rita Chapman's Mary Kay Sample Analysis Report, MAS Project #M71574, W.E. Longo, MAS, 1/3/23.
834. Mary Kay powder history from 1978-1990.
835. Annual Scientific Meeting list and information, The Waldorf-Astoria, New York, NY, 11/30/78 – 12/1/78.
836. CTFA Scientific Conference distribution list and information, Fairmont Hotel, New Orleans, Final Registration, 11/3/85-11/6/85.
837. CTFA Invitation for N Teetsel re meeting of Talc Interested Party Task Force with draft Agenda and Agenda with handwritten notes, 7/25/94; MARY KAY_000589-592.
838. CTFA Memo to Talc Interested Party Task Force, from SD Gettings; Re: Presentation/Manuscript, 1/7/94; Draft Copy with proposed handwritten revisions of "Talc: Occurrence, Characterization, and Consumer Applications," R Zazenski, et al; MARY KAY_000616-638.
839. CTFA Memo to Talc Interested Party Task Force, from P Dennis; Re: Faxed Items(s) - 94-TA-48; 10/31/94; CTFA Memo to Talc Interested Party Task Force, from SD Getting; Re: Publication of Zazenski et al manuscript, 10/28/94; MARY KAY_001590-1592.
840. Letter dated 9/17/19 with attached Whittaker, Clark & Daniels sales to Mary Kay; MARY KAY_000132-193.
841. Fax cover sheet dated 8/1/94 with memo from N Teetsel to S Gettings; MARY KAY_001400-1405.
842. Excerpt of CTFA Specification – Cosmetic Talc, Rev 10/7/76; MARY KAY 001675.
843. Video File, Our Product Promise, Mary Kay.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

844. Letter to C Curry, from F McGonigle, Whittaker, Clark & Daniels; Re: Certification of No 2258 Talc BC, Mary Kay Code 50-0275, 3/14/88; MARY KAY_002693.
845. Quality Assurance Specification, Part No 50-027500-01, Sierra Supreme Talc, 10/29/88; MARY KAY_002694.
846. Mary Kay Request for Vendor Sample Evaluation for Steriline 325 Powder, 4/11/90, with vendor response letter dated 3/14/88; MARY KAY_002692-2694.
847. Mary Kay Request for Vendor Sample Evaluation for No 2258 Talc BC, Sierra Supreme Talc, WCD, Mary Kay Part No 50-0275, Blusher, Eyeshadow and DR White, Undated; MARY KAY_000496.
848. Raw Material Review, Part No 50-0614, Charles B Chrystal Talc, Undated; MARY KAY_000529.
849. Charles B Chrystal Material Safety Data Sheet (MSDS), MK Part #50-061400, 6/30/88; MARY KAY_000530-531.
850. Charles B Chrystal Material Safety Data Sheet (MSDS), MK Part #50-061400, 1/2/03; MARY KAY_000526-528.
851. Handwritten notes of talc information pulled from Mary Kay documents.
852. Typical Data Sheet, Cyprus Industrial Minerals Company, Supreme USP; THAN 010639.
853. Cyprus Talc Product Specifications (Final), November 1983; CAMC-Booker-001563-001564.
854. Memo to MJ Lorang, et al, from JM Radcliffe, Re Beaverhead Mine – Crude Specifications and Quality Review with Cyprus attachments, 11/17/89; LUZ00000065-70.
855. Memo to Distribution, from RC Munro; Re: Cyprus Ore Reserves - Arsenic & Tremolite, 3/25/92; IMERYS 219720-722.
856. Cyprus Industrial Minerals Domestic Producing Locations, Key Product Specifications, January 1992; ITA-Alfaro000393-398.
857. Examination of Johnson and Johnson's Product Shower to Shower for Asbestiform Minerals, McCrone Project No. 2546, Copy 2 of 6, 6/22/73; JNJ000248256-248269.
858. Talcs – handwritten list identifying talc grades.
859. XRD Talc Analysis of 1625 Talc, 1972-1992; WCD(CA) DAVIS 0004739-4912.
860. Johnson & Johnson Worldwide 1975 Talc Monitoring Program; JNJ14T5_000006148-6163.
861. Johnson & Johnson Worldwide 1976 Talc Monitoring Program; JNJAZ55_000018909-922.
862. Memo to G Lee, from WH Ashton; Re: J&J Worldwide Talc Monitoring Program 1976 Talcs, 8/31/76; JNJ000567551-573.
863. Johnson & Johnson Worldwide Talc Sources, March 1977; JNJAZ55_000020446-20448.
864. Memo to JR Marshall, from AM Marks; Re: Johnson's Baby Powder Worldwide Survey Status as of February 28, 1978, Project No 2500.01, 3/2/78; JNJ000244013-17. (Korean talc not tested).
865. Talc Analysis (Asbestos) for 1625 Talc, S Korea, ES Laboratories, ES 5279, 9/17/80; WCD (CA) Moore 0002317-2320.
866. List of Products Produced at Clark Minerals Corporation,1982-1983 Korean talc, 3/12/82 and 6/1/83.
867. WCD File for 5251 Talc, 1982-1992; WCD (CA) Moore0003661-3728.
868. Johnson & Johnson World Talc Survey 1985; JNJ 000370429-0435.
869. Talc Analysis (Asbestos), 5251 Talc, Korea II, ES Labs Report 219X, 10/9/87; WCD (CA) Moore0003710.
870. "The Origin and Mineralogy of the Dongyang Talc Deposit," Moon & Kim, Jour Korean Inst Mining Geol, 1988.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

871. “Talc Mineralization in the Middle Ogcheon Metamorphic Belt (I): with Emphasis of the Stable Isotope Studies of the Dongyang Talc Deposit,” Park, Lee & Hur, Econ Environ Geol, 1995.
872. “Mineral Chemistry of Talc from Different Origins in the Dongyang Talc Deposit,” Shin, Lee, & Koh, J Miner Soc Korea, 2004.
873. Whittaker, Clark & Daniels Marketing Guide for Cosmetic-Pharmaceutical Industries, Revised 1/16/78; WCD (IL) Garcia 1147-1157.
874. Excerpt of Deposition of Theodore Hubbard Re Talc Codes, 3/2/16.
875. 115 times Pfizer identified asbestos fibers by TEM/SAED in Talc 1615 and/or Supra 1976-1992; Chapman v Pfizer, Inc (Exhibit to the notice of deposition of Pfizer)
876. Whittaker, Clark & Daniels Responses to Plaintiff's First Set of Interrogatories, Edwards v Alcatel-Lucent USA, Inc, et al, Madison County, IL, 9/13/16.
877. WCD File for 141 Talc, 1971-1992; WCD (CA) Moore0000596-1278.
878. Johnson & Johnson Memo to Dr WC Wagoner, from WH Ashton; Re: Report of Talc 141 USP Lot No 11-16-17, 5/17/76; JNJ000064758.
879. Talc Analysis (Asbestos), 141 Talc, Montana-Canada, McCrone Report 3591, 4/13/76; WCD (CA) Moore0000660-662.
880. Talc Supply Agreement between Cyprus Georesearch and WCD, 8/28/79; ITA 294- ITA 301.
881. Talc Analysis (Asbestos), 141 Talc, Alabama, Lab Report ES 6069, 8/23/82; WCD (CA) Moore 0001053-1082.
882. Suzorite Mineral Products, Clark Plant, Certificate of Analysis, 141 Cosmetic Talc BC, Lot #18Q4, 2/23/98; Revlon – Moore – 000034.
883. 26 times Pfizer identified asbestos fibers by TEM/SAED in Talc 141, 1976-1988 (Exhibit to the deposition of Pfizer in Payne, August 2022)
884. Defendant Whittaker, Clark & Daniels, Inc's Answers to Plaintiffs' First Set of Interrogatories, Smith v Alcatel-Lucent, et al, Madison County, IL, 9/13/16; Verified.
885. Excerpt of WCD Reference Book, Talc Product Codes, Undated; JNJ000308215-8217.
886. Defendant ViJon, Inc’s Responses to Plaintiff’s Special Interrogatories, Set One, Prudencio v Johnson & Johnson, et al, Alameda County, CA, 3/17/21.
887. Specialty Minerals Sales Order Acknowledgement with Invoices, Order 5049058, 6/29/11; VIJONPAYNE00016082 & various Bates.
888. Vi-Jon Talc Raw Material Purchases Report SAP 4.6, 12/2/98 to 5/6/09; VIJONPAYNE00033451-33488.
889. Montana Talc Company letter to B Murphy from R Beck, with Certificate of Analysis for Cumberland Swan, 8/9/93; VIJONPAYNE 00005708-5709 and 5803.
890. Deposition of William Ward, Depoian v American International Industries Inc., et al, Los Angeles County, CA, 8/10/16.
891. Product Sales/Customer by Salesman & Region, Cyprus Industrial Minerals Sales Analysis by Customer, 1980-1987; CAMC-Depoian-000898-905.
892. MAS Chart of Old Spice Testing.
893. Declaration of William Longo (Old Spice), 7/30/21.
894. MAS Project M71542, Talcum Powder Analysis, Mennen Baby Magic Container, W.E. Longo, MAS, 6/3/22.
895. MAS Project M71518, Talcum Powder Analysis of Sample Splits from Baby Magic & Mennen Exemplar Containers, W.E. Longo, MAS, 3/31/22.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

896. MAS Project M71377, Talcum Powder Analysis for Sheldon Spiegelman's Mennen Shave Talc Container, W.E. Longo, MAS, 5/26/22.
897. MAS Project M71050, Analysis Report, Mennen Talc Containers, W.E. Longo, MAS, 6/24/22.
898. MAS Robert Blinkinsop Expert Report, 7/15/22.
899. Imerys Talc America, Inc. and Cyprus Amax Mineral Company's Amended Responses to Plaintiffs' First Supplemental Interrogatories and Document Requests, Johnson v American International Industries, Inc., et al, Middlesex County, NJ, 9/14/27.
900. Talc Supra BC Code 10628, Cyprus, (MEN-124), 7/8/83.
901. Talc Code 10628, Cyprus, Supra A, (MEN-130), 5/16/89.
902. Talc Code 10362, Cyprus or WCD (MEN-125), 3/19/85.
903. Talc Code 10362, Cyprus or WCD (MEN-066), 3/19/85.
904. Talc Code 10362 (MEN-123), 3/4/80.
905. Talc Code 11316 WCD (MEN-126), 1/11/89.
906. Talc Code 11316_5141 Lo Micron BC_WCD (MEN-139), 1/11/89.
907. Deposition of Lisa Cifelli, Gray v Johnson & Johnson, et al, Middlesex County, NJ, 11/30/21.
908. MAS Project M71537, Talcum Powder Analysis, Aubrey Brinneman-Gold Bond Powder, W.E. Longo, MAS, 6/22/22.
909. MAS Project M71536, Talcum Powder Analysis, Jorge Garza-Gold Bond Powder, W.E. Longo, MAS, 6/22/22.
910. MAS Project M71534, Talcum Powder Analysis, Krista Teigland-Gold Bond Container, W.E. Longo, MAS, 6/22/22.
911. MAS Project M71134, Supplement Report, Talcum Powder Analysis of Kim Gray's Gold Bond Body Powder Container, W.E. Longo, MAS, 5/4/22.
912. MAS Project M23945, Talcum Powder Analysis of Gold Bond Powder, W.E. Longo, MAS, 4/4/22.
913. MAS Project M71376, Talcum Powder Analysis for Sheldon and Sandra Spiegelman's Gold Bond Container, W.E. Longo, MAS, 3/7/22.
914. MAS Project M71120, Talcum Powder Analysis of Gold Bond Medicated Powder, W.E. Longo, MAS, 3/1/22.
915. Declaration of William Longo and Summary Chart of Gold Bond Testing, 2/28/22.
916. Defendant Chattem, Inc.'s Response to Plaintiff's Standard Talc Liability Interrogatories to Chattem, Inc., Tippin v 3M Company, et al, New York, NY, 1/24/22.
917. MAS Project M71379, Talcum Powder Analysis of Gold Bond Medicated Powder, W.E. Longo, MAS, 10/15/21.
918. Defendant Charles B. Crystal's Responses to Plaintiffs' Supplemental Interrogatories and Document Demands, Bvumbe v Avon Products, Inc., et al, Middlesex County, NJ, 1/27/22.
919. Estee Lauder Research & Development Consolidated Formula Ingredient Print Out, White Linen Perfumed Body Powder, 1/8/20 and 3/23/20; Payne_EL_00000034-37.
920. Estee Lauder Companies (ELC) Supplier Specification Compliance Agreement Form from Cosmetic Specialties, Inc., Alpine, Alabama and France, 7/31/96; Payne_EL_00000243-244.
921. Estee Lauder Research & Development Raw Material Specification Information, Code No 9999-69-0034, 4/28/94; Payne_EL_00000204-207.
922. Presperse, Inc. Talc Micro Ace P-2 Certificates of Analysis, 12/8/93; PAYNE_EL_00000115-119.
923. Message, David Miller, Subject-Talc, Active Talc Codes except as noted, 1/6/05; Payne_EL_00000167-168.

924. 115 times Pfizer identified asbestos fibers by TEM/SAED in Talc 1615 and/or Supra, 1976-1992; Chapman v Pfizer, Inc (Table with Images) (Exhibit 14 to the notice of deposition of Pfizer).
925. 0778 to 0828 Talc source and formulas, C.G. Pressed Powder, 1982; CG-PELTZ-000778-828.
926. Noxell Cover Girl International Pressed Powder formulas, 0510 to 0547, 11/30/77; CG-PELTZ-000510-547.
927. Cyprus Industrial Minerals Sales Analys by Industry, 12/31/84; IMERYS 233285-233292.
928. Chanel Master Bath formulas, 11/18/74; Various Bates.
929. Chanel talc source table 1974-2002, 12/28/21.
930. Chanel Raw Material Specification, Supra A Talc (Product #1707), RM No 00-2431, 9/14/99; CHANEL – ROY – 000187.
931. Whittaker, Clark & Daniels Certificate of Analysis to Chanel, 8/18/99; CHANEL – ROY – 000196.
932. Letter to P Pieschi, Chanel, from P Driscoll, Whittaker, Clark & Daniels, Re No 3465 Supra A Talc/Chanel code number 88-2431, 4/19/99; CHANEL – ROY – 000195.
933. Whittaker, Clark & Daniels Quotation to Chanel, 3465 Supra A, 9/11/98; CHANEL – ROY – 000192.
934. Chanel Raw Material Specification, Supra A Talc, RM No 00-2431, 4/15/97; CHANEL – ROY – 000186.
935. Chanel Raw Material Specification, Talc 1615 Italian, RM No 00-2431, 11/29/82; CHANEL – ROY – 000185.
936. MVA Testing of Cashmere Bouquet Binder, MVA9728 Bulk Analysis Reports – April 2017, 2013 to 2014, Characterization of Cashmere Bouquet Talc Sample U0654, 9/15/14.
937. Analysis Report, Asbestos in Air, TEM, Modified NIOSH 7402 Method, 2011-2012, Testing of Cashmere Bouquet; FORENSIC00000556-559 and various other Bates.
938. Exposure Simulation for Historical Talcum Powder Products, Prepared by Exponent for Colgate-Palmolive Company, May 2012; ANDER00005675-5770.
939. Memorandum of Meeting at Environmental Science Laboratory, Mount Sinai School of Medicine, Langer and Rohl, Analytical Methodology for the Detection and Determination of Asbestos Minerals in Talc, 3/22/76; HHS00000018-21.
940. FDA Memorandum of a Telephone Conversation between Dr. R.L. Shapiro and Dr. A. Langer, Mount Sinai, 3/1/76.
941. Report of the Examination of American Consumer Talc Samples, Bowes, 1976; JNJTALC000102293-102313.
942. Johnson & Johnson Memo to G Lee, from FR Rolle; Re: Telephone Conversation with FD Pooley - Project #0503.01, 3/30/76; JNJ0073770.
943. Johnson & Johnson Memo to G Lee, from FR Rolle; Re: Telephone Conversation with FD Pooley on 1/5/76 Project #0503.01, 1/6/76; JNJ00003550.
944. Johns-Manville Report 404-39; Title: Body Talcum Powders - Petrographic Examination, 10/31/68; CRMC-TALC-000053-65; Affidavit.
945. MAS Analysis of Colgate-Palmolive Cashmere Bouquet Cosmetic Talc Products for Amphibole Asbestos Expert Report, W.E. Longo, 9/11/18.
946. MAS Analysis of Cashmere Bouquet Talcum Powder Submitted by the Law Offices of Peter Angelos, Appendix C, M65748, W.E. Longo, M.W. Rigler, September 2018.
947. MAS Analysis of Cashmere Bouquet Talcum Powder Submitted by Levy Konigsberg LLP, Appendix B, M65590, W.E. Longo, M.W. Rigler, September 2018.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

948. MAS Analysis of Cashmere Bouquet Talcum Powder Submitted by Simon Greenstone Panatier Bartlett, Appendix A, W.E. Longo, M.W. Rigler, September 2018.
949. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Lot 9-21-22 from the 1977 series, with attachments, 10/13/77; COLG-MA05500-0201 – 0220.
950. Letter to WC McCrone, from KB Lehman; Re: Testing of Monoblend Talc sample, 1/13/81; COLG-MA05500-0170 – 0200.
951. Letter to DR Ferry, Charles Mathieu, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Monital 6040, Lot #592200, 7/6/79; COLG-MA05500-0149 – 0169.
952. Letter to JP Simko, Jr, from GR Grieger, McCrone; Re: Analysis of talc sample designated as Lot 2-22-23 from the 1977 series, 3/10/77; COLG-MA05500-0123 – 0148.
953. Letter to JP Simko, Colgate, from GR Grieger, McCrone; Re: Examination of Talc Sample 4915, 11/18/76; COLG-MA05500-0091 – 0122.
954. Letter to DR Ferry, Charles Mathieu, from GR Grieger, McCrone; Re: Examination of talc sample designated as Lot 12-19-20, 1978 Series, 1/22/79; COLG-MA05500-0059 – 0090.
955. Handwritten page of EMA Data and X-Ray Data samples with attached Microprobe Data Sheet for Colgate and other attachments, 10/4/78; COLG-MA05500-0030 – 0058.
956. Project ESCA, Colgate-Palmolive Company, MA 5500 with Letter to JP Simko, from DP Palenik, McCrone; Re: Asbestos analysis of one talc sample labeled Lot #S09063, and attachments, 11/16/83; COLG-MA05500-0001 – 0029.
957. Letter to I Stewart, McCrone, from JP Simko, Colgate-Palmolive; Re: enclosed sample of raw material talc for TEM and SAED analysis, lot number 1-6-7, with attachments, 4/6/76; COLG-MA05259-0030 – 0059.
958. Project Cost Record; Project Title: TEM and SAED of 7 talc samples, No MA 5259, Colgate-Palmolive, JP Simko, 3/8/76; Letter to JP Simko, from RJ Shimps; Re: examination of talc sample, 5/11/77; COLG-MA05259-0001 – 0029.
959. Project Cost Record; Project Title: Talc RCT 1004C, No 12917, Colgate-Palmolive, G Roach, 5/25/8?; COLG-MA12917-0001 – 0007.
960. Project Cost Record; Project Title: 3 Talc Samples, No MA 4426, Colgate-Palmolive, J Witruk, 12/2/74; Letter to JP Simko, from GR Greiger; Re: analyzing of three samples of talc identified as Samples A, F and 8, with attachments, 12/10/74; COLG-MA04426-0001 – 0013.
961. Project Cost Record; Project Title: Talc Analysis, No MA 3805, Colgate-Palmolive, JP Simko, 1/30/74; Letter to JP Simko, from Richard Shimps; Re: analysis of samples 516, Cashmere Bouquet, and N.C. Regal, with attachments, 2/5/74; COLG-MA03805-0001 – 0014.
962. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68085-001, Anthony Keeton, MAS, 6/5/18 – 6/6/18 (Cashmere Bouquet).
963. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68084-001, Anthony Keeton, MAS, 5/24/18 – 5/31/18 (Cashmere Bouquet).
964. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68083-001, Anthony Keeton, MAS, 8/10/18 – 8/13/18 (Cashmere Bouquet).
965. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68081-001, Anthony Keeton, MAS, 5/15/18 – 5/18/18 (Cashmere Bouquet).
966. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68080-001, Anthony Keeton, MAS, 6/13/18 (Cashmere Bouquet).

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

967. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68079-001, Anthony Keeton, MAS, 5/14/18 – 5/16/18 (Cashmere Bouquet).
968. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68078-001, Anthony Keeton, MAS, 8/22/18 – 8/23/18 & 9/6/18 (Cashmere Bouquet).
969. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68074-001, Anthony Keeton, MAS, 9/3/18 – 9/4/18 (Cashmere Bouquet).
970. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68072-001, Anthony Keeton, MAS, 6/13/18 – 6/15/18 & 9/4/18 (Cashmere Bouquet).
971. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68071-001, Anthony Keeton, MAS, 4/26/18 – 4/30/18 & 8/31/18 (Cashmere Bouquet).
972. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68069-001, Anthony Keeton, MAS, 9/3/18 (Cashmere Bouquet).
973. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68067-001, Anthony Keeton, MAS, 4/25/18 & 8/30/18 (Cashmere Bouquet).
974. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68063-001, Anthony Keeton, MAS, 5/25/18 – 5/29/18 (Cashmere Bouquet).
975. TEM Analysis, TEM Bulk Talc Structure Count Sheet for Project M68062-001, Anthony Keeton, MAS, 3/27/18 – 3/28/18 & 8/29/18 – 8/30/18 (Cashmere Bouquet).
976. MAS Analysis of Cashmere Bouquet Talcum Powder Submitted by the Law Offices of Peter Angelos, Appendix C, M65748, W.E. Longo, M.W. Rigler, September 2018.
977. MAS Analysis of Colgate-Palmolive Cashmere Bouquet Cosmetic Talc Products for Amphibole Asbestos Expert Report, W.E. Longo, M.W. Rigler, 9/11/18.
978. MAS Analysis of Cashmere Bouquet Talcum Powder Submitted by Simon Greenstone Panatier Bartlett, Appendix A, W.E. Longo, M.W. Rigler, September 2018.
979. MAS Analysis of Cashmere Bouquet Talcum Powder Submitted by the Law Offices of Peter Angelos, Appendix C, M65748, W.E. Longo, M.W. Rigler, September 2018.
980. MAS Analysis of Cashmere Bouquet Talcum Powder Submitted by Levy Konigsberg LLP, Appendix B, W.E. Longo, M.W. Rigler, September 2018.
981. MAS Analysis of Cashmere Bouquet Talcum Powder Submitted by Levy Konigsberg LLP, Appendix B, W.E. Longo, M.W. Rigler, September 2018.
982. MAS Supplement Report, The Analysis of Colgate Palmolive's Historical Cashmere Bouquet Product Containers Samples from the 1910s to the 1990s for Chrysotile and Amphibole Asbestos, MAS Project No M69934, W.E. Longo, 3/24/21.
983. MAS Analysis Report, MAS Project M69934, Cashmere Bouquet – Pre-1950 Decades, W.E. Longo, 3/19/21.
984. Supplement Report 1: The Analysis of Colgate Palmolive's Historical Cashmere Bouquet Product Containers Samples from the 1910s to the 1990s for Chrysotile and Amphibole Asbestos, MAS Project No M66934, W.E. Longo, 2/23/21.
985. The Analysis of Colgate Palmolive's Historical Cashmere Bouquet Product Containers Samples from the 1950's to the 1990's for Chrysotile and Amphibole Asbestos, MAS Project No M66934, W.E. Longo, 1/12/21.
986. MAS Chain-of-Custody form, MAS Job M68080, analysis of 24 Cashmere Bouquet containers; Letter to W Longo Re Analysis for Presence of Asbestos Fibers in Talc Product SGPB 01-18-18(1) through SGPB 01-18-18(24), 1/19/18; with attachments.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

987. MAS Analysis of Cashmere Bouquet Talcum Powder Submitted by The Lanier Law Firm, Supplemental Report, W.E. Longo, M.W. Rigler, October 2018.
988. MAS Analysis of Cashmere Bouquet Talcum Powder PLM/Blount Supplemental Notebook, W.E. Longo, M.W. Rigler, 9/24/18.
989. MAS Analysis of Colgate-Palmolive Cashmere Bouquet Cosmetic Talc Products for Amphibole Asbestos Expert Report, W.E. Longo, M.W. Rigler, 9/11/18.
990. "Assessment of Health Risk from Historical Use of Cosmetic Talcum Powder," Anderson, Sheehan, et al, Society for Risk Analysis, 2016.
991. "Asbestos in commercial cosmetic talcum powder as a cause of mesothelioma in women," Gordon, Fitzgerald, Millette, International Journal of Occupational and Environmental Health, 2014.
992. "Consumer Talcums and Powders: Mineral and Chemical Characterization," Rohl, Langer, et al, Journal of Toxicology and Environmental Health, 1976.
993. Color Technologies Sales Report to Avon by Item by Customer, 1/1/97 Thru 12/31/10; Color T 616-623.
994. X-Ray Diffraction 62130, 3/8/76; Colgate-Palmolive Lab Notebook 6164, P. Briscese, 12/18/74 to 4/9/76; CPC-NB00000053-61.
995. X-Ray Diffraction 62130, 10/17/76; Colgate-Palmolive Lab Notebook 6490, P. Briscese, 3/10/76 to 3/28/78; CPC-NB00000062-100.
996. Mark Floyd Testing of Colgate-Palmolive Cashmere Bouquet, 2011-2012; FORENSIC00000273-556.
997. MVA Testing of Cashmere Bouquet Binder, MVA9728 Bulk Analysis Reports, April 2017.
998. Color Technologies Sales Report to Coty, Inc, 1/1/97 Thru 12/31/10, 6/29/21; Color T000596.
999. Letter to D. Cephus, Proctor & Gamble, from M. Brown, ImiFabi; Re: Certification and attached data sheets, 5/24/04; NOXELL-CG-002189-2195.
1000. Confidential Product Formula No 3073-196 for Cover Girl Non-Stop Eyecolor Shadow Plus Base, Burnished Copper, 7/31/95; NOXELL-CG-004973.
1001. Presperse Certificate of Analysis for Talc Micro-Ace P-4, Nippon Talc Co, Japan, 9/14/15; NOXELL-CG-015726.
1002. Whittaker, Clark & Daniels Sales Report to Noxell Corp, Cover Girl, 1978-2003; WCD_Chamberlain(PA)_000316-340.
1003. Fax to I. Schlenoff, Estee Lauder, from C. Edridge Color Techniques; Re: DI-10295 Code 9999-80-9184, 9/22/09; Color T 000164-233.
1004. Letter to G. Padulo, Estee Lauder, from C. Edridge Color Techniques; Re: 10746 Italian Talc, 9/12/02; Color T 000075.
1005. Letter to S. Cherpelis, Estee Lauder, from C. Edridge; Re: Coding package for number 10708 Lo Micron Italian talc, 2/10/03; Color T 000029-44, 68-74.
1006. Letter to C Edridge, Color Techniques, from I. Schlenoff, Estee Lauder; Re: Approved supplier to Len-Ron Manufacturing, 9/10/10; Color T 000124-131.
1007. Estee Lauder Email to D. Miller and M. McKeever, from D. Miller; Re: Talc Information – Urgent Request, 1/7/05; Moore_EL_00000890.
1008. Color Technologies Sales Report to Estee Lauder for Talc Products 10746, 10708, and DI-10295, 2004-2010, 8/20/20; Sales Report by Item by Customer, 1/1/2000 Thru 12/31/2010, 9/14/20; CTI 000002-26.
1009. Whittaker, Clark & Daniels Sales Report to Estee Lauder, 1985-2004; WCD (CA) Moore 0000143-168.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1010. Cosmetics, Pharmaceuticals and Food Market Analysis, Luzenac America, 5/26/93; IMERYS204511-204555.
1011. Deposition of Martin Moore, Martin vs. Aramis, Inc. and Its Len-Ron Manufacturing Division, et al., 9/29/22.
1012. Supplemental MAS Project M71376, Talcum Powder Analysis for Sheldon and Sandra Spiegelman's Gold Bond Container, W.E. Longo, MAS, 3/10/22.
1013. MAS Project M71535, Talcum Powder Analysis of Gold Bond Containers, W.E. Longo, MAS, 6/10/22.
1014. Letter to M. Lam, Avon Products, from R.W. Grexa, Imi Fabi; Re: Updated Cosmetic Talc Specifications, 9/22/08; AV_PIPES-0086279.
1015. Avon Email to M. Lam, from A. Wong; Re: Talc Suppliers – Cosmetic Specialties, 12/10/08; AV_PIPES-0086280-86281.
1016. Color Technologies Sales Report to L'Oreal USA, 10/3/05; Color T 651.
1017. Luzenac Call Report at L'Oreal USA, M.J. Keener, 6/7/01; IMERYS338543-338545.
1018. Whittaker, Clark & Daniels Sales Report to Loreal USA, 1998-2004; WCD (NY) Peltz-000044-63.
1019. Luzenac America Memo to T. Hubbard, et al., from J. Gauntt; Re: Private Label Products and Customer Mailing, 1/20/98; IMERYS231188-231212.
1020. Cosmetics, Food and Pharmaceutical Market Analysis, G.E. Gauntt, Luzenac America, June 1997; IMERYS231083-231106.
1021. Luzenac America Memo to F. Panion, from J. Gauntt; Re: Grand Island Customer Conversion Update, 5/25/00; IMERYS140178-140221.
1022. Rio Tinto Inquiries Received – 31 and Growing, 2007; IMERYS241213-241214.
1023. Luzenac America Email to R. Beck, from E. McCarthy; Re: Mary Kay Cosmetics Wax Problem, 9/12/01; IMERYS132894-132896.
1024. Luzenac America Alpine and Grand Island Plant Shutdown Cosmetics Sales Plan, 2/3/99; IMERYS090787-909800.
1025. Luzenac America Email to J. Yordan, from E. McCarthy; Re: Mary Kay, Dallas, 9/8/04; IMERYS049266.
1026. Color Techniques Sales Report by Item by Customer, Revlon, 1/1/96 Thru 10/18/21; Color T000597-606.
1027. Whittaker, Clark & Daniels Sales Report of Sales to Chattem, 1975 – 2004; WCD Chamberlain Discovery 000160-171.
1028. Whittaker, Clark & Daniels Sales Report of Sales to L'Oreal USA, 2000-2004; WCD Chamberlain Discovery 000266-284.
1029. Cyprus Industrial Minerals Memo to All Agents & Representatives, from C.R. Moebus; Re: Product Application, 4/1/80; CBC_Hansen and O'Neil 00566-572.
1030. Defendant Charles B Chrystal's Responses to Plaintiffs' Supplemental Interrogatories and Document Demands, Bvumbe v. Avon Products, Inc., et al., Superior Court of New Jersey, Middlesex County, 1/27/22; Verified (excerpt).
1031. Letter to B.N. Bennett, Avon Products, from P.D. Schnur, Charles B. Chrystal; Re: Osmanthus and Sugarloaf talcs, 8/14/91; AV_STD_001085-1087.
1032. Raw Material Specification for Purtalc USP; Letter to C.A. Chrystal, from L.D. Murino, Cyprus Industrial Minerals; Re: Talc Specifications, 6/27/77; CBC_Hansen and O'Neil 00281-286.
1033. Appendix A: Opening of a Brake Box and Hand Sanding of Brake Shoes, MAS, 2/16/04.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1034. Brake Reliance Materials, MAS, Updated 11/5/20.
1035. Carlisle Brake Shoe and Fel-Pro Gasket Clean-Up: Workplace Simulation Demonstration, R.L. Hatfield, W.E. Longo, MAS, 1997.
1036. Secondary Asbestos Exposure from Work Clothing-Friction Products: A Work Practice Study-1, W.E. Longo and W. Egeland, MAS, June 2016.
1037. Secondary Asbestos Exposure from Work Clothing-Friction Products: A Work Practice Study-2, W.E. Longo and W. Egeland, MAS, June 2016.
1038. Secondary Asbestos Exposure from Work Clothing-Friction Products: Clean-Up from Studies 1 and 2, W.E. Longo and W. Egeland, MAS, June 2016.
1039. Brake Shoe Boxes_ Opening, Sanding, Filing & Arc Grinding, MAS.
1040. Affidavit of R. Mark Bailey and all Exhibits and Appendices thereto, 1/11/23.
1041. "A Study of Workers Exposed to Talc and Other Dusting Compounds in the Rubber Industry," WL Hogue and FS Mallette, Journal of Industrial Hygiene & Toxicology, 1949.
1042. Petrology and Geochemistry of Selected Talc-Bearing Ultramific Rocks and Adjacent Country Rocks in North-Central Vermont, Geological Survey Professional Paper 345, A.H. Chidester, 1962.
1043. Talc Investigations in Vermont: Preliminary Report, Geological Survey Circular 95, A.H. Chidester, March 1951.
1044. Consultant Report to Johnson & Johnson, Analysis of Two Talc Samples by SEM/EDS, EMV Associates, 9/24/92.
1045. E.I. Dupont De Nemours and Company's Supplemental Responses to Standard Interrogatories Pursuant to General Order 129, In Re: Complex Asbestos Litigation, San Francisco, California, 8/6/10; Dupont Memo to E.E. Swain, from T.J. Nelson; Re: 65-Line Preparakote, Sanding Dust, 4/4/73.
1046. "Detection of Chrysotile Asbestos in Airborne Dust from Thermosetting Resin Grinding," G.M. Faulring, et al., ASTM International, 1975.
1047. "Benzene Exposure Assessment for Use of a Mineral Spirits-Based Degreaser," M.J. Fedoruk, R. Bronstein and B.D. Kerger, Applied Occupational and Environmental Hygiene, 2003.
1048. Deposition of Roger N. Miller, 6/12/91.
1049. Summary of MAS testing results of talc from Italy, Vermont, Montana, Brazil and China.
1050. Letter to V.A. Backels, Englehard Minerals, from J.C. Anzivino, Royal Globe Insurance; Re: Results of dust survey on July 25, 1972, 8/18/72; BASF02453-55.
1051. Letter to T.D. Oulton, Englehard Minerals, from EJ Bulava, Johns-Manville; Re: Inspection of 6 samples of talc, 9/5/72; BASF02458-59.
1052. Letter to T.D. Oulton, Englehard Minerals, from E.J. Bulava, Johns-Manville; Re: Inspection of samples 73-J-1 through 4 and 73-K-1, 5/25/73; Technical Service Request T-2, 2/28/73; BASF02462-2466.
1053. Englehard Minerals Technical Service Request T-2 to G.A. Hemstock & E. Triglia, from J.H. Shafer; Re: Emtal Mine Waste Rock- Asbestos-Form Particles & Free Silica, 6/12/73; BASF00032-35.
1054. Letter to W.A. Burgess, Harvard University, from J.M. Dement, NIOSH; Re: Free silica and asbestos analysis of 28 samples, 8/26/76; BASF_LOPEZ000013041-44.
1055. Englehard Minerals Technical Service Request TSR J77-2; Re: Filter Analysis of MESA samples, 2/23/77; BASF02484-2486.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1056. Englehard Minerals Technical Service Request J 77-2 to F.R. Marchetti, from J.H. Shafer; Re: Analysis for Asbesto Form Particles, 3/15/77; Letter to C. Plaitella; Re: Documents marked at deposition of Emil Triglia, 5/20/10; BASF_VENTRES000001472-1474.
1057. Letter to E.J. Triglia, Englehard Minerals, from M. Palenik, McCrone; Re: Examination of Bulk Samples labeled E-3-77, A through J, 3/18/77; BASF02483.
1058. Letter to E.J. Triglia, Englehard Minerals, from M. Palenik, McCrone; Re: Examination of 10 talc samples labeled E-32-77, 5/2/77; BASF_LOPEZ000014174.
1059. Letter to E.J. Triglia, Englehard Minerals, from M. Palenik, McCrone; Re: Examination of six talc samples, PO 33777, 5/18/77; BASF_SAMPSON000014837.
1060. Letter to F.J. Dzierzanowski, Englehard Minerals, from McCrone; Re: Examination of 2 talc samples, 6/27/77; BASF_SAMPSON000014841.
1061. Englehard Minerals Memo to T.D. Oulton, from K. Newgar; Re: Mineralogical Evaluation of Waterbury and Johnson Talc, 8/18/77; BASF02487-90.
1062. Geology of the Talc Mine at East Johnson, Vermont, B.O. Seymour, A Thesis, Queens College of the City university of New York, Spring 1977; IMERYS533405-533613.
1063. Englehard Minerals Memo to D.L. Caputo, from R.A. Nadkarni; Re: Asbestos in talc samples, 10/27/78; BASF02510-512.
1064. Englehard Minerals Technical Service Request No J-79-1 to G. Huff, from R.E. Lomas; Re: Sample REL 79-1, 2/1/79; Handwritten Memo re Telephone Discussion with peter Gale, 2/13/79; BASF02513-14.
1065. Englehard Minerals Memo to G.A. Hemstock and A.L. Yunko, from E.J. Triglia; Re: Talc Investigation, 3/23/79; BASF02518-20.
1066. Englehard Minerals Memo to A.L. Yunko, from J.M. Zimmermann; Re: Talc - Analyses-Preliminary Results Review Meeting, 3/13/79; BASF_EMTAL000025881-882.
1067. Englehard Minerals Memo to P.N. Gale, from G.L. Ojala; Re: Serpentine Mineral at Johnson Mine, 3/28/79; BASF02522-24.
1068. Englehard Minerals Memo to E.J. Triglia, from P.N. Gale; Re: Talc Investigation - Review and Update, 4/11/79; BASF02534-36.
1069. Letter to P.N. Gale, Englehard Minerals, from G.R. Grieger, McCrone; Re: Analysis of three bulk mineral samples, E-68-79, E-69-79, and E-70-79, 4/30/79; BASF_LOPEZ000010430-33.
1070. Englehard Minerals Technical Service Request No J-79-3 to G. Huff, from J.H. Shafer; Re: Talc - Fiber & Free Silica Content, 5/9/79; BASF_SAMPSON000013145-13153.
1071. Englehard Minerals Memo to G.A. Hemstock, from E.J. Triglia; Re: Talc Investigation, 5/22/79; BASF02559-61.
1072. Englehard Minerals Memo to G.A. Hemstock, from E.J. Triglia; Re: Talc Investigation, 7/17/79; BASF02562-68.
1073. Englehard Minerals Memo to J.M. Zimmermann, from E.J. Triglia; Re: Mineral Fiber Analysis, 7/26/79; BASF02562-63.
1074. Letter to E.L. Triglia, Englehard Minerals, from J.L. Hubbard, Engineering Experiment Station; Re: Data and micrographs of last 3 sets of asbestos counts, 9/19/79; BASF00148-149.
1075. Englehard Minerals Technical Service Request No RMK-82-2 to D.B. Swanson, from R.H. Kazimir; Re: Emtal Particle Characterization, 4/19/82; BASF02599-601.
1076. Englehard Minerals Technical Service Request NBD-062-82 to G.A. Hemstock, from R.W. Wert; Re: TSR talc Evaluation, 6/28/82; BASF00172-174.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1077. Letter to JM Dement, NIOSH, from MG Boundy; Re: 18 respirable mass filters from Vermont Winter study, 5/20/76; BASF_LOPEZ000013038-40.
1078. Emtal Testing, Englehard Minerals & Chemicals, 1976-1979.
1079. Excerpt of the Responses by Englehard Corporation to Plaintiffs' First Standard Set of Liability Interrogatories, Chernick v ABB Lummus Global, Inc., et al., Supreme Court of the State of New York, Undated; BASF FC 0014202.
1080. Expert Report of Maureen Reitman In the Matter of Jennifer Chamberlain vs. BASF Catalysts, LLC, et al., 3/16/23.
1081. Exponent Internal Memorandum to File; Re: Dust Test Summary, 3/16/23.
1082. Excerpt of the Answers to Interrogatories by Defendant, Burnham Corp., Ellison v. American Standard, Inc., et al., Superior Court of New Jersey, Law Division, Middlesex County, Undated.
1083. Weil McLain Scientific Combustion Boilers, Undated.
1084. Deposition of Paul Schuelke, Jacoby v. A.W. Chesterton Co., et al., Commonwealth of Massachusetts, 4/13/10.
1085. Deposition of Gary Austin, Stoeckler vs. American Oil Company, et al., In the District Court of Angelina County, Texas, 9/26/03.
1086. Excerpt of the Deposition of Gary Austin, Stoeckler vs. American Oil Company, et al., In the District Court of Angelina County, Texas, 9/26/03.
1087. Deposition of Marcella Duncan, McIntyre vs. 3M Company, et al., Superior Court of Washington for King County, 11/16/12.
1088. Deposition of Richard Russell, September 13, 2004 Trial Group, et al. vs. McCord Corporation fka McCord Gasket Company, In the Circuit Court for the County of Wayne, State of Michigan, 9/8/04.
1089. Excerpt of the Deposition of Paul LeCour, Harris vs. Goodyear Tire & Rubber Co., et al., In the Court of Common Pleas, Cuyahoga County, Ohio, 12/8/09.
1090. Deposition of Paul LeCour, Harris vs. Goodyear Tire & Rubber Co., et al., In the Court of Common Pleas, Cuyahoga County, Ohio, 12/8/09.
1091. Deposition of Paul LeCour, Bradford vs. A.W. Chesterton Company, et al., Superior Court of the State of California for the County of Los Angeles, 2/21/08.
1092. Deposition of Joel Cohen, Thomas vs. Borg-Warner Morse Tec, LLC, et al., United States District Court for the Eastern District of Arkansas, Little Rock Division, 4/25/18.
1093. Deposition of Richard Anderson, Cowan vs. AGCO Corporation fka Allis Chalmers Company, et al., Superior Court of New Jersey, Law Division, Middlesex County, 6/21/11.
1094. Fel-Pro Automotive Gaskets: Hand Wire Brushing Demonstration, R.L. Hatfield and W.E. Longo, MAS, 2/4/98.
1095. Gasket Removal: Scraping and Handwire Brushing: Work Practice Study III, MAS, April 2000.
1096. Bestwall: Mixing, Applying, Sanding & Cleanup of Asbestos Containing Joint System cement: Work Practice Study, W.E. Longo, R.L. Hatfield and E. Ewing, MAS, November 2000.
1097. Cyprus Industrial Minerals Memo to G.D. Lessner, from L.D. Murino; Re: Market Justification Cosmetic Classifier, 1/20/78; IMERYS354164.
1098. Cyprus Industrial Minerals Product Sales Report, 12/31/80; IMERYS233640-233932.
1099. Letter to D. Ferry, Metropolitan Talc Co., from C.E. Clark, Whittaker, Clark & Daniels; Re: Payment of invoices, 8/28/70; WCD - Payne (SC) – 000587.
1100. Whittaker, Clark & Daniels Memo to G.J. Dippold and J.T. Suchan; Re: Microbiological Limits & Test Methods, 1/4/80; WCD – Payne (SC) – 000588-589.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1101. Whittaker, Clark & Daniels Memo to C.U. Driscoll, from F.F. Roesch; Re: Cyprus Report, 4/23/80; WCD – Payne (SC) – 000590-591.
1102. Whittaker, Clark & Daniels Sales Report to Charles of the Ritz, 1975-1981; WCD Alderice Disc Docs 001062-1070.
1103. Purchase Agreement Between Revlon Group Incorporated and Charles of the Ritz Group Ltd., Yves Saint Laurent International B.V., Charles of the Ritz Ltd., Charles of the Ritz S.A., Carrington Parfums Ltd., and Certain Domestic Subsidiaries of Charles of the Ritz Group Ltd., 6/15/87; Paluzzi BMS MSJ 00448-542.
1104. Whittaker, Clark & Daniels Sales Report to Charles of the Ritz, 1982; WCD (IL) Garcia 0013.
1105. Revlon Research Center Pilot Batch Formula for Jean Nate Bath Powder & Talc (03-00020-00-C84), MC# M35381-00, Undated; Rev-Biljetina 000016.
1106. Revlon Group Memo to D. Wolf, from C. Martin; Re: Discontinued Talcs, 11/20/91; KEMWAY-000001-2.
1107. Cyprus Industrial Minerals Material Safety Data Sheet for Cimtal 2 (Bilzbak 112193-00), 5/20/88; Rev-Biljetina 000037-40.
1108. Cyprus Industrial Minerals Memo to G.D. Lessner, from N.A. Nordhauser; Re: May Business Conditions Report: Cosmetics and Pharmaceuticals, 6/14/89; IMERYS134884-134887.
1109. Deposition of Michael Helman, Allen vs. Brenntag North America, Inc., et al., 9/20/18.
1110. Charles of the Ritz, Wikipedia, 3/20/23.
1111. Squibb Sells Charles of the Ritz Cosmetics to Yves Saint Laurent, D Gellene, Los Angeles Times, 11/19/86.
1112. Revlon Raw Material Specification 2322-01, Code No 111089-00, Timato, 8/4/86; REVLON-JN-REDACTED-000013-14.
1113. Beacon CMP Certificate of Analysis to Revlon, RCT 1004CX, Code No. Timato 2322-01, Stock No. 111089-00, 9/19/96; Revlon-Moore-000009.
1114. Letter to H. Saunders, Revlon, from L.B. Rodino; Re: RCT1004 and RCT 1004CX, 8/1/83; Color T 575-578.
1115. Letter to R. Hinch, Jr., Walter C. McCrone Association, from J. Bonina, Revlon; Re: Eight samples for asbestiform analysis, 1/21/86; Rev-NJ-000184-186.
1116. Revlon Memo to Distribution, from J. Bonina; Re: Asbestiform Analyses in Talcs, 8/19/86; Rev-NJ-000313-315.
1117. Fax to B. Mataliano, Revlon, from K. Harrison, Luzenac Inc.; Re: Material Safety Data and Product Data Sheets for Talc J (CosJ), 9/9/96; Rev-NJ-000794-798.
1118. Deposition of Richard Loncar, Sr., Payne vs. 3M Company, et al., 11/1/22.
1119. Revlon Suppliers of Talc (approximately 1986-2004), 1/3/05; Rev-Garcia-000043-44.
1120. Excerpt of the Ontario Geological Survey, Open File Report 5764, Soapstone in Ontario, M.C. Gerow, E.J. Sherlock and J.A. Bellinger, 1991.
1121. Excerpt of the Ontario Geological Survey, Open File Report 5912, Mineral Prospects of the Swayze Greenstone Belt, Volume 2, Parts of NTS 41 P, 42 A, and 42 B, 1995.
1122. Rio Tinto Minerals Memo to K. Ray and K. Cutler, from E. McCarthy; Re: North American Talc Market, 8/17/06; IMERYS090918-090922.
1123. Colgate Laboratory Notebook 7882, R. Turse, RCT1004C References, 5/29/80 to 2/28/83; CPC-NB00000177-202.

1124. Colgate Experimental Manufacturing Order No 12737, Cashmere Bouquet Talc Powder, 6/4/81; QE-CPC00001454.
1125. Colgate Formula for Cashmere Bouquet Talc Powder, Jersey City, 7/19/84; QE-CPC00001438.
1126. Chart - Pfizer's findings of 1 or more fibers by TEM-SAED in Penhorwood Talc.
1127. Declaration of R. Mark Bailey, P.G. in Support of Plaintiffs' Oppositions to the Summary Judgment Motions Filed by Defendants, Chapman vs. Avon Products, Inc., et al., 8/25/22. Curriculum Vitae of R. Mark Bailey.
1128. Chart – Penhorwood Talc Mine, Ontario, Canada: Documents/ Sources for Mark Bailey, P.G., 4/8/22.
1129. Declaration of Joseph R. Testa, Re: Erhardt, Helmut B., Plaintiff, 3/25/20.
1130. Avon Project Cost Record and Correspondence, Project MA 2803, McCrone, 8/15/72; AVON-MA02803-0002-20; Affidavit.
1131. Avon Memo to W.R. Chaney, from C.S. Rowland; Re: Tremolite in Talc Program, 3/14/72; AV_STD_000331-332.
1132. Avon Memo to C.S. Rowland, from J.J. Travers; Re: Asbestos and Talc – FDA Position, 3/28/72; AV_STD_027219-27223.
1133. Johnson & Johnson Memo to W.H. Ashton, from D.R. Petterson; Re: Meeting with Dr. Charles Goodman of Avon, 9/18/73; JNJAZ55_000006200-6201.
1134. Avon Memo to H.T. Johnson, from C.S. Rowland; Re: Conversation with Dr Kolbye, FDA, Aerosol Talcs, 5/16/72; AV_STD_027226 27227.
1135. Avon Memo to R. Kaplan, from R.C. Reardon; Re: Asbestiforms in Talc, 8/23/76; AV_STD_023041.
1136. Avon Products Raw Ingredient Testing Specification, Code 0810-1, 9/20/71; API0018051-1-2.
1137. Memo to G.A. Sprott, from J.J. Travers; Re: Talc - Asbestos in Code 0810, 11/11/71; AV_STD_023703.
1138. Avon Formulas Chart, patterns. (excel)
1139. Avon Formulas, 1950-1963.
1140. Avon Formulas, 1963-1967.
1141. Avon Formulas, 1967-1969.
1142. Avon Formulas, 1970-1972.
1143. Avon Formulas, 1972-1976.
1144. Avon Formulas, 1976-1978.
1145. Avon Formulas, 1978-1981.
1146. Avon Formulas, 1981-1991.
1147. Avon Formulas, 1991-2005.
1148. Letter to W.H. Ashton, Johnson & Johnson, from D.R. Ferry, Charles Mathieu; Re: Epidemiological study being conducted by Prof. Rubino at Turin, 8/28/74; JNJAZ55_000001588.
1149. Johnson & Johnson Memo to Dr. R.A. Fuller, from T.H. Shelly; Re: Review meeting with Professor Pooley, 5/3/72; JNJAZ55_000004959.
1150. Johnson & Johnson Memo to T.H. Shelley, from W.R. Dean; Re: Wagner Group, 2/25/72; JNJ000260883-884.
1151. Avon Memo to W.R. Chaney, et al., from R.C. Reardon; Re: Avon Screening of Talc; AV_STD_000348-349.
1152. NIOSH Memo to S.A. Miller, from T.M. Quinn; Re: Status Report on Talc, 12/7/78.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1153. Avon Formulas for Strawberry Talc, January 13, 1975 to July 28, 1981; AV_Moore_011744 and various bates.
1154. Avon Ingredient Specifications for Code 0815-1, Talc- Northern, Montana TR-2 4608-2 or Altalc 200, September 22, 1970 to February 9, 1987; AV_Moore000125-136.
1155. Letter to Dr. Ian Stewart, McCrone Research Institute, from D.R. Zirpoli, Avon Products; Re: Sample of the oven-dried solids from Avon's Tai Winds Spray Talc, 8/17/72; AVON-MA02803-0003-14; Letter to Dr. Ian Stewart, McCrone Research Institute, from D.R. Zirpoli, Avon Products; Re: Sample of Tai Winds Spray Talc, 10/3/72; AVON-MA02803-0003-14; AVON-MA02811-0003.
1156. Avon Basic Batch Formula, 2-2687-1HN Strawberry #64426, Revision #1, 3/19/76; AV_STD_026841.
1157. Avon Ingredient Specifications for Code 0815-1, Talc- Northern, Montana TR-2 4608-2 or Altalc 200, 9/22/70 to 2/9/87; AV_Moore000125-136.
1158. Avon Percent Formula, Peach Talc #63550-A and Strawberry Talc #66251, Revision #2, 6/10/76; AV_Moore_011472.
1159. Avon Formulas for Bird of Paradise Talc and Beauty Dust, 2/18/69 to 10/22/87.
1160. Letter to C.L. Goldman, Avon Products, from Dr. P.S. Elias, Dept of Health and Social Security, UK; Re: Work done using XRD, 8/24/71; AV_STD_027210-27211.
1161. Letter to P. Douillett, from H.J.W. Swanson, FDA; Re: Response to November 8, 1983 Citizen Petition, Docket No 83P-0404, 7/11/86; FDA000003601-3700.
1162. Memo to G. Sandland, CTFA Subcommittee on Asbestos in Talc, from J.N. Siverston; Re: An Estimate of a Safe Detection Level of Asbestos Fiber in Baby Powder Talc, 8/15/74; Kazan_FDA_FOIA012158-12160.
1163. Respirable Particles Measurement Presentation - Methodology for In-Vivo Powdering Study, Johnson & Johnson, Undated; JNJ000088144-146.
1164. Johnson & Johnson Memo to P. La Rocca, from F. Bolden; Re: Johnson's Baby Powder Home Usage Study, Project No 2636.01, 12/15/76; JNJ000221684-221685.
1165. Biography of Thomas Hutchinson.
1166. Analysis Report, MAS Project #M71109-M71111, Chinese Talc Research Samples, W.E. Longo, MAS, 9/16/20.
1167. Declaration of William E. Longo with Exhibits A-D, Avon Testing Chart, 9/25/23.
1168. Avon Talcum Powder Analysis, MAS Project M71548, W.E. Longo, MAS, 9/19/23.
1169. Talcum Powder Analysis, Avon Split, MAS Project M71582, W.E. Longo, MAS, 9/19/23.
1170. Supplemental Report, Talcum Powder Analysis, Avon Powder Products, MAS Project M71560 & M71562, W.E. Longo, MAS, 11/19/22.
1171. Talcum Powder Analysis, Avon Somewhere Powder, MAS Project M71654, W.E. Longo, MAS, 9/20/23.
1172. Supplemental Talcum Powder Analysis, Ammens Containers, MAS Project 14-2732, W.E. Longo, MAS, 10/3/23.
1173. Talcum Powder Analysis, Chanel No 5 Bath Powder Containers, MAS Project M71521, M71522 & M71524, W.E. Longo, MAS, 9/1/22.
1174. Talcum Powder Analysis of Chanel No 5 Bath Powder, Daryl Yoder, MAS Project M71442, W.E. Longo, MAS, 5/26/22.
1175. Chanel Supra H Retains, MAS Project #M71179, W.E. Longo, MAS, 10/8/20.
1176. Analysis of Charlie Perfumed Powders, W.E. Longo and M.W. Rigler, MAS, May 2019.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1177. Talcum Powder Analysis, Clubman Powder, MAS Project M71591, W.E. Longo, MAS, 7/13/23.
1178. Talcum Powder Analysis, Clubman Powder, MAS Project M71598, W.E. Longo, MAS, 8/31/23.
1179. Talcum Powder Analysis Report, Clubman Products, MAS Project M71596, W.E. Longo, MAS, 1/3/23.
1180. Talcum Powder Analysis of Coty Powders Products, Supplement #1, MAS Project M71492/M71494/M71495, W.E. Longo, MAS, 4/28/22.
1181. Talcum Powder Analysis, Desenex Containers, MAS Project 14-2732, W.E. Longo, MAS, 12/22/22.
1182. Johnson & Johnson Memo to Dr. D. Petterson, from G. Hildick-Smith; Re: FDA Panel Reviewing OTC Sedative Products, 5/14/75; JNJ000317593-317595.
1183. Johnson & Johnson Marketing Information Bulletin #50 To All Account Managers, Sales Representatives and Brokers, from E. Faxstein; Re: Johnson's Baby Powder, 8/27/79; JNJ000873742_0001-4.
1184. Baby Oil Powder – 2007 BP Phase 1.ppt; JNJ000109468.
1185. Talc Product Safety and Purity Project: Strategy Document, I.W. Sloan, Technical Services, Johnson & Johnson Limited, September 1971; JNJ000232852-232868.
1186. Johnson & Johnson Memo to Dr. R.L. Sundberg, from R. S. Russell; Re: Domestic Talc Sources (101) North Carolina, 3/3/72; IMERYS117967-117972.
1187. Letter to Dr. V.E. Rose, NIOSH, from G. Lee, Johnson & Johnson; Re: Comments and Reply to NIOSH Regarding the Working Draft of the "Criteria for a Recommended Standard – Occupational Exposure to Talc", 12/4/78; JNJTALC000911421-911435.
1188. Letter to P.M. Mularczyk, Foley & Mansfield, from A. Segrave, Segrave Consulting; Re: STC2112022 Testing of Avon Cotillion Perfumed Talc, 9/6/22.
1189. MAS Project M71595 & M71603 Estee Lauder Products Analysis Report, W.E. Longo, MAS, 12/16/22.
1190. Johnson & Johnson Material Specification No. IS 72118 A, Italian Talc Supra Grade 00000, September 1977; JNJTALC000128335-128336.
1191. Johnson & Johnson Memo to H Hsiung, et al., from R.S. Russell; Re: Talc Analysis, 1/23/84; JNJ000235080-2365090.
1192. Johnson & Johnson Specification No. RM08006, Cyprus Windsor Minerals Corporation Grade 66 Talc, 1/7/92; JNJ000315350-315356.
1193. Johnson & Johnson Material Specification No. RM08006, Luzenac America, Windsor Grade 66 Talc, 3/9/00; JNJAZ55_000020377-20386.
1194. Italian, Medicated, Grantham Talc, R Rolle; Lewin Samples of Shower to Shower, 8/9/72 and 8/10/72; JNJTALC00061782; 62191-62193.
1195. Johnson & Johnson Standard Test Method No. ADL-1305, Determination of Asbestos Minerals in Windsor 66 Talc by Transmission Electron Microscopy, 4/11/77; JNJMX68_000003579-3582.
1196. Johnson & Johnson Memo to Dr. G. Hildick-Smith, from W.H. Steinberg; Re: Johnson's Baby Powder Talc Aspiration, 6/17/66; JNJNL61_000009898.
1197. Johnson & Johnson to Dr. P. La Rocca, from F. Bolden; Re: Johnson's Baby Powder – Support Project No. 2636.01, 10/18/78; JNJ000222455-22460.
1198. Johnson & Johnson Memo to M.S. Fink, from E.S. Faxstein; Re: Johnson's Baby Powder – Volume Contributions by Segment, 7/27/81; JNJ000226070-226071.

1199. Johnson & Johnson Memo to File, from W. Nashed; Re: Talc/Asbestos, 6/17/72; JNJNL61_00001123-1125.
1200. Talc: A Basic Review, Professional Information for Physicians and Nurses, J.L. Shapiro, 6/10/76; JNJ000025132-25180.
1201. Windsor Minerals Memo to R.N. Miller, from V. Zeitz; Re: Concerning a 6-month ore study on asbestiform content, 1/14/75; JNJ000222849-222850.
1202. Letter to RM Schaffner, FDA, from W. Nashed, Johnson & Johnson; Re: Cooperation with the Cosmetic, Toiletry and Fragrance Association Subcommittee on Asbestos in Talc, 9/6/74; JNJNL61_000013575-13576.
1203. Johnson & Johnson Letter to Dr. N.F. Estrin, CTFA and Dr. J Menkart, Clairol; Re: Talc, 12/17/74; JNJMX68_000009139.
1204. Johnson & Johnson Memo from G. Lee; Re: Talc/Powder Safety Studies Review Meeting – September 27, 1974, 10/15/74; JNJAZ55_000004628-4632.
1205. Johnson & Johnson Memo to Dr. D. R. Petterson, from J.P. Schelz; Re: Progress Report to the CTFA Scientific Advisory Committee Concerning the Task Force on Round Robin Testing of Consumer Talcum Products, Project No. 0503.01, 1/20/77; JNJNL61_000021796-21797.
1206. Johnson & Johnson Memo to Dr. G. Hildick-Smith, from W.H. Ashton; Re: Italian Talc Studies, Visit to Professor Rubino, Istituto Di Medicina Del Lavoro, Dell Universita Di Turino, Turin, Italy, Project No. 0503.00, 10/30/74; JNJAZ55_000001096-1098.
1207. Johnson & Johnson Memo to B. Semple, et al., from W. Ashton; Re: Airborne Dust Activities, ASTM & ISO Meetings, Montreal 10/14-/10/18/84, 10/23/84; JNJNL61_000000126-128.
1208. Talc Alternatives, Johnson & Johnson, Undated; JNJAZ55_000001282.
1209. Johnson & Johnson Memo to Dr. G. Hildick-Smith, from W.H. Ashton; Re: Alternate Domestic Talc Sources, File No. 101, 4/9/69; JNJAZ55_000001073-1074.
1210. Johnson & Johnson Memo to W.H. Ashton, from T.M. Thompson, M.D.; Re: Alternate Domestic Talc Sources, Project Code #101, 4/15/69; JNJ000087991-87992.
1211. Johnson & Johnson Email to S. Mann, from J. Hopkins; Re: Talc, 2/24/04; With Handwritten Note; JNJ000089418.
1212. Excerpt from Trial Testimony of John Hopkins, Barden, et al. v. Brenntag North America, et al., 7/22/19. (29 pp)
1213. Deposition of John Hopkins, Weirick v. Brenntag North America, Inc., et al., Volume 1, 4/11/18.
1214. Depositions of Steven Mann, Pulido v. Johnson & Johnson, et al., Volumes 1 & 2, 2/15/21 and 2/19/21.
1215. Excerpt of the Deposition of John Hopkins, Weirick v. Brenntag North America, Inc, et al., Volume 2, 4/12/18. (40 pp)
1216. Excerpt of the Deposition of Nancy Musco, Foley v. Avon Products, Inc., et al., 2/15/19. (40 pp)
1217. Declaration of John Hopkins in Support of Defendant Johnson & Johnson Consumer Inc.'s Motion for Summary Judgment, or in the Alternative, Summary Adjudication of Issues, Payan v. CBS Corporation, et al., 7/7/16.
1218. Excerpt of Trial Transcript, Barden v. Brenntag North America, et al., 8/21/19. (5 pp)
1219. Demonstrative: Non-Exclusive Results of Battelle Memorial Testing of Italian Talc, Tremolite Detected in 152 of 154 Samples.
1220. Johnson & Johnson Email to T. True, from P.J. Serbiak; Re: Best for Baby, 4/16/08; JNJ000422053.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1221. Johnson & Johnson Email to K. Martin and D.J. Chase, from N Musco; Re: Powder Labeling - Update, 4/8/09; JNJ000092918-92920.
1222. Johnson & Johnson Handwritten Memo to G. Hildick-Smith, from V. Zeitz; Re: Proposed In-Depth Study of Vermont Talc Industry, 1975; WTALC00007368-7376.
1223. What you want to know about Johnson's Baby Powder, November 1976; JNJ000881819_0001-5.
1224. Johnson & Johnson Email to L. Loretz, from S. Mann; Re: Talc Conf Call Minutes 6/2/04, 6/3/04; JNJNL61_000081602-81604.
1225. Letter to D.D. Johnston, Johnson & Johnson, from T.C. Chalmers, Mount Sinai; Re: Articles in Washington and New York Posts, 3/30/76.
1226. Johnson & Johnson Memo to B. Fleming, et al, from D.F. Jones; Re: CTFA Response to Cancer Prevention Coalition Citizen's Petition, 6/23/95; JNJ000046824-46861.
1227. Johnson & Johnson Email to W.D. Nielsen, et al, from J. McKeegan; Re: Asbestos stories, 6/4/00; PA Asbestos-Talc, 1st Ld-Writethru, 0485; JNJ000576298; JNJ000019616-19618.
1228. Johnson & Johnson Email to S. Colamarino, from L. Telofski; Re: CTFA B Roll/Talc, 12/14/00; JNJ000562917-562919.
1229. Johnson & Johnson Email to S. Mann, from S. Ward; Re: Reports on body wash, shampoo, and anti-perspirant, 1/31/03; JNJTALC000670591-670592.
1230. Johnson & Johnson Email to N. Musco, et al, from M. McTernan; Re: Talc, 10/20/00; JNJ000404446-404447.
1231. Johnson & Johnson Email to L. Telofski and S. Colamarino, from N Musco; Re: Pre-Meeting for presentations to NTP, 12/8/00; JNJ000563545.
1232. Johnson & Johnson Email to C.H. Paterson, et al, from M. Chudkowski; Re: healthscout.com/Talc, 12/7/00; JNJNL61_000106296-106298.
1233. Testing - J&J's Internal Documentation, 1957-2004; Organizations & Researchers Who Have Found or Acknowledged Asbestos in J&J Talc.
1234. CTFA Annual Report, 2004.
1235. CTFA Minutes of the Meeting to Address the Issue of Talc and Ovarian Cancer, 10/27/82; JNJ000001403-1405; JNJTALC000473477.
1236. Letter to D.F. Jones, JJCI, from S.D. Gettings, CTFA; Re: Review and Update to CTFA Response Statements on Talc, 1/27/94; JNJ000240402-240404.
1237. Email to J. Bailey, et al, from G. McEwen, CTFA; Re: Possible Conferences, 11/19/04; JNJ000391596.
1238. Email to R. Zazenski, Luzenac, et al., from G. McEwen, CTFA; Re: CTFA Statement/ Q&A re Talc, 12/6/00; IMERYS288623-288626.
1239. CTFA Specifications, 1990; JNJ000304864-304897.
1240. Email to R. Zazenski, Luzenac, et al., from L. Loretz, Johnson & Johnson; Re: Conference Call Minutes, 10/17/00; IMERYS303907.
1241. Email to R. Zazenski, Luzenac, et al., from G McEwen, CTFA; Re: Great News on Talc! 12/14/00; JNJNL61_000088674.
1242. Email to R. Zazenski, Luzenac, et al., from E. Turner, Luzenac; Re: Follow Up to NTP 14 Dec 2000 Vote, 12/21/00; IMERYS-A_0024284-24285.
1243. Letter to J.N. Matheson, Johnson & Johnson, from G.N. McEwen, CTFA; Re: Interested Party Funding, 7/6/04; JNJ000557871-557875.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1244. Letter to Dr. K. Olden, National Toxicology Program and National Institute of Environmental Health Services, from G.N. McEwen, CTFA; Re: Response to the offer of collaboration on further information on talc, 3/18/02; JNJNL61_000103855-103866.
1245. Letter to J. McEwen, CTFA, from A.P. Wehner, Biomedical and Environmental Consultants; Re: Senator Hevesi's bill to label cosmetic talc a carcinogen, 2/10/99; JNJ000234768.
1246. Letter to M.R. Chudkowski, Johnson & Johnson, from A.P. Wehner, Biomedical and Environmental Consultants; Re: Critique of the "Fact" Sheet for the CTFA, 9/12/97; Letter to G.N. McEwen, CTFA, from A.P. Wehner; Re: Critique of "Fact" Sheet, 9/11/97; JNJ0000311948; JNJ000040580-40582.
1247. Email to B. Nelson, Luzenac, et al, from I.L. Malbin, CTFA; Re: Talc Focus Group Final Report - Wirthlin, 12/6/00; AV_PIPES_0000271-320.
1248. Letter to C.W. Jameson, NTP, from G.N. McEwen, CTFA; Re: Call for Public Comments on 8 Nominations, Proposed for Listing in or Delisting From the Report on Carcinogens, Tenth Edition (66 Federal Register 13334): Talc Not Containing Asbestos Fibers, 4/24/01.
1249. PA Asbestos-Talc, 1st Ld-Writethru, 0485, 6/3/00; No. 2 crayon maker says it had quit using talc; tests find no asbestos, Seattle Post-Intelligencer, 6/3/00; JNJ 000019616-18.
1250. Memorandum to Scientific Advisory Committee, from G.N. McEwen, CTFA; Re: Talc Safety Interested Party, 7/17/92; JNJ000021035.
1251. Agreement with Johnson & Johnson- Guarantee to Support Talc Interested Party Task Force Activities, 6/4/94; JNJ000240311.
1252. Letter to D.C. Havery, FDA, from S.D. Gettings, CTFA; Re: Inquiry dated June 7, 1994, 9/9/94; PCPC000164-66.
1253. Minutes of the CTFA Standards Committee Meeting, 8/21/75; JNJTALC000169056-169059.
1254. Minutes of the CTFA Task Force on Methodology for the Detection of Asbestos in Talc, June 21, 1974, 6/27/74; PFZ01162_016055-56.
1255. CTFA Response Statement - Talc, 11/17/94; LUZ000250.
1256. Letter to G. Sandland, Bristol-Myers, from N.F. Estrin, CTFA; Re: Need for industry to supply data on talc concentrations in breathing area, 1/10/74; AV_STD_027357.
1257. Letter to N. Estrin, CTFA, from G. Lee, Johnson & Johnson; Re: Dupont Instrument Products Division Literature on DTA Unit, 11/22/77; JNJNL61_000020439-40.
1258. Letter to S.D. Gettings, CTFA, from W. Ashton, M. Chudkowski and D. Jones; Re: J&J Responses to questions directed to the CTFA by Havery at FDA, 7/26/94; JNJNL61_000000248-249.
1259. Letter to M.R. Chudkowski, Johnson & Johnson, from A.P. Wehner; Re: Critique of CTFA response statements, 9/17/97; JNJ000024462-463.
1260. United States Patent 2,033,894 - Padding Protection for Flatwork Ironers, Johnson & Johnson, 3/10/36.
1261. United States Patent 2,433,056 - Method of Producing Sterile Packages, J.N. Masci, Johnson & Johnson, 12/23/47.
1262. United States Patent 3,049,000 - Apparatus for Determining the Sediment in Cold Milk, Johnson & Johnson, 8/14/62.
1263. United States Patent 3,135,023 - Method and Apparatus for Making Strand Yarns, and the Like, F. Kalwaites, Johnson & Johnson, 6/2/64.
1264. Letter to A. Joslyn, Cahill Gordon & Reindel, from I.M. Stewart, R.J. Lee; Re: Talc Sample Analysis, R.J. Lee # LBH211626, 1/27/93; BASF_LOPEZ000021854-21857.

1265. Letter to G.F. Rubino, University of Turin, from G. Hildick-Smith, Johnson & Johnson; Re: Epidemiological Studies, Val Chisone, Pinerolo, 6/26/74; JNJAZ55_000009378-79.
1266. Letter to U. Stefano, Talco E. Grafite, from G. Hildick-Smith, Johnson & Johnson; Re: Your letter of March 3, 3/20/78; JNJAZ55_000009050.
1267. Letter to W.H. Ashton, Johnson & Johnson, from M.G. Pattengill, Colorado School of Mines; Re: X-ray analysis of 344-L Vermont talc product and the six-monthly Vermont talc product samples, 7/7/71; JNJ000247079-81.
1268. Letter to G.M. Williams, Shook, Hardy & Bacon, from J. Hopkins, Innovant Research, UK; Re: Report for case Blaes v. J&J, et al, 7/17/15.
1269. Letter to R. Miller, from M.J. Sheahan, Illinois EPA; Re: Samples of talc from manufacturing plants, 4/10/75; JNJ000265133-34.
1270. Letter to W.H. Ashton, from E.B. Smith, Desert Minerals; Re: Proposed FDA regulations for food and food packaging materials, 2/8/73; JNJNL61_000016536.
1271. Johnson & Johnson Store Advertisement - Fragile… Handle with Johnson's, Undated; JNJ000872219-872222.
1272. Johnson & Johnson Advertisements - Ad No 83 - It's as easy as taking powder from a baby, LIFE Magazine, 8/9/65; Ad No 40 - The world's finest powder is best for baby, best for you, LIFE Magazine, 8/13/65; JNJ000872283-84.
1273. Johnson & Johnson Color Advertisement - Since 1920… Johnson's Baby Powder… the best you can buy… the purest, the smoothest, most absorbent, has the nicest perfume… Why reach for anything less than Johnson's… best for baby… best for you, Undated.
1274. The Johnson & Johnson Advantage: Emotional Trust, 4/28/97; JNJTALC000000066-67.
1275. Johnson & Johnson Mother-Baby Strategic Mission, 8/18/97; JNJTALC000000068.
1276. Johnson & Johnson Golden Egg Research, 1997; JNJTALC000000077.
1277. Johnson & Johnson "Golden Egg" Advertising Strategy, 8/20/97; JNJTALC000000097.
1278. Talc: A Basic Review, Professional Information for Physicians and Nurses, JL Shapiro Assoc, Johnson & Johnson, 11/22/76; JNJ000029571-623.
1279. Certified Transcript – Baby Franchise is the Foundation and the Equity, the Golden Egg, Christian Koffman, Worldwide Chairman of the Consumer and Personal Care Group, 1997; JNJTALC000643851.
1280. Video – Baby Franchise is the Foundation and the Equity, the Golden Egg, Christian Koffman, Worldwide Chairman of the Consumer and Personal Care Group; JNJTALC000643851.
1281. Johnson & Johnson PPT - Baby Camp, 8/4/99; JNJTALC000353919.
1282. Johnson & Johnson Memo to J. Mullen, from W. Nashed; Re: Proposal, 10/23/73; JNJAZ55_000006212.
1283. Johnson & Johnson Email to M. Rosolowsky, from T. True; Re: Powder, 4/18/08; JNJ000457161-163.
1284. Johnson & Johnson Email to F. Tewell, from T. True; Re: Baby Powder - not for babies, 4/18/08; JNJ000456993.
1285. Johnson & Johnson Memo to W.A. Ashton et al, from T.H. Shelley; Re: Meeting with English cohorts to discuss talc program, 6/4/73; JNJAZ55_000001587.
1286. Rio Tinto Minerals Email to J. Pier, from E. McCarthy; Re: JJ, 5/13/11; IMERYS308446-449.
1287. Johnson & Johnson Memo for the Record, from G. Hildick-Smith; Re: Telephone Call from Dr. Hodes, 3/31/76; JNJ000304415.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1288. Johnson & Johnson Email to P.J. Serbiak, from S. Nettensheim; Re: PCPC Talc Spec Development Status, 8/19/11; JNJNL61_000108827-28.
1289. Johnson & Johnson PPT - Equity, M. Cirillo, 4/6/96; JNJTALC000355057.
1290. Johnson & Johnson Color Advertisement - Your touch tells him everything, 1980s.
1291. Johnson & Johnson Memo to D.R. Petterson, from W.H. Ashton; Re: Talc/Asbestos, File 00503, 10/23/73; JNJNL61_000008742.
1292. Johnson's Baby Powder, Major Opportunities, 8/5/92; JNJ000021093-94.
1293. The Facts About Talc Safety, 2/24/16. www.blogjnj.com
1294. Johnson & Johnson Memo to T.H. Shelley and G. Hildick-Smith, from J.C. Walcott; Re: Talc Program, 6/7/71; JNJ000257518.
1295. Johnson's FAQ Page, 2/26/18. www.johnsonsbaby.com/safety-faq
1296. Letter to J. Shereshewsky, Young & Rubican, from W. Newman, Johnson & Johnson; Re: Substantiation of claims for Corn Starch Powder, 8/13/75; JNJ000245868-869.
1297. Johnson & Johnson Memo to J. Hopkins, from W.H. Ashton; Re: Cosmetic Talc, CTPA 1995 Reissue, 1/22/96; JNJ000065186.
1298. Johnson & Johnson Advertisement - Introducing a cornstarch even better than cornstarch, 1984.
1299. Powder Technologies, Benchmark Data, JBP, L.S. Telofski, Johnson & Johnson, 10/3/00; JNJNL61_000119155-159.
1300. Email to S. Sharma, from E. McCarthy; Re: J&J, 12/5/11; IMERYS147942-943.
1301. Johnson's Baby Powder Period III - 9-ounce promotion, 1977; JNJ000877441_0001; JNJ000877443_0001.
1302. Johnson & Johnson Email to L. Bardfield, D. Hicks and B. Wilson, from B. Leach; Re: Talc labeling proposed change canceled by USP, 7/1/11; JNJ000132970.
1303. Johnson & Johnson PPT - Shower to Shower 2005 Business Plan, 8/23/04.
1304. Johnson & Johnson Email to J. James, from D. Mays; Re: 03_Talc Presentation FINAL 020514, 2/24/16; PowerPoint Presentation - A Backgrounder on Talc and Talc based Powders, L.W. Telofski, 1/8/14; JNJ000525940-942.
1305. Johnson & Johnson Memo to D.R. Clare, from T.H. Shelley; Re: Baby Powder - Competitive Materials, 8/9/71; JNJ000257537.
1306. Johnson & Johnson Memo to B. Ashton, et al., from J.C. Olcott; Re: Talc Litigation - Asbestos Content, 4/12/84; JNJ000280710-711.
1307. Johnson & Johnson Color Advertisement - Chafe-Guards baby's skin! Johnson's Baby Powder, 1955.
1308. Johnson & Johnson Memo to D.R. Petterson, from B. Semple; Re: Phone Dialogue with D.H. Groth, MD, NIOSH, 3/22/76; JNJNL61_000018722-23.
1309. Telex to D.A. Val Chisone and A. Cartwright, from Ruddier London; Re: Visit to Portsmouth, 8/17/74; JNJAZ55_000009320.
1310. Johnson & Johnson Email to D. Mickel, et al, from R.A. Predale; Re: MSDS Carcinogenic Rating, 1/23/05; JNJ000390337-338.
1311. Rio Tinto Minerals Email to E. McCarthy, from M. Zamek; Re: Johnson and Johnson, 3/2/11; IMERYS245772-773.
1312. Johnson & Johnson Memo to T.H. Shelley, from A.J. Goudie; Re: Purchase of a Transmission Electron Microscope Plus Attachments, 1/3/74; JNJMX68_000017515.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1313. Johnson & Johnson PPT - One thing you should know about babies… the bigger they get, the more powder they use! JNJ000877320.
1314. DRAFT 1 - Copy for Safety and Care Commitment Website, Johnson & Johnson, 2013; JNJTALC000067661.
1315. Johnson & Johnson PPT - Target/ Johnson & Johnson Joint Business Planning, 10/16/06; JNJTALC000461499.
1316. Confidential Fax to B. Ashton, Johnson & Johnson, from R. Zazenski, Luzenac; Re: IARC Classification, 3/26/02; JNJ000000636-638.
1317. Johnson & Johnson PPT - Your Baby Market, 1972; JNJ000881876_0001-8.
1318. Heat Rash Treatment and Prevention, R Brouhard, 3/9/23. www.verywellhealth.com
1319. Johnson's Baby Talcum Powder: A Comprehensive Review, Johnson & Johnson Consumer, Inc, Current as of March 17, 2020; JNJTALC001540233-1540482.
1320. Talc Alternatives: Research Proposal, W Ashton, 3/5/74; JNJNL61_000001980-92.
1321. Letter to W.H. Ashton, Johnson & Johnson, from W.P. Reid and W.T. Caneer, Colorado School of Mines; Re: Mineralogical Examination of Five Talc Samples, Project No C10704, 2/26/73; JNJNL61_000008084-89.
1322. Johnson & Johnson Memo to File, from W. Nashed; Re: Talc/Asbestos, Bureau of Mines Meeting- Pfizer Comments, 5/11/73; JNJNL61_000008745.
1323. AMA Analytical Services Certificate of Analysis 307491-12 for FDA, Task 3 Analysis of Official Samples, CLIN 1 - 10 Samples, 2nd Group, Beauty Plus, 7/24/19, Third Revision, 8/30/19.
1324. Letter to M. Zappa, Johnson & Johnson, from D.R. Van Orden, R.J. Lee; Re: Analysis of Submitted Talc Samples, R.J. Lee Group # TLH910472, 10/28/19.
1325. Statement from FDA Commissioner Scott Gottlieb, MD, and Susan Mayne, PhD, director of the Center for Food Safety and Applied Nutrition, on tests confirming a 2017 finding of asbestos contamination in certain cosmetic products and new steps that FDA is pursuing to improve cosmetics safety, FDA Statement, 3/5/19.
1326. Certificate of Analysis 300396, Summary of Asbestos in Talc Analysis, AMA Analytical Services, Revision 1, 4/30/19.
1327. Letter to L.M. Katz, FDA, from J. Ekuta, Johnson & Johnson; Re: Recommendations for Talc Testing Experts, 6/20/18; JNJTALC000917165-167.
1328. Letter from H.G. Sloane, Cahill Gordon & Reindel; Re: Akron Tireworker Litigation, 8/4/92; Affidavit of Roger Miller, R.R. Miller v. AC&S, Inc, et al., Summit County, Ohio, 7/8/88; BASF_WILLIAMS000105111-114.
1329. Windsor Minerals Memo to R.N. Miller, from V. Zeitz; Re: Concerning General Comment on HSPH Medical Protocol, 2/4/75; IMERYS235373.
1330. Johnson & Johnson Memo to D.R. Petterson, from G. Hildick-Smith; Re: Redundancy of Two Studies to be conducted on Talc Employees in State of Vermont, 1/23/75; IMERYS235482-235483.
1331. Johnson & Johnson Email to B. Brewer, from C. Pappas; Re: Adult Leverage, Baby Individual User Study- Johnson's 2003-2005-2008, Powder User Analysis- Abridged 1-9-08, JBL Adult Usage Analysis 5.27.09.ppt, 10/28/09; JNJTALC000336837-839.
1332. Letter to A.T. Spiher, FDA, from R. Carter, Johns-Manville; Re: Comments on proposed regulations governing use of talc in food and drugs, 4/20/73; JNJ000249916-935.
1333. Johnson & Johnson Assay Methods for Asbestos Minerals in Talc, Special Talc Studies, Monthly Report for March 1974; JNJNL61_000007330.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1334. Letter to M. Zappa, Johnson & Johnson, from D.R. Van Orden, R.J. Lee; Re: Incidence Report, R.J. Lee Group # TLH910472, 10/28/19.
1335. Affidavit of William H. Ashton, 5/8/89; With attachments.
1336. Bird of Paradise Beauty Dust and Talc Formulas, 1/9/69 to 10/22/87.
1337. Talc Analysis (Asbestos), 1615 Talc, S.Z. Lewin, N.Y.U., 9/30/72; Handwritten Note from Fred to Ray, 3/12/76; WCD002473-2475.
1338. Letter to C. Haynes, CTFA, from J.P. Schelz, Johnson & Johnson, CTFA Task Force on Round Robin Testing; Re: Code for Round Robin Testing, 3/1/78; JNJNL61_000062534-35.
1339. Letter to FDA Hearing Clerk, from W Nashed, Johnson & Johnson; Re: Comment on the Proposal entitled, "Food Additives – Proposal Regarding Regulation of Prior-Sanctioned Food Ingredients," Fed Reg of 8/12/72, 10/11/72; JNJAZ55_000003635-37.
1340. Letter to R. Husten, from J. Infante; Re: Recent letter concerning Johnson's Baby Powder, 11/27/74; JNJAZ55_000015519-20.
1341. Attachment B - Abestiform Depression through the use of New Floatation Reagent Systems, Johnson & Johnson, Undated; JNJ000246850-854.
1342. J&J Consumer Products Worldwide Contract Manufacturing Audit Report, RJ Lee, March 2012, 4/13/12; JNJNL61_000005496-5502.
1343. Avon Memo to G.A. Sprott, from J.J. Travers; Re: Asbestos and Talc, 10/4/71; AV_STD_000326-327.
1344. Letter to T.H. Shelley, from F.D. Pooley, University College, Cardiff; Re: Examination of Italian Mine Samples, 9/28/72; JNJTALC000289268-269.
1345. Testing Charts - Handwritten Notes - Amphibole Minerals would be picked out before flotation, C Panatier, 10/6/48 to 1/30/67.
1346. TEM Asbestos Analysis of Argonaut Product Composites, Summary Report, 3/2/18; IMERYS462269-01-13.
1347. Meeting Notes of the CTFA Talc Subcommittee, 12/4/74; JNJMX68_000009140-44.
1348. OSHA Field Information Memorandum #74-92; Subject: Tremolite and Talc, 11/21/74; JNJNL61_000000698-700.
1349. Johnson & Johnson Memo to W.H. Ashton, from G. Lee; Re: Ashton-Ferry Visit to Societa Talco e Grafite Val Chisone, 10/2/74; JNJ000252591.
1350. Letter to V. Zeitz, Windsor Minerals, from G.R. Grieger, McCrone; Re: 6 samples of talc, 8/8/74; JNJMX68_000002661.
1351. Johnson & Johnson Memo to W. Ashton, from T.H. Shelley; Re: Fines in Talc, 9/8/71; JNJNL61_000008047.
1352. Memo to D.R. Petterson, from B. Semple; Re: Status – New Flotation Methods Project No 1133.02, 6/20/74; JNJMX68_000005051-52.
1353. Newspaper Article - Talc Warning Is Labeled False, G. Lichtenstein, New York Times, 6/17/72; JNJ000244804
1354. Johnson & Johnson Memo to W.R. Dean, JJ Portsmouth,, from W. Nashed; Re: New York Times revised article on 6/17, 6/20/72; JNJMX68_000004624.
1355. Letter to Fellow Employees, from D.R. Clare, Johnson & Johnson; Re: New York Times article alleging asbestos in baby powder, 6/23/72; JNJNL61_000016275-76.
1356. United States Patent 3,684,197 - Talc Beneficiation, WH Ashton and RS Russell, 8/15/72.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1357. Johnson & Johnson Memo to Distribution, from G. Lee; Re: CTFA Talc Subcommittee Meeting with Food and Drug Administration, February 7, 1975, 2/13/75; JNJAZ55_000013775-77.
1358. Johnson & Johnson Memo to D.R. Petterson, from G. Lee; Re: Management Authorization for Additional Talc Safety Studies, 3/3/75; JNJNL61_000016437-38.
1359. Johnson & Johnson Memo to J. Mullen, from G. Lee; Re: Special Talc Study - International Cost Sharing Project No. 0503.01, 5/29/75; JNJAZ55_000010706.
1360. Privileged and Confidential Meeting XII, Antiperspirant OTC Drug Review Panel File, J. Merritt, 7/14/75; JNJAZ55_000010568-76.
1361. Ludlow Mines Operating Schedule, 1979-1981; WTALC00010137-38.
1362. Minutes of the CTFA Technical Administration Committee, 2/1/77; JNJ000026623-624.
1363. Vermont Talc Workers Health Study Report, D.H. Wegman, W.A. Burgess, J.M. Peters, Harvard School of Public Health, 8/10/77; BASF_EMTAL000002244-96.
1364. Johnson & Johnson Email to D.D. Johnston, from G. Lee; Re: Status Report – Defense of Talc Safety, 8/29/77; JNJMX68_000013482-85.
1365. Deposition of Glen Hemstock, Westfall v. Whittaker Clark & Daniels, et al., 1/28/83; BASF_SAMPSON000013246-330.
1366. Deposition of Glen Hemstock, Westfall v. Whittaker Clark & Daniels, et al, 3/16/83; BASF_SAMPSON000014462-14601.
1367. Letter to M. Novitch, FDA, from P. Douillet; Re: Citizen's Petition 12/2/83; JNJ000021279-283.
1368. Letter to R.A. Arzapalo, from D.P. Palenik, McCrone; Re: Analysis of sample 5-HV66, 3/28/84; JNJ000578902.
1369. Johnson & Johnson Memo to B. Semple, from J.A. Molnar; Re: Evaluation Program for Talc, 10/4/84; JNJMX68_000002913.
1370. Johnson & Johnson Baby Powder Questions and Answers, December 1985; JNJNL61_000013947-14005.
1371. Cyprus Standard Test Method 01, Asbestiform Mineral Analysis in Talc, September 1986; ITA-Goodhue-000035-52.
1372. Affidavit of Roger Miller, 7/13/87; Civil Action, Stipulation of Dismissal with prejudice as to defendant Windsor Minerals, Louis Edley v. E&B Mill Supply, et al, Superior Court of New Jersey, 7/23/87; Letter to R.N. Miller, from T. Kremer and J. Millette; Re: ME-3241, 1/28/87.
1373. Vermont Due Diligence: Product Quality and Quality Control, R.J. Zazenski, K.W. Olson, M.L. Clark, Cyprus Industrial Minerals, 4/15/88; IMERYS-MDL-AB_0002064-2090; CAMC-Herford-000208-234.
1374. Due Diligence of Windsor Minerals, M.J. Keener, et al, 10/19/88; ITA-Sabatelli-000548-62.
1375. Letter to J. Schmidt, from G.R. Dunmyre, R.J. Lee; Re: J&J PO 002323, 1/13/89; JNJTALC000215197-200.
1376. Johnson & Johnson Memo to J. Leebaw and B. Semple, from W. Ashton; Re: Johnson's Baby Powder Use, 12/19/91; JNJ000312709-710.
1377. Handwritten TEM Timeline of Suppliers, 1997-2009.
1378. Johnson & Johnson I. Historical Review, Undated; JNJNL61_000020827-39.
1379. Johnson & Johnson Email to S. Mann, from L. Telofski; Re: Talc, 2/21/02; JNJNL61_000103086.
1380. J&J PPT - Johnson's Baby Powder Claim Storm, 6/20/12; JNJ000108066.
1381. Letter to I. Stewart, McCrone, from R.N. Miller, Windsor Minerals; Re: Superior Grade- EV, 9/14/83; JNJ000062124.

1382. Rio Tinto Minerals Email to S. Shripal, et al, from J. Pier; Re: Presentation - Johnson & Johnson Updated PPT, 6/23/09; IMERYS300643-644.
1383. Excerpt of the Trial Testimony of William Longo, Barden, et al v. Brenntag North America, 8/7/19.
1384. Proposed Presentations for 2011 Johnson Conference on Asbestos, 2011; IMERYS247238-239.
1385. Imerys PPT - Product Stewardship and Fiber Management, S. Sharma and J. Pier, January 2013.
1386. Excerpt of the Trial Testimony of John Hopkins, Ingham v. Johnson & Johnson, et al, 7/6/18.
1387. Excerpt of the Trial Testimony of Matthew Sanchez, Ingham v. Johnson & Johnson, 6/28/18.
1388. FDA Memo to Participants in "Asbestos and Talc" Discussion Session at FDA on August 3, 1971, 10/6/71; Affidavit.
1389. Letter to A.M. Langer, Mt Sinai, from G. Hildick-Smith; Re: Tenovous samples, 12/14/71; JNJAZ55_000005759-60.
1390. Johnson & Johnson Memo to T.H. Shelley; from G. Hildick-Smith; Re: Meeting on Talc at the Vanderbilt Company Headquarters, 1/15/73; JNJNL61_000008340.
1391. Handwritten Estimation of Dusting with Baby Powder, F.D. Pooley, 2/12/73; JNJNL61_000008633-34.
1392. Letter to E.B. Smith, Johns-Manville, from W.T. Caneer, CSMRI; Re: Reply to your question re physical removal of 100% tremolite, Project F20941, 2/20/73; JNJAZ55_000006145.
1393. Johnson & Johnson Memo to G. Hildick-Smith, from W.H. Ashton; Re: Talc Manufacturers Meeting – April 12, 1973, R.T. Vanderbilt, 4/13/73; JNJNL61_000008380-82.
1394. Johnson & Johnson Memo to File, from W. Nashed; Re: FDA Phone Call, August 9, 1973, 8/9/73; JNJNL61_000017626-27.
1395. Johnson & Johnson Memo to File, from J.N. Sivertson; Re: Limiting Concentration of Asbestos Fibers in Talc, 2/19/74; JNJNL61_000007107.
1396. FDA Memorandum to V.O. Wodicka, from H.J. Eiermann; Re: Asbestos Contamination of Talc, 10/1/74.
1397. Johnson & Johnson Memo to Talc Advisory Group, from D.R. Petterson; Re: BPC Talc/Powder Program and Strategy, 3/17/75; JNJAZ55_000004579-80.
1398. Letter to R. Schaffner, FDA, from N.F. Estrin, CTFA; Re: Update on work of CTFA subcommittee, 9/23/75; Letter to R. Schaffner, FDA, from G.W. Sandland; Re: Chrysotile, 9/17/75; JNJ000343995-998.
1399. Research Documentation of Windsor 66 Talc for Freedom from Asbestiform Minerals, 1970s; JNJ000301960.
1400. Letter to P.E. Enterline, University of Pittsburgh, from G. Hildick-Smith; Re: Your thoughts on NIOSH data, 2/18/77; Letter to G. Hildick-Smith, from P.E. Enterline; Re: Thoughts on NIOSH Study, 2/10/77; WTALC00010895-98.
1401. Excess of Lung Cancer, Deaths Found in NIOSH Study of Talc Workers, Current Report, Bureau of National Affairs, 12/8/77; JNJ000028709-10.
1402. Email to G. Lee, from G. Hildick-Smith; Re: Items to be Discussed with NIOSH on Selevan Transcript, 11/4/77; JNJ000028724.
1403. Memo to Editors, from T.C. Chalmers; Re: Recent media reports on talc by Mount Sinai, 3/23/76; JNJ000026953-55.
1404. Letter to Dr. B.F. Craft, NIOSH, from G. Lee; Re: Comments on Selevan Paper, 11/21/77; JNJAZ55_000017966-17967.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1405. Johnson & Johnson Memo to J. Berry, et al, from D.F. Muller; Re: Talc Update Meeting, 12/26/79; JNJAZ55_000009434-9435.
1406. Letter to D.L. Friscia, from W.H. Powers, R.J. Lee; Re: PLM Analysis for Samples as Shown on Table I, 8/27/99; JNJ000237844-845.
1407. Johnson & Johnson Support to International Report for March-April 1981; JNJ000065264-66.
1408. Excerpt of the Trial Testimony of William Longo, Barden, et al v. Brenntag North America, 9/5/19.
1409. Johnson & Johnson Material Specification RM08006, Cyprus Windsor Grade 66 Talc, 3/1/90 to 1/7/92, Royston; JNJ000315350-356.
1410. Letter to W.H. Ashton, C&P Products Worldwide, from W.H. Powers, R.J. Lee; Re: Forensic Analytical Report, 3/9/04; JNJTALC000064952.
1411. R&D Supplier/Contractor Audit Report, R.J. Lee, March 21-22, 2016; JNJTALC000068913-68926.
1412. Cyprus Hamm Mine, 8/30/91; IMERYS416192-222.
1413. Johnson & Johnson PPT - Baby Powder Usage Study, October-November 2001, M.P. Garcia-Villacorte, C. Sanchez, 11/26/18.
1414. Johnson & Johnson Memo to V. Zeitz, et al, from G. Lee; Re: NIOSH-Vermont Environmental Study, 5/24/77; JNJ000338279; Johnson & Johnson Windsor Minerals 12055-55, WTALC00005234-5338.
1415. Johnson & Johnson Baby Products Specification 01-011, Windsor 66 Talc, 10/31/66, Revised 3/19/75; JNJ000252244-45.
1416. Workers Compensation Executive Summary, J&J New Brunswick, NJ, 5/17/18. https://broadspireinview.com/ClaimReport.aspx
1417. Protocol #2636.01/6429.12, Title: Assessment of the Amount of Respirable Talc Particles (JPB Formula #499) Available for Inhalation to Adults During Post Showering Whole Body Powdering, January 1977; JNJ000251289-294.
1418. Protocol #2636.01/6429.12, Evaluation Form, Subject #3, Final, January 1977; JNJ000088176-77.
1419. Johnson & Johnson Powder Consumer Learning Survey - Internet Survey Analysis, 5/11/04; JNJ000068048-60.
1420. Imerys PowerPoint - Fiber Management at Imerys, J. Pier, S. Sharma, 2/9/12.
1421. Letter to Hearing Clerk, FDA, from W.C. McCrone; Re: Comments on Proposal covering "Asbestos Particles in Food and Drugs, 12/3/73; Kazan_FDA_FOIA_001300-1324.
1422. Meeting at Tenovus Institute of Cancer, Cardiff, 4/7/71; JNJTALC000090065-79.
1423. FDA Memo Re: Request for Quantitative Analysis of Risk from Potential Exposure to Asbestos from Cosmetic Talc Use, Citizen Petition 83P-0404, Philip Douillet, L.L. Taylor, 11/15/84; JNJ000016604-16628.
1424. Meeting Notes of CTFA Talc Subcommittee, February 4, 1975, 2/26/75; JNJ000308264-267.
1425. Memo to T.C. Chalmers, from A.M. Langer; Re: The Ongoing Talc Study in the Environmental Sciences Laboratory, 3/17/76.
1426. Johnson & Johnson PPT - Johnson's Baby Powder - Business Overview & Consumer Learning Presentation, Revised April 2004; JNJ000068146-189.
1427. Letter to T. Michele, FDA, from J. Ekuta; Re: Response to FDA Request for Information on Talc, 3/17/16; JNJ000489313-9818.
1428. Luzenac PPT - Identifying/ Managing Product Stewardship Issues, "License to Market," Undated; LUZ001298-1303.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1429. Johnson & Johnson Email to J. Casalvieri, from S.W. Mann; Re: Talc analysis, 10/26/05; JNJNL61_000104409-4412.
1430. Letter to S. Gaitan, from J. Poston, Rio Tinto; Re: Intertek Audit Response for April 23,2009 Audit, 1/21/10; JNJ000414212-224.
1431. Johnson & Johnson PPT - Baby Camp, 8/10/99; JNJTALC000643847.
1432. Johnson & Johnson Memo from D.F. Jones; Re: CTFA Response to Cancer Prevention Coalition Citizen's Petition, 6/27/95; Comments of the CTFA in Response to A Citizen's Petition Filed with the FDA on November 17, 1994, June 1995; JNJ000021285-322.
1433. Membership List of the Industrial Hygiene Foundation (IHF), 1953-1957.
1434. TEM Analysis of Argonaut Product Composites, 5/24/10; IMERYS409689-699.
1435. A02224-1, Luzenac Sample Parameters, Count Sheets, 2/27/04; IMERYS340795-796.
1436. Letter to R. Schaffner, FDA, from W. Nashed; Re: Johnson's Baby Powder, 7/20/71; HHS00000086-89.
1437. Letter to R. Schaffner, FDA, from W. Nashed; Re: Submission of information following briefing session, 3/7/74; HHS00000092-93.
1438. Memo to W. Nashed, from J.N. Sivertson; Re: An Estimated Upper Limit for Talc Dust Exposure of Infants Compared with the OSHA Threshold Limit Value for Talc Miners, 2/19/74; HHS00000094-96.
1439. Letter to J. Schmidt, from G.R. Dunmyre, R.J. Lee; Re: R.J. Lee Group Job No. AAH811703, J&J P.O. 112323, Sample 879-162, 1/12/89; 1/13/89; Excerpt from 10/30/87 Fed Reg; JNJTALC000215197-200.
1440. Talc Issues Matrix, October 2009; IMERYS306387-391.
1441. Letter to V. Zeitz, Johnson & Johnson, from J.M. Dement, NIOSH; Re: Study of talc workers in Vermont, 5/5/75; WTALC00007366-7379.
1442. Email Correspondence between R. Lanham, FDA, and L. Szczepaniak, Johnson & Johnson; Re: Johnson's Baby Powder, Batch #22318RB, Positive Sample Found for Chrysotile, a Type of Asbestos, 10/16/19 and 10/17/19; JNJTALC001281991-1993.
1443. Letter to M. Zappa, from D.R. Van Orden, RJ Lee; Re: INV-106924-003, RJN Lee Project No TLH910477, 10/28/19.
1444. Press Release - Johnson & Johnson Consumer Inc to Voluntarily Recall a Single Lot of Johnson's Baby Powder in the United States, 10/18/19.
1445. Johnson & Johnson PPT - Johnson's Baby Powder 2010 Media Recommendation; JNJ000093556-3570.
1446. Confidential Memo to I. Malbin, from E. Dezenhall and E. Solovyov; Re: Proposal: Defending Cosmetic Talc, 10/27/00; JNJ000010808-10812.
1447. Johnson & Johnson PPT - Shower to Shower Task Force- BP Brainstorm, 7/14/04; JNJ000058760-764.
1448. Johnson & Johnson PPT - Johnson's Baby Powder and Baby Oil, 2007 BP Phase I, 2/14/06; JNJ000109468.
1449. US Baby Care Research Summary, Prepared for JJCI Worldwide, C.K. Zvosec, December 1995; JNJ000244358-525.
1450. Daily Tips to Refresh for Success! May 2009.
1451. Talc Technology, Undated; JNJ000290692-701.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1452. Johnson & Johnson Memo to R.L. Sundberg, from R.S. Russell; Re: Special Talc Project # 503 Fines Removal, 1/25/72; JNJ000290143-145.
1453. Johnson & Johnson Email to L. Telofski, from J. Lemmo; Re: Commemorative talc bottle - Gift to Collen Goggins, 1/14/11; JNJTALC000176958-959.
1454. Index Map of Vermont Mines, Undated; ITA-Sabatelli-000563.
1455. Petition Seeking a Cancer Warning on Cosmetic Tal Products, S.S. Epstein, Cancer Prevention Coalition, 5/13/08; JNJ000375467-470.
1456. Letter to WH Ashton, Johnson & Johnson, from I.M. Stewart, R.J. Lee; Re: RJLee Group Proj CIH007207, Final Report on Five Powder Samples, 8/13/90; JNJTALC000224233-250.
1457. Stipulation Regarding Total Amount Paid to R.J. Lee as of July 2020, 1/7/21.
1458. Excerpt from the Depositions of Nancy Musco regarding testing evidence, 2/15/19 and 3/8/19.
1459. Excerpt of the Trial Testimony of Matthew Sanchez, Boyd Bostic v Johnson & Johnson, 5/22/18.
1460. Excerpt of the Deposition of Susan Nicholson, In Re: New Jersey, 2/19/19.
1461. Excerpt of the Deposition of John Hopkins, Barden v Brenntag North America, et al, 8/14/19. (pp 174-179)
1462. Excerpt of the Deposition of Nancy Musco, Foley v Avon Products, Inc, et al, 2/15/19.
1463. Excerpt of the Deposition of James Peter Mittenthal, Leavitt v Johnson & Johnson, et al, 9/24/18.
1464. Excerpt from Trial Testimony of John Hopkins, Barden, et al v Brenntag North America, et al, 7/23/19. (6 pp)
1465. Excerpt of the Trial Testimony of Matthew Sanchez, Barden, et al v Brenntag North America, et al, 1/29/20.
1466. Excerpt of Trial Testimony of James Webber, Olson v Brenntag North America, et al, 2/14/19. (pp 777-780)
1467. Excerpt of Trial Testimony of William Longo, Olson v Brenntag North America, et al, 2/11/19.
1468. Johnson & Johnson Consumer Health Announces Discontinuation of Talc-based Johnson's Baby Powder in US and Canada, 5/19/20.
1469. Excerpt of Trial Testimony of Jacqueline Moline, Olson v Brenntag North America, et al, 3/4/19.
1470. Excerpt of the Deposition of Susan Nicholson, Foley, et al v Avon Products, et al, New Jersey, 3/6/19.
1471. Ian Stewart's Flight Log to Washington DC Meeting with Johnson & Johnson and the FDA, 9/21/72; JOJO-MA2546-0102.
1472. Excerpt of the Deposition of Susan Nicholson Regarding Animal Studies, Eggers v. Colgate-Palmolive, et al, Vol. 1, 2/24/20.
1473. Excerpt from Trial Testimony of John Hopkins, Blinkinsop v. Albertsons Companies, Inc, et al, 3/25/19.
1474. Imerys File - Correspondence between Rio Tinto Minerals and Johnson & Johnson Re: JNJ Talc Contract 2012, JNJ Update, Alternate Talc Project Update, 2010-2012; IMERYS095079-148.
1475. Confidential RJ Lee PPT - Evaluation of Magnesita Talc: Summary of On-Going Testing of Talc for Johnson & Johnson, RJ Lee, 8/12/11; JNJTALC000411867.
1476. PPT - Fiber Management Overview, Presentation, J Pier, Imerys, 9/13/11; IMERYS459941.
1477. J&J Investigation Report and All Attachments regarding Baby Powder Lot #22318RB, RJ Lee Test Reports - TLH910472, 10/28/19; JNJTALC0013605077-5227.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1478. Excerpt of the Deposition of Julie Pier, Anderson v. Borg-Warner Corporation, et al, 4/6/18; Attachments: Email to J. Pier, from E. McCarthy; Re: JJ, 5/13/11; Email to E. McCarthy, from J. Pier; Re: USP Method, 6/15/11; Copy of 5/13/11 Email with handwritten note; IMERYS308446-447; IMERYS251675-676; IMERYS095086-87.
1479. Declaration of Matthew S. Sanchez, Hirshberg v. Johnson & Johnson, et al, In the Superior Court of the State of Washington for King County, 3/29/21.
1480. MAS Chart of J&J Testing (current as of September 16, 2021), 9/16/21.
1481. Litigation Issues, Luzenac, 2/26/02; LUZ01394-01395.
1482. Luzenac North America Email to J. Pier, from R. Zazenski; Re: Final Results, 3/11/04; IMERYS299318.
1483. Rio Tinto PPT - Asbestos 101, 5/5/2006; IMERYS422037.
1484. Luzenac America Email to R. Zazenski, et al, from M. Hayes; Re: TEM Analysis of Windsor Float Feed and Finished Product, Attachments: Guide to Inspections of Lab, 9/24/01; IMERYS271163-64.
1485. Open Audit Findings, Houston Mill - All Audit Types, As of 5/17/11; IMERYS283645-710.
1486. Letter to T.P. Hall, OSHA, from K.F. Julin, Amoco/ Cyprus Industrial Minerals; Re: Late comments pertaining to OSHA Proposed Regulations, 7/26/84; CAMC-Greco-000364-366.
1487. Proposed Outline for Talc Technical Presentation at the FDA Talc Symposium, Luzenac America, 8/4/93; Handwritten Memo re Pooley, 8/26/93; PCPC000419-421.
1488. TEM Asbestos Analysis of January 2003 Guangxi #2/#1 Shipment to Houston, AO3199, 7/9/05; IMERYS467248-001-006.
1489. Newspaper Article - Windsor Minerals president says disease study is shoddy, D. Krieger, Eagle-Times, 11/22/76; IMERYS101553.
1490. Harvard-NIOSH-Windsor Study Strategy, Undated; IMERYS235415-416.
1491. Death Certificates, Vermont Talc Workers; JNJ000328872-JNJ000330775.
1492. Excerpt of the Trial Testimony of John Hopkins, Barden v. Brenntag North America, et al, 8/13/19. (pp119-120)
1493. West Windsor Internal Nonconformance Summary, 1999-2001, 10/10/01; IMERYS010602.
1494. Compilation of R.J. Lee Testing, 2009-2017; JNJ14T5_000000692 and various bates.
1495. Rio Tinto Email to J. Pier, from W. Ball; Re: Asbestos and ovarian cancer, 5/25/10; IMERYS246210.
1496. Fax to J. Hopkins, from I. Phillipson, CTPA; Re: CTPA Talc Monograph, 1/2/96; JNJ000065187-88.
1497. Email to P. Few, from J. Pier, Luzenac America; Re: Talc question, 3/30/04; IMERYS442340.
1498. Excerpt of the Trial Testimony of John Hopkins Regarding Frequency of Testing, 2/14/18.
1499. JJCI Summary of Investigation - Recall of Johnson's Baby Powder Lot 22318RB, 12/3/19.
1500. Excerpt of the Deposition of Susan Nicholson, Eggers v. Colgate-Palmolive, et al, Vol 1, 2/24/20.
1501. Johnson & Johnson Memo to S.P. Falk, et al, from G. Lee; Re: Revised manuscript in Nov 1976 issue of JOETH, 9/22/76; JNJ 000273664-66.
1502. Email Chain between D. Hicks, Johnson & Johnson, and D. Van Orden, R.J. Lee; Re: Additional Magnesita Report Questions, 4/29/11; JNJTALC000576244-576246.
1503. Email to D. Hicks, Johnson & Johnson, and D. Van Orden, R.J. Lee; Re: Brazil Talc Samples - Report Question, 5/24/11; JNJTALC000154217-154218.
1504. Johnson & Johnson Memo to G. Frazza, from W. Nashed; Re: Talc/Asbestos, Food Additive Proposed Regulation, 9/5/72; INTERIM_JNJTALC_000003843.
1505. J&J APAC - Talc Market Study, The Smart Cube, 11/2/11

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1506. Letter to J.M. Peters, Harvard School of Public Health, from G. Hildick-Smith, Johnson & Johnson; Re: Review of protocol in relation to pulmonary function study of talc miners in Vermont, 3/27/75; IMERYS235427-235431.
1507. Johnson & Johnson Memo to Distribution, from G. Lee; Re: Meeting Notes re NIOSH-Windsor Vermont Talc Workers Mortality Study, 12/16/76; JNJ000335394-335395.
1508. Johnson & Johnson Memo to F.A. Bolden, et al, from G. Lee; Re: NIOSH Vermont Mortality Study, 11/1/77; JNJ000311132-311133.
1509. Excerpt of the Deposition of John Hopkins, Herford v AT&T Corp, et al, 8/18/17.
1510. Excerpt of the Deposition of John Hopkins, Herford v AT&T Corp, et al, 8/16/17.
1511. Excerpt of the Deposition of Ed Kuffner, MD, Hood vs Acme Markets, Inc, et al, 10/24/23.
1512. Excerpt of the Deposition of Susan Nicholson, Eggers v Colgate-Palmolive, et al, Vol 1, 2/24/20.
1513. Excerpt of the Trial Testimony of John Hopkins, Olson v J&J, 5/3/19.
1514. Tweet from Johnson & Johnson@JNJNews - Your questions deserve answers, 12/19/18.
1515. Tweet from Johnson & Johnson@JNJNews - J&J Baby Powder does not contain asbestos and never will, 12/18/18.
1516. Special Talc Study, Project No. 7008, Report for September-October 1981, W.H. Ashton, Johnson & Johnson; JNJNL61_000000480-481.
1517. Johnson & Johnson Email to S. Mann, from J. Hopkins; Re: Talc, 2/24/04; With Handwritten Note to Ashton from Mann; JNJ000089418.
1518. Johnson & Johnson Email to S. Colamarino, et al, from S. Mann; Re: Talc Document – Dr. Wehner, 7/12/04; JNJTALC000440567-440579.
1519. Johnson & Johnson Email to J. Casalvieri, from S. Mann; Re: Al Wehner, 5/11/06; JNJ000369668.
1520. Letter to S.D. Gettings, CTFA, from A.P. Wehner, Biomedical & Environmental Consultants; Re: Your call re Dr. Oberdorster, 4/3/93; JNJTALC000444263.
1521. Office of Consumer Medical Safety Operational Charter TV-SOP-15204 Version 3.0, 3/6/19; LTL0021870-21880.
1522. Johnson & Johnson Email to J. Thomas, from E. Kuffner; Re: Strategic Frame - Resources for J&J Leaders, 7/20/18; JNJTALC000948755-948757.
1523. Johnson & Johnson Email to E. Kuffner, from News from Alex; Re: The Truth About Talc, 12/17/18; JNJTALC001125799-1125800.
1524. Johnson & Johnson Email to R. Lanham, FDA, from L. Szczepaniak; Re: Recall of Johnson's Baby Powder Lot 22318RB, 10/18/19; JNJTALC001282066.
1525. Excerpt of Defendants Johnson & Johnson and Johnson & Johnson Consumer, Inc's Responses to Plaintiffs' to Supplemental Interrogatories and Requests for Production of Documents Dated November 10, 2017, Chapman v BASF Catalysts LLC, et al, Superior Court of New Jersey Law Division, 5/30/18; Verified.
1526. Letter to C Wilkes, from T Hicks, Luzenac America; Re: Grade 66 Silo #4, 1/5/96; Argonaut Ore Sources; J&J Vermont Ore Sources - A Brief Review, 1968-1995; History of Argonaut Mine, 1973-1994; IMERYS 117597-117601.
1527. Johnson & Johnson Handwritten Memo to G. Hildick-Smith, from V. Zeitz; Re: Proposed In-Depth Study of Vermont Talc Industry, 1975; WTALC00007368-7376.
1528. What you want to know about Johnson's Baby Powder, November 1976; JNJ000881819_0001-5.
1529. Letter to D.D. Johnston, Johnson & Johnson, from T.C. Chalmers, Mount Sinai; Re: Articles in Washington and New York Posts, 3/30/76.

1530. Johnson & Johnson Memo to B. Fleming, et al, from D.F. Jones; Re: CTFA Response to Cancer Prevention Coalition Citizen's Petition, 6/23/95; JNJ000046824-46861.
1531. Johnson & Johnson Email to W.D. Nielsen, et al, from J. McKeegan; Re: Asbestos stories, 6/4/00; PA Asbestos-Talc, 1st Ld-Writethru, 0485; JNJ000576298; JNJ000019616-19618.
1532. Johnson & Johnson Email to L. Telofski and S. Colamarino, from N. Musco; Re: Pre-Meeting for presentations to NTP, 12/8/00; JNJ000563545.
1533. Johnson & Johnson Store Advertisement - Fragile… Handle with Johnson's, Undated; JNJ000872219-872222.
1534. Italian Summary for MAS.
1535. Battelle Summary.
1536. Pfizer Summary.
1537. Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc.'s Responses to Plaintiff's First Set of Interrogatories and Requests for production of Documents, Eggers v. Colgate-Palmolive Company, et al, 6/18/20.
1538. Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc.'s Supplemental Responses to Plaintiff's First Set of Interrogatories and Requests for Production of Documents, Eggers v. Colgate-Palmolive Company, et al, 10/21/20.
1539. Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc.'s Second Supplemental Responses to Certain of Plaintiff's First Set of Interrogatories, Eggers v. Colgate-Palmolive Company, et al, 1/5/21.
1540. Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc.'s Third Supplemental Responses to Certain of Plaintiff's First Set of Interrogatories, Eggers v. Colgate-Palmolive Company, et al, 1/15/21.
1541. Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc.'s Responses to Plaintiff's Amended Third Set of Interrogatories and Requests for Production of Documents, Eggers v. Colgate-Palmolive Company, et al, 3/10/21.
1542. Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc.'s March 2021 Supplemental Responses to Plaintiff's First Set of Interrogatories and Requests for Production of Documents, Eggers v. Colgate-Palmolive Company, et al, 3/14/21.
1543. Defendants Johnson & Johnson and LTL Management LLC's Responses to Plaintiff's Amended Fourth Set of Interrogatories and Request for Production of Documents, Eggers v. Colgate-Palmolive Company, et al, 12/26/23.
1544. Defendants Johnson & Johnson and LTL Management LLC's Amended Responses to Plaintiff's Amended Fourth Set of Interrogatories and Request for Production of Documents, Eggers v. Colgate-Palmolive Company, et al,1/5/24.
1545. Document Production in Eggers v. Colgate-Palmolive Company, et al, 2020-2024.
1546. Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc.'s Responses to Plaintiff's First Set of Interrogatories (Exhibit "1"), McBrayer v. ACME Markets, Inc., et al, 11/24/20.
1547. Defendants Johnson & Johnson and Johnson & Johnson Consumer Inc.'s Responses to Plaintiff's First Set of Interrogatories (Exhibit "4"), McBrayer v. ACME Markets, Inc., et al, 11/24/20.
1548. Defendant Johnson & Johnson's Responses to Plaintiff's June 2023 Interrogatories, McBrayer v. ACME Markets, Inc., et al, 7/28/23.
1549. Defendant Johnson & Johnson's Amended Responses to Plaintiff's June 2023 Interrogatories, McBrayer v. ACME Markets, Inc., et al, 8/14/23.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1550. Declaration of Lisa Gallo with Exhibits, Lebrecht v. American International Industries, et al, 4/4/19.
1551. Review on the Present Status of Talc Safety Substantiation Activities and Update of Contingency Plans, January 1975; JNJ 000029542-62.
1552. Letter to S.M. Wolfe and B. Gordon, Public Citizen Health Research Group, from D. Kennedy, FDA; Re: Your letter of August 4,1978 and the question of talc carcinogenesis, 1/11/79.
1553. Argonaut Fact Sheet, Undated; IMERYS117598-117600.
1554. CTFA Minutes, Talc Task Force on Round Robin Testing, 12/6/77; JNJNL61_000020414-15.
1555. Johnson & Johnson Memo to D. Jones, from R. Gallagher; Re: Summary of Raw Material and Finished Product Testing for Baby Powder Talc, 1/10/94; JNJAZ55_000013621-22; Attachment: J&J Authorization for Interim Specification IS76906 D; Subject: Cyprus Windsor Minerals Corp Grade 66 Talc, 6/5/91; Not Valid after 1/1/1992; JNJAZ55_000013621-22/ JNJMX68_000000439-42.
1556. Stimuli to the Revision Process: Modernization of Asbestos Testing in USP Talc, L.H. Block, D. Beckers, K. Moore, et al, 2014.
1557. Response to the November 2005 National Stone, Sand & Gravel Association Report Prepared by the R.J. lee Group - "Evaluation of EPA's Analytical Data from the El Dorado Hills Asbestos Evaluation Project," EPA Region IX, 4/20/06.
1558. Memo to R. Miller, Windsor Minerals; Re: Asbestiform Mineral Analysis - Sampling Procedure for Hammondsville Cosmetic Ore, 12/8/78; JNJMX68_000015709-10.
1559. FDA Talc Submissions, Volumes 1-9, 1971-1976; JNJNL61_000013350-13362.
1560. Letter to G. Rubino, from G. Hildick-Smith, Johnson & Johnson; Re: Selevan transcript and the Selikoff meeting, 11/3/77; JNJAZ55_000009126.
1561. Johnson & Johnson Memo to G. Lee, from G. Hildick-Smith; Re: Talc Study - Professor Rubino, 1/5/78; JNJAZ55_000009057.
1562. Johnson & Johnson Memo to W.H. Ashton, from N.A. Poirier; Re: Johnson's Baby Powder Historical Survey, 7/13/66; JNJ000085374-375.
1563. Letter to University College, Cardiff, from W.R. Dean, Johnson & Johnson; Re: Johnson and Johnson Limited Research Programme - University College, Cardiff, Pooley Contract, 11/10/71; JNJ000260873-74.
1564. Geological Report – An Examination of Italian Mine Samples and Relevant Powders, F.D. Pooley, 9/8/72; JNJTALC000359836; JNJTALC000359710-834.
1565. Johnson & Johnson Email to S. Mann, from L. Telofski; Re: JB Powder w China Talc, 6/30/03; JNJ000389261-63.
1566. Newspaper Article - Less asbestos found in new talc, Toronto Star, 3/27/76; JNJ000277175.
1567. Letter to I. Stewart, McCrone, from R.N. Miller, Windsor Minerals; Re: Answer to your request of March 26, 1976, 5/24/76; JNJ000314226.
1568. Johnson & Johnson Specification TM7024B: Test Method; Analysis of Powdered Talc for Asbestiform Minerals by Transmission Electron Microscopy, 3/8/89; JNJNL61_000043150-43154.
1569. Letter to E. Stewart, J&J International, from J.C.P. Homan, J&J Benelux nv; Re: Asbestos talcum powder- Analysis by Dutch Consumer Organization, 8/27/73; JNJTALC000169495-169496.
1570. McCrone EPA Level II TEM Analysis, ME #90009-3, CWM 90-30, 11/9/90; JNJ000577928-577929.
1571. Johnson & Johnson Memo to Dr. G. Hildick-Smith, from W.H. Ashton, Johnson & Johnson; Re: Italian Talc Epidemiological Studies, Val Chisone, Pinerolo, University of Turin, Turino, Italy, 5/14/74; JNJAZ55_000009380.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1572. Johnson & Johnson Memo to G. Lee, from R.S. Russell; Re: USPHS/NIOSH Membrane Filter Method for Evaluating Airborne Asbestos Fibers, Method Applied to JBP for Determination of Talc Fibers in Airborne Respirable Fraction - 0503.01, 6/6/77; JNJ000064511.

1573. Johnson & Johnson Memo to B. Semple to Dr. M.R. Gross, from W.H. Ashton; Re: Talc Alternate for JBP, HAMM Deposit - Windham, Vermont, 2/28/90; JNJH29W_000000025.

1574. Report of the Examination of Talc Samples from the Johnson Talc Mine, F.D. Pooley, Undated; JNJTALC000543449-543455.

1575. Imerys Email to J. Pier and E. Turner, from R. Zazenski; Re: Analytical support for global asbestos policy, 10/22/07; IMERYS441780-782.

1576. Johnson & Johnson Email to D. Harris and K. Cutler, from M. Lorang; Re: J&J News Report, 2/25/04; IMERYS 299323-24.

1577. Preliminary Report: Fiber Exposure During Use of Baby Powders, J.M. Dement, et al, NIOSH, July 1972; JNJAZ55_000005839-56.

1578. Letter to D. Craig, Battelle, from W. Ashton, Johnson & Johnson; Re: Draft report relating to asbestiform fiber level in talc, 6/26/74; Draft Copy: An Estimate of the Safe Level of asbestos fibers in baby powder talc, 6/24/74; JNJNL61_000029446-451.

1579. Johnson & Johnson Protocol #2636.01/4303.12, Title: Assessment of the Amount of Respirable Talc Particles Available for Inhalation to Mothers and Infants During Normal Diapering Procedures, 2/23/76; JNJ000267540-267545.

1580. Asbestos Policy, Johnson & Johnson Worldwide Policy Position Statement on Asbestos, 12/14/88; JNJ000290035-46.

1581. Report on Meeting with Mr. Francis Roe on Monday, November 13, 1972, 11/13/72; JNJTALC000290381-382.

1582. Letter to R. Miller, Windsor Minerals, from A.M. Marks, Johnson & Johnson; Re: Flotation aid in the processing of talc for use in Johnson's Baby Powder, 7/22/74; JNJMX68_000007236-37.

1583. Letter to G. Hildick-Smith, Johnson & Johnson, from Dr. F.J.C. Roe; Re: Critique of Selevan paper, 11/24/77; JNJNL61_000027371.

1584. Rio Tinto PPT - Talc: Asbestos Issues and Management, 8/19/06; IMERYS410499.

1585. Johnson & Johnson Memo to C. LaRosa, from W. Newman; Re: Johnson's Baby Powder Claim Support, Project No 0519.00, 2/10/74; JNJNL61_000006431-432.

1586. Johnson's Baby Oil and Johnson's Baby Powder 2005 Business Plan, Phase I, 6/21/04; JNJ000108386.

1587. Johnson & Johnson Memo to S.A. Christie, et al, from R.J. Mortimer; Re: Windsor Minerals, 1/12/73; Memo to R.J. Mortimer, from Windsor; Re: A comprehensive plan to meet the requirements of Windsor Minerals Inc for milling capacity in the next five years, 12/28/72; JNJ000261816-824.

1588. Cyprus Ore Reserve Evaluation, Preliminary Summary, R.C. Munro, 1991; IMERYS425354-425392.

1589. Luzenac America Technical Report to D. Crouse, from J. Pier; Re: Microscopy Analysis of Serpentine Minerals in Broughton Ore, 1/21/01; IMERYS467736-750.

1590. Email to J. Millette, from J. Pier, Luzenac America; Re: TEM asbestos analysis in bulk talc (drilling samples), 3/25/04; IMERYS442352-353.

1591. Rio Tinto Technical Report A07371 to E. Ronald, from J. Pier; Re: Analysis of Fibrous Material from Argonaut, 4/29/08; IMERYS492536-492540.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1592. TEM Asbestos Analysis of Argonaut Ore Composites, Summary Report, 9/8/04; IMERYS442401-001-008.
1593. Letter to M Novitch, FDA, from P Douillet; Re: Petition for labeling of warning of the hazardous effects produced by asbestos in cosmetic talc, 11/8/83; PCPC000587-592.
1594. Johnson & Johnson Talc Specs File; Italian Talc Spec 1946-55; J&J Raw Material Specification 712-044 for Talc, Powdered, 2/22/55; 3200834-839.
1595. Letter to C.S. Thompson, R.T. Vanderbilt, from A.G. Wylie, University of Maryland; Re: Stanton Sample Numbers, 8/1/84; Johnson & Johnson Memo to A.J. Goudie, from F.R. Rolle; Re: Characterization of Tremolite-Talc, FD-14 (Dr. W. Smith, Farleigh Dickinson University), 5/25/72.
1596. CSMRI Report on Particle Size and Shape Distribution of Grantham, Italian and Vermont Talc Final Products, Johnson & Johnson, 6/24/71; JNJ000234805-812.
1597. Letter to A.J. Goudie, Johnson & Johnson, from W.T. Caneer, CSMRI; Re: XRD scans of Baby Powder Talc Samples 108T and 109T, Project C10704, 10/27/72; JNJ000231251-252.
1598. Letter to R. Schaffner, FDA, from W. Nashed Johnson & Johnson; Re: Johnson's Baby Powder, 7/8/71; CSMRI Report on Particle Size and Shape Distribution of Grantham, Italian and Vermont Talc Final Products, Johnson & Johnson, 6/24/71; Letter to Ashton, from CSM; Re: Results of 344-L Analysis, 7/7/71.
1599. Letter to A.J. Goudie, Johnson & Johnson, from W.T. Caneer, CSMRI; Re: XRD scans of Baby Powder Talc Samples 108T and 109T, Project C10704, 10/27/72; Examination of Johnson and Johnson's Baby Powder, Copy 2 of 4, 10/27/72.
1600. Johnson & Johnson Email to S. Mann, from H. Ridgway, Crowell Moring; Re: NTP Proposal to List Talc, 2/1/05; JNJ000003472-77.
1601. Email to R. Godell, Luzenac, from H. Ridgway, Crowell Moring; Re: NTP Talc Matter, 2/28/05; JNJ000369203.
1602. Letter to M.S. Huncharek and J.E. Muscat, Meta-Analysis Research Group, from R.M. Hall, Crowell & Moring; Retainer Agreement for Project Involving Talc, 2/28/05; JNJ 000375565-71.
1603. Johnson & Johnson Email from Corporate Communication; Re: The Facts About Talc Safety, 2/25/16; JNJ000488328-329.
1604. 4 Important Facts About the Safety of Talc, Johnson & Johnson, 5/2/16.
1605. Corn Starch Analysis, W.W. Baker, Johnson & Johnson, 6/28/71; JNJ000296890-895.
1606. Technical Report MA-2330-1, Methodology for the Determination of Asbestos in Talc, G.R. Grieger, I.M. Stewart, McCrone, Copy 1 of 3, 8/10/71; HHS00000188-193.
1607. Johnson & Johnson Annual Report, 1997.
1608. Avon Annual Report, 1960; AV_STD_029222-29246.
1609. Avon Annual Report, 1962; AV_STD_029275-29298.
1610. Avon Photo of Supreme 325 at Pasadena, Tour Looking Into the Powder Mixing Room at the Pasadena, California Branch, Hagley Digital Archives, 1963.
1611. Avon Family Album, Vol 22, No 4, July-August 1963; AV_STD_034738-34792.
1612. Avon Family Album, Vol 22, No 4, July-August 1963. (color)
1613. Avon in Morton Grove, IL, 1964.
1614. Avon Catalog, 3rd Quarter, 1968; AVON-NY-002599-2628 ; AV_PIPES_0014497-14526.
1615. Avon Catalog of Fragrances, Cosmetics and Toiletries, 1969.
1616. Excerpt from Avon Products Catalog, 1969; AV_LEBRECHT-0002008, 2027-2028.
1617. United Sierra (CAMC) Sales to Avon, Pasadena, CA, 1961-1969; CAMC_Lebrecht-000001-240.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1618. United Sierra Laboratory Report 6790-15; Re: Surface areas of talc products and selling, 9/12/69; AV_STD_006075-6076.
1619. Avon Memo to J.J. Travers, from A.E. Gadzala; Re: Talc, 3/25/70; AV_STD_023617-23630.
1620. Avon Ingredient Specifications for Code 0810-1 Talc, 9/30/70; API0018053-1.
1621. Avon Memo to G.A. Sprott, from J.J. Travers; Re: Talc Consultant - Objective and Status, 10/16/70; AV_STD_023598-023600.
1622. Avon Biological Evaluation Laboratory Report, United Sierra Experimental Talcs, Profile No 80306, 2/12/71; AV_STD_027161-27168.
1623. Avon Memo to R.M. Casciano, from C.L. Goldman; Re: Possible "Hexachlorophene" Type Crisis Concerning Asbestos in Talc, March 1971; AV_STD_027212.
1624. Avon Memo to G.A. Scott, from J.J. Travers; Re: Talc - Samples from Grantham Mines, 4/20/71; AV_STD_023592.
1625. Avon Memo to R. Gillen, from J.J. Travers; Re: Talc Sources, 4/22/71; AV_STD_023590-23591.
1626. Avon Memo to S.R. Ochs, from Avon Cosmetics Ltd; Re: Talc and Cancer, 6/9/71; AV_STD_027278-27279.
1627. Letter to C.L. Goldman, Avon, from Dr P.S. Elias, Dept of Health and Social Security, UK; Re: Work done using XRD, 8/24/71; AV_STD_027210-27211.
1628. Newspaper Article - Avon Recalling Baby Powder Suspected to Carry Bacteria, Wall Street Journal, 8/30/71.
1629. Avon Memo to L. Copeland, from H.Y. Saad; Re: Baby Talc, 9/23/71; AV_STD_024984.
1630. Avon Teletype to L. Richards, from L.B. Copeland; Re: Talc - Sierra Talc and Alabama Talc, 10/1/71; AV_STD_024377.
1631. Avon Teletype to L.J. Richards, from L.B. Copeland; Re: Talc - Sierra and Alabama, 10/8/71; AV_STD_024376.
1632. Avon Memo to J.J. O'Neill, from R.S. Wilsher; Re: Meeting on Talc Specifications, 11/8/71; AV_STD_002260.
1633. Avon Memo to G.A. Sprott, from J.J. Travers; Re: Talc - Approaches to Insure Continuation Freedom, 11/28/71; AV_STD_023581-584.
1634. HHE #61 - Presentation to Committee, Avon Tai Winds Spray Talc, C.E. Coker, 4/24/72; FDA Memo from A. Weissler; Re: Asbestos Content of Dr Kolbye's Sample of Avon Tai Winds Spray Talc, 4/21/72; FDA Memo to R.M. Schaffner, from A. Weissler; Re: Asbestos Content of Dr Kolbye's Sample of Avon Tai Winds Spray Talc, 2/29/72; Analyst Worksheet, 2/18/72; AV_STD_006790-6795.
1635. McCrone Project No MA-2988, Analysis of 16 Talc Samples for Avon, 11/14/72; AVON-MA2988-0001-38; Affidavit.
1636. Avon Memo to J.B. Ward, from J.J. Travers; Re: Talc Analysis - 0765, 1/3/72; Memo to S.N. Zia and L.B. Copeland, from H.Y. Saad; Re: WS Talc 0765 Replacement, 2/18/72; AV_PIPES_0008149-8156.
1637. Avon Teletype to W.H. Adam, et al, from S.N. Zia; Re: Talcs, RI Codes 0761, 0777, 0810, 1/11/72; AV_STD_004775.
1638. Avon Memo to J. Heinlein, from E.G. Shay; Re: United Sierra Talc - Code 0777, 1/26/72; AV_STD_005112.
1639. Avon Memo to R.S. Wilsher, from A. Leardi; Re: Monthly Activities Report - January 1972, 2/1/72; AV_STD_025402-25404.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1640. Avon Memo to S.N. Zia and L.B. Copeland, from H.Y. Saad; Re: WS Talc 0765 Replacement, 2/18/72; AV_STD_004852-4853.
1641. Avon Memo to C.P. Randa, et al., from S.N. Zia; Re: Talcs, 2/25/72; AV_STD_023706-23707.
1642. Avon Memo to L.B. Copeland, from H. Dolan; Re: WS Talc, 2/25/72; AV_STD_004860.
1643. Avon Memo to C.S. Rowland, from Y. Gressel; Re: Review of Potential Hazards of Aerosol Talcs, 3/23/72; AV_STD_003063-3067.
1644. United Sierra Laboratory Report 3790-16, Grantham Crude, Samples R-1764 A-F, 3/27/72; AV_STD_006303.
1645. Statement of Corporate Responsibility, Avon Products, Inc, 5/1/72.
1646. Avon Memo to G.A. Sprott, from J.J. Travers; Re: Talc - Colorado School of Mines Research Institute Visit, 6/5/72; AV_STD_004634-4635.
1647. Avon Teletype to L.J. Richards, from S.N. Zia; Re: Pasadena Carload Receipt of Talc Designated as Montana, Code 0815, from American Talc with WC&D Labels, 7/17/72; AV_STD_005401.
1648. CTFA/FDA Meeting; Re: Asbestos Forms in Talc, 8/14/72; AV_STD_027353-27355.
1649. Walk-Through Survey of Avon Products, Inc, Springdale, Ohio, JM Dement, et al, NIOSH, 10/19/72; AV_STD_019853-19863.
1650. CPC- Avon Products, 1886… Bath Product Introductions, Avon Archives, 10/24/72.
1651. CPC- Avon Products, 1886… Men's and Boy's Product Introductions, Avon Archives, 10/24/72.
1652. Avon Memo to C.S. Rowland, from E.G. Shay and J.J. Travers; Re: Talc Status Report, 12/19/72; AV_STD_025210-25213.
1653. McCrone Project MA-3143, Avon- Talc Analysis, 2/16/73; AV_STD_028886.
1654. Avon Memo to J. Travers, from R.W. Holmes; Re: Talc/Asbestos Situation in the UK, 3/22/73; Talc Project Report, J.B. Rushton, March 1973; AV_JENKINS_S-0006038; AV_JENKINS_S-0006242-6250.
1655. Avon Laboratory Notebook No 2447, Proj No 50003, 4 Samples of Talc, 3/26/73; AV_STD_018897.
1656. Analytical Research Laboratory Requisition & Report No 13822 for 2 Avon Coded Talcs and J&J Baby Powder Talcs and Mennen Bath Talc, 4/6/73; AV_JENKINS_S-0002464-2465; AV_LEBRECHT-0010391-92.
1657. McCrone MA-3143 Report on Sample #224, Avon, 4/19/73; AVON-MA03143-0674; Affidavit.
1658. Avon Memo to J.J. Travers, from Y. Gressel; Re: Talc Safety Study Proposed by Boots Pure Drug Co, 6/7/73; AV_STD_027232-27233.
1659. CTFA Report on Asbestos and Talc Meeting, 8/3/73; AV_STD_027341-27351.
1660. McCrone Project 3143, Analysis of Chinese Talc, Haichen #1, 325, 8/3/73; AVON-MA03143-0515; Affidavit.
1661. McCrone Project 3143, Analysis of Chinese Talc, Haichen #1, 325, 8/3/73; AV_STD_028749.
1662. Avon Memo to R.A. Arzapalo, from W. Luckewicz; Re: Asbestos (Tremolite) in Talcs by IR - Status Report, 8/8/73; AV_STD_000336-338.
1663. Avon Memo to C.S. Rowland, from Y. Gressel; Re: Asbestos in Talc, 9/11/73; AV_STD_027237-27238.
1664. Avon Analytical Research Laboratory Requisition & Report for Job 17137, Talcs Approved for Avon Use, 1/16/74; AV_PIPES-0085282, 85301, 85312.
1665. McCrone MA-3143, NB#0305, Avon Talc, 12/7/73; AVON-MA3143-0801; Affidavit.
1666. McCrone MA-3143, NB#0305, Avon Talc, 12/7/73; AV_STD_028893.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1667. "Testing for Inhalation Toxicity," WR Troy, J Soc Cosmet Chem, May 1974; AV_LEBRECHT-0028025-28038.
1668. "Testing for Inhalation Toxicity," WR Troy, J Soc Cosmet Chem, May 1974.
1669. Johnson & Johnson Memo to A.J. Goudie, from J.P. Schelz; Re: CTFA Subcommittee Task Force on Asbestos in Talc - Project No 0503.00, 1/10/74; JNJ000236153.
1670. Avon Excerpt of Lab Notebook No. 2819, W. Luckewicz, 11/14/73; Project No. 50007, 1/11/74; AV_STD_000001-5 & 14.
1671. Handwritten Notes on Avon #3143, Talc 354 and Talc 359, RJ Hinch, McCrone, 3/14/74; AVON-MA03143-0766; Affidavit.
1672. Avon Analytical Laboratory Requisition & Report 17823, Project No. 47015, Talc Samples - Pasadena - Kemper Insurance, 4/24/74; AV_STD_005403.
1673. Avon Memo to J.C. Anderson, from W. Luckewicz; Re: Meeting of the CTFA Task Force on Methodology for the Detection of Asbestos in Talc, 7/12/74; Minutes of the CTFA Task Force on Methodology, 6/27/74; AV_STD_021093-21094 & 1872-1873.
1674. Letter to F.R. Rolle, Johnson & Johnson, from W. Luckewicz, Avon; Re: Results of Eleven Round Robin talc samples given to members on June 21, 1974, 8/5/74; AV_STD_025330.
1675. Avon Memo to R.M. Casciano, from C.G. Christie; Re: CTFA Talc Subcommittee Meeting, 9/17/74; AV_STD_001867-1868.
1676. "Differential Thermal Analysis of Chrysotile Asbestos in Pure Talc and Talc Containing Other Minerals," W. Luckewicz, 10/14/74; AV_STD_001898-1918.
1677. Avon Memo to C.S. Rowland, from J.J. Travers; Re: J&J Study re talc dusting on babies, 10/11/74; AV_JENKINS_S-0001364-1371; AV_LEBRECHT-0007798-7802.
1678. WCD Sales to Avon, 1975-1982; AV_STD_006084-6292.
1679. Avon Memo to C.S. Rowland, from J.J. Travers; Re: CTFA Talc Subcommittee Meeting Notes, 1/7/75; AV_LEBRECHT-0012278-12283.
1680. Avon Technical Services R&D Control Laboratory Raw Materials Analytical Report, Talc - Italian, Tecnia Mineral, SA, Code 0747/0755, 5/14/75; AV_STD_002731.
1681. Avon Memo to C.S. Rowland, et al, from R.C. Reardon; Re: More on the Talc Controversy, 8/22/75; AV_STD_027251.
1682. Avon Analytical Laboratory Requisition & Report, AJN No. 21552, FDA Compliance - asbestos content, Chrysotile content DTA and Tremolite by Infrared, 5/19/76; AV_STD_002232.
1683. Memorandum of Telephone Conversation Between JD Klein, Channel 7 News, and HJ Eiermann, FDA; Re: Asbestos in Talc, 3/8/76.
1684. Avon Memo to W.R. Chaney, et al, from R.C. Reardon; Re: Avon Screening of Talc, 3/9/76; AV_STD_002227-2228.
1685. Talc Tests Wanting, FDA Experts Admit, J. Walcott, The Record, 3/11/76; AV_STD_002917-2919.
1686. Letter to N. Estrin, CTFA, from J.J. Travers; Re: Analyses of all lots tested over last three years, 3/12/76; AV_STD_006774.
1687. Letter to J.P. Schelz, Johnson & Johnson, from W. Luckewicz, Avon; Re: Sample of talc, 3/18/76; AV_STD_003759.
1688. Letter to W. Luckewicz, Avon, from J.P. Schelz, Johnson & Johnson; Re: Examination of Brazilian talc sample, 4/6/76; AV_STD_000677.
1689. Avon Analytical Laboratory Requisition & Report for Code 0756-E Talc, AJN No. 22133, 12/6/76; AV_LEBRECHT-0012018.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1690. Avon Safety Evaluation Clearance, Code 0765, Sierra Talc De Mexico, 9/26/76; AV_STD_027155-27157.
1691. Letter to W. Luckewicz, Avon, from L.B. McCrone, McCrone & Associates; Re: Analysis of 6 Talc Samples coded A Through F, 9/3/76; AV_STD_000669-675.
1692. Avon Products Analytical Methods, Detection of Tremolite (Amphibole) in Talc, 10/12/76; AV_STD_005412-5414.
1693. Avon Memo to W. Paris, from F.A. Lehmann; Re: Substitute Talc for Code 0755, 11/19/76; AV_STD_004644.
1694. Avon Memo to E.F. Milardo, et al, from R.W. Cassaday; Re: Procedure Bulletin - Product Research & Development Control of Talc for Detectable Fibrous Amphiboles, 2/2/77; AV_STD_000375-380.
1695. McCrone Project 3143, Analysis of Talc AJN-22948, 6/1/77; AVON-MA03143-0332; AV_LEBRECHT-0010131; Affidavit.
1696. McCrone Project 3143, Analysis of Avon Talc AJN-22948, 6/1/77; AV_STD_000642.
1697. McCrone Project 3143, Analysis of Avon Talc PQ-17, 11/7/77; AVON-MA03143-0256; Affidavit.
1698. McCrone Project 3143, Analysis of Talc PQ-17, 11/7/77; AV_STD_000575.
1699. Letter to W. Luckewicz, Avon, from R.J. Hinch, McCrone; Re: Analysis of Talc Samples AJN22435, 22877, 22926, 24786, 25445 and 26250, 12/16/77; AV_STD_020174-20176.
1700. Avon Memo to C. Hahn, from W. Luckewicz; Re: Talc AJN 22877 - Code 0747 - Japan Naigai TS-154, 8-5-76, 12/29/77; AV_STD_005221.
1701. Excerpts from Avon Catalogs, 1978; AV_GARCIA- various bates.
1702. Avon Memo to G.H. Foster, England, from R.W. Cassaday; Re: Talc Receipts, 4/10/78; AV_STD-001062.
1703. Talc 35S Brazilian, Code 0750; Avon Raw Material Analytical Report for Brazilian Talc, Bemil S.A., 12/11/78 to 9/21/79; Memo to A.G. Rich, from L. Banevicius; Re: Operation Independence, 5/14/80; AV_PIPES-0085187 and various bates.
1704. Letter to G.H. Roster, Avon Overseas, from G. Nichols, MRA, McCrone; Re: ME-662, Analysis of Talc for Asbestos, 1/8/79; AV_STD_000576-579.
1705. Letter to I. Stewart, McCrone, from W. Luckewicz, Avon; Re: Two samples of talc designated as AJN 32971 and 32972, 5/13/80; AV_STD_004441-4442.
1706. Map of Branch Service Areas, Avon Products, 1981.
1707. Avon Memo to Y. Gressel, from W.R. Troy; Re: Review of "Ovarian Cancer and Talc" Publication, 8/13/82; AV_STD_002308-2310.
1708. Avon Analytical Laboratory Work Request, AJN No. 39379, Italian Talc - Argentina, 9/10/82; AV_LEBRECHT-0014257.
1709. Avon Analytical Laboratory Work Request AJN No. 39347, Sample RI 0747 Italian Talc - Argentina, 9/9/82; AV_STD_002778.
1710. Avon Analytical Laboratory Work Request, AJN No. 39379, Italian Talc - Argentina, 10/11/82; AV_STD_002779.
1711. "Assessment of the Risk of Exposure of Manufacturing Employee To Talc Containing Fibrous Tremolite," W.R. Troy, Avon, 9/17/82; AV_JENKINS_S-0004771-4772.
1712. Avon Memo to Y. Gressel, from J.J. Travers; Re: Tremolite Literature Search 1975-1982, 9/27/82; AV_STD_000726.
1713. The Greatest Beauty Story Ever Told, Avon, 1886-1986.

1714. Avon Memo to J. Teal, from J. Rushton; Re: Carcinogenic Effect of Tremolite, 10/10/86; AV_STD_021132.
1715. Letter to J. Teale, Avon: Suffern, from J.B. Rushton; Re: Tremolite Toxicity, 10/21/86; Avon Memo to Dr. A.B. Wells, from I.M. Phillipson; Re: Visit on 8-10-86 with CTPA Talc Subcommittee, 10/10/86; AV_STD_021435-21439.
1716. Letter to W. Luckewicz, Avon, from L.B. McCrone; Re: Analysis of Talc Sample AJN 50301, 7/29/87; AV_LEBRECHT-0002378-2380.
1717. Letter to W. Luckewicz, Avon, from R.J. Hinch, McCrone; Re: Analysis of Talc Samples 13A and 13B, 12/18/87; AV_STD_004053-4055.
1718. Avon Memo to Janice, from S. Pennisi; Re: Excess Lung Cancer/ Non-Fibrous Talc and Ceramic Plumbing Fixture: An Update, 12/21/87; AV_STD_002991-2993.
1719. Avon Memo to V. Reardon and T. Gill, from J. Teal; Re: Revision of Fibrous Amphibole Testing, 10/5/89; AV_STD_000384.
1720. Cosmetic Talc: A CTPA Guide, 1990; AV_STD_025989-26038.
1721. Avon Telex to I. Wankmueller, from A. Moss; Re: Asbestos in Talc, 1/14/91; AV_LEBRECHT-0003612.
1722. Avon Fax to S. Pennisi, from K. Sprague; Re: Analysis of 5500 Fibers/mg Talc: German v. McCrone, 1/15/92; AV_LEBRECHT-0003620.
1723. Asbestos in Cosmetic Talc, S.C. Pennisi, Avon, April 1992; AV_STD_000960.
1724. Avon Memo to D. Artale, et al, from K. Renskers; Re: Cosmetic-Grade Talc, 7/20/92; AV_STD_000390.
1725. Avon Memo to N. Scancarella, from K. Renskers; Re: Cosmetic Grade Talc - Issues, Assessment and Action Plan, 7/23/92; AV_STD_025284-25289.
1726. Avon Memo to M. Dickens, from V. Reardon; Re: Testing of Talcs, 2/23/94; AV_STD_000115-116.
1727. Avon Fax to S.D. Gettings, FDA, from L. McEachern; Re: Request for Information by FDA, 6/13/94; AV_STD_002098.
1728. Email to K. Walas, Avon, from I. Malbin, CTFA; Re: Key findings of CTFA talc consumer focus groups, 12/6/00; AV_STD_000199-248.
1729. Talc, 12/14/00; Talc in Avon Products, 12/20/00; AV_PIPES_0000330-331; 252-255.
1730. Avon Memo to OBU Leaders, from S. Kropf; Re: Corporate Position Body Talcs, 3/26/01; AV_STD_000170-172.
1731. Email Correspondence Between Avon and Cosmetic Specialties; Re: Talc Codes, 4/6/09 to 6/1/09; AV_PIPES_0086355-86358.
1732. Notes - Avon's Screening, Testing & Quality Assurance Program, L. Gallo, Avon, 1995-2002.
1733. Avon Products and Talc Sources, 1933-1989.
1734. Avon Talc Codes and Sources, 1965-2009.
1735. Stipulation, Pipes v Johnson & Johnson, et al, December 2018.
1736. Defendant Avon Products, Inc.'s Objections and Responses to Plaintiffs' Standard Interrogatories Propounded to Avon Products Inc., Lebrecht v. Avon Products, Inc, et al., Los Angeles, CA, 2/1/19; Verified.
1737. Chart - Talc Suppliers for Avon Cotillion Powder, 1961-1969.
1738. Declaration of Custodian of Records for Cyprus Amax Minerals Company, Lebrecht vs. American International Industries, et al, Los Angeles, California, 1/17/20.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

1739. Employees/ Agents Involved in Testing and Screening Talc; Avon Employee Involvement with CTFA/FDA; Trade and Cosmetic Organizations Avon Belonged To.
1740. Chart – Avon Formulas with 0755 as Alternate Source, 10/1/70 to 6/28/71.
1741. Chart – Avon Formulas with 0755 as Primary Source, 6/18/63 to 4/25/66.
1742. Chart – Avon Formulas with 0810 as Primary Source, 10/1/70 to 11/3/71.
1743. Chart – Avon Honeysuckle Formulas, 4/25/66 to 7/28/81.
1744. Chart - Pre-1967 Avon Formulas, 9/1/50 to 4/25/66.
1745. Chart – Avon Skin-So-Soft Formulas, 3/13/69 to 5/31/94.
1746. Chart – Avon Wild Country Formulas, 3/13/69 to 9/30/99.
1747. Chart – Avon Formulas with 0777 as Alternate Source, 10/20/71.
1748. Defendant Avon Products, Inc's Stipulation of Authentic Business Records, Bryant v. Johnson & Johnson, et al, 3/2/22.
1749. Avon Employee List.
1750. Handwritten List of Test Results for Avon, April 18th, Undated; AVON-MA03143-0615; Affidavit.
1751. Chart - Skin So Soft Formulas, Bryant v Avon Products.
1752. McCrone Project 3143, Analysis of Talc 200, Avon, Undated; AVON-MA03143-0717; Affidavit.
1753. Avon Talcs, Codes, Names & Suppliers; AV_PIPES-0086378-86379.
1754. Johnson & Johnson Email to L. Telofski, from D. Moret; Re: Talc, 10/11/00; JNJ 000563634.
1755. Johnson & Johnson Email to L. Telofski, from M. Chudkowski; Re: Talc, 10/18/00; JNJ 000563632-563633.
1756. Johnson & Johnson Email to S. Mann, from K. Wille; Re: Talc Article, 10/21/02; "Cosmetic Talc Should Not Be Listed as a Carcinogen: Comments on NTP's Deliberations to List Talc as a Carcinogen," A. Wehner, Regulatory Toxicology and Pharmacology, 2001; JNJ 000368941; JNJ 000002203-2213.
1757. Johnson & Johnson Memo to FDA Call File, from R.G. Kohler; Re: Talc 1/4/84; J&J Memo to R.G. Kohler, from W.H. Ashton; Re: Talc/ Asbestos Article, Snider et al, January 1972, 1/10/84; JNJNL61_000009385; 13363.
1758. Johnson & Johnson Memo to File, from W.H. Ashton; Re: Eastern Magnesia Talc Company, 1/24/61; JNJTALC000084536-84537.
1759. Johnson & Johnson Memo; Re: The Mt. Sinai Samples are OLD, 3/18/76; JNJ000330039-330040.
1760. Handwritten Report titled Transmission Electron Microscope, T. Hutchinson, Minnesota Space Science Center, 1972; JOJO-MA2546-0144-148.
1761. Letter to T. Hutchinson, University of Minnesota Space Science Center, from I.M. Stewart, McCrone; Re: Micrographs, 10/11/73; JOJO-MA2546-00158-162.
1762. Avon Formulas That Specify Code 0755 Talc as Primary Source and 0747 Talc as Alternate Source, 6/18/63 to 12/1/70; AV_Graham_000020 and various bates.
1763. Avon Formulas That Specify Code 0747 or 0768 Plus 0815 or 0810, 1970-1971; AV_Moore_011163 and various bates.
1764. Avon Formulas That Specify Code 0747 or 0768 Plus 0815 or 0810 as Primary Source and 0755 as an Alternate Source in Pasadena, 1970-1971; AV_Moore_011247 and various bates.
1765. Avon Formulas That Specify Code 0747 or 0768 Plus 0815 or 0810 as Primary Source and 0777 as an Alternate Source in Pasadena, 1971; AV_Moore_011174 and various bates.

1766. Defendants Johnson & Johnson and LTL Management LLC's Responses to Plaintiff's Amended Interrogatories and Requests for Production, McBrayer v. Acme Markets, Inc., et al, In the Court of Common Pleas for the Ninth Judicial Circuit, State of South Carolina, County of Charleston, 2/16/24.

1767. Exhibit A to Defendants Johnson & Johnson and LTL Management LLC's Responses to Plaintiff's Amended Interrogatories and Requests for Production, McBrayer v. Acme Markets, Inc., et al, In the Court of Common Pleas for the Ninth Judicial Circuit, State of South Carolina, County of Charleston, 2/16/24.

1768. Plaintiff's Amended Interrogatories and Requests for Production to Johnson & Johnson and LTL Management LLC, McBrayer v. Acme Markets, Inc., et al, In the Court of Common Pleas for the Ninth Judicial Circuit, State of South Carolina, County of Charleston, 1/23/24.

1769. The Asbestiform and Prismatic Mineral Growth Habit and Their Relationship to Cancer Studies: A Pictorial Presentation, J.W. Kelse, March 2004.

1770. Letter to Mr. K. Bailey, Vulcan Materials, from Ann G. Wylie; Re: Examination of samples reported by Merle Stanton, 10/8/90.

1771. Memo to S Pennisi, from T Eagle; Re: Steatite and cosmetic talc, 12/16/87; AV_STD_002885-2916.

1772. Idelle Labs Material Safety Data Sheet (MSDS) for Ammens Body Powder, 10/15/01; Idelle-Ammens_000001093-1095.

1773. Clairol Material Safety Data Sheet (MSDS) for Ammens Powder Original Scent, 10/15/01; Idelle-Ammens_000001086-1088.

1774. Deposition of Michael G. Brasher, Perry and Long v. American International Industries, et al., 6/6/24.

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit D

J&J's Internal Documentation 1957-1967

Date	Organization	Ore/Product	Type
10/15/57	Battelle Memorial	Italian Source Talc	Amphibole
5/23/58	Battelle Memorial	Italian Source Talc	Tremolite x 30
7/18/58	Battelle Memorial	Italian Source Talc	Fibrous Amphibole and Tremolite
7/31/59	Battelle Memorial	Italian Source Talc	Tremolite x 63
8/31/59	Battelle Memorial	Italian Source Talc	Tremolite
9/15/59	Battelle Memorial	Italian Source Talc	Tremolite
12/31/59	Battelle Memorial	Italian Source Talc	Tremolite x 25
3/8/60	Battelle Memorial	Italian Source Talc	Tremolite x 7
3/8/60	Battelle Memorial	Off Shelf J&J Baby Powder	Tremolite
4/12/60	Battelle Memorial	Italian Source Talc	Tremolite x 20
6/6/61	Battelle Memorial	Hammondsville, VT Talc	Altered Amphibole
10/13/61	Battelle Memorial	J&J Baby Powder Specification	Trace tremolite & amphiboles "usual contaminants"
5/27/63	Battelle Memorial	Vermont Talc	Amphibole
4/7/66	Battelle Memorial	Hammondsville, VT Talc	Serpentine, Altered amphibole
7/13/66	JJ Memorandum	1910-1920 Era Baby Powder	Tremolite
7/13/66	JJ Memorandum	1920-1930 Era Baby Powder	Tremolite
1/30/67	JJ Memorandum	Competitor Product with Italian Talc	Fibrous tremolite

PLAINTIFF'S TRIAL EXHIBIT 3695-82

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

J&J's Internal Documentation 1968-1972

Date	Organization	Ore/Product	Type
1/24/68	Battelle Memorial	Italian Source Talc	Tremolite
5/10/71	Colorado School of Mines	Johnson's Baby Powder	Tremolite needles
7/7/71	Colorado School of Mines	Vermont Production Samples	Tremolite/Actinolite x 6
7/9/71	Dr. Langer-Mt. Sinai	Johnson's Baby Powder	Chrysotile
7/23/71	Colorado School of Mines	Vermont Talc	Amphiboles
8/6/71	Johnson & Johnson	Italian Talc	Tremolite, Actinolite & Chrysotile
8/9/71	Johnson & Johnson	Johnson's Baby Powder	fines implicated in asbestos toxicology
9/3/71	McCrone	Johnson's Medicated Powder	Chrysotile
11/10/71	Dr. Langer-Mt. Sinai	Johnson's Baby Powder	Chrysotile
2/72	Turin Polytechnic	Italian Source Talc	Tremolite
9/8/72	Prof. Pooley-Cardiff	Italian Source Talc	Tremolite
10/27/72	McCrone	Johnson's Baby Powder "108T"	Tremolite
10/27/72	McCrone	Johnson's Baby Powder "108T"	Tremolite
1972	Johnson & Johnson	Johnson's Baby Powder	Tremolite
1972	Minnesota Space Center	Shower to Shower/ Lewin Shower/Shower	Chrysotile x 2

PLAINTIFF'S TRIAL EXHIBIT 3695-83

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

J&J's Internal Documentation 1973-1974

Date	Organization	Ore/Product	Type
4/19/73	Johnson & Johnson	Johnson's Baby Powder	Tremolite Fibers x 4
4/27/73	Johnson & Johnson	Johnson's Baby Powder (further analysis	Actinolite Rods
5/16/73	Prof. Pooley - Cardiff	Vermont Source Talc	Tremolite type asbestos
6/4/73	Prof. Pooley-Cardiff	Vermont Talc	Tremolite
10/29/73	Johns Manville	Italian Source Talc	Tremolite
10/29/73	Johns Manville	Johnson's Baby Powder	Chrysotile
9/13/73	Prof. Pooley-Cardiff	Vermont Talc	Actinolite
9/13/73	Prof. Pooley-Cardiff	Italian Talc	Tremolite
12/13/73	Dutch Consumer Organization	Johnson's Baby Powder	Asbestos
1974	Pooley/Langer	Italian Source Talc	Tremolite & Possible Anthophyllite
3/1974	Dartmouth-Professor Reynolds	Vermont Source Talc	Fiberform actinolite and anthophyllite
5/14/74	Windsor Minerals/JJ	Vermont Source Talc	Chrysotile x 4
5/14/74	Windsor Minerals/JJ	Vermont Source Talc	Fibrous Anthophyllite

PLAINTIFF'S TRIAL EXHIBIT 3695-84

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

J&J's Internal Documentation 1974-1975

Date	Organization	Ore/Product	Type
4/4/74	Johnson & Johnson	Vermont Source Talc	Fibrous Tremolite
4/4/74	Johnson & Johnson	Vermont Source Talc	Fibrous Chrysotile
4/24/74	McCrone	Vermont-Argonaut	Chrysotile x 15
4/24/74	McCrone	Vermont-Argonaut	Asbestiform Amphibole x 15
5/9/74	McCrone	Vermont-Argonaut Ore	Chrysotile asbestos contamination
5/9/74	McCrone	Vermont-Argonaut Product	Chrysotile asbestos contamination
7/8/74	McCrone	Vermont-Weekly Samples	Chrysotile x 5
7/8/74	McCrone	Vermont-Weekly Samples	Tremolite fiber
1974	Societá Talco e Grafite Val Chisone	Italian Source Talc	Chrysotile
7/1/75	McCrone	Vermont Source Talc	Asbestos x 9
11/5/75	McCrone	Vermont Source Talc	Asbestos x 13

PLAINTIFF'S TRIAL EXHIBIT **3695-85**

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

J&J's Internal Documentation 1975-2004

Date	Organization	Ore/Product	Type
11/19/75	McCrone	Vermont Source Talc	Asbestiform Amphiboles x 2
3/1976	Rubino, et al.	Italian Source Talc	Fibers of Tremolite
9/26/84	Paoletti, et al.	Italian Talc	Tremolite Asbestos x 7
9/26/84	Paoletti, et al.	Italian Talc	Chrysotile Asbestos x 1
1/30/87	Johnson & Johnson	Vermont Floated Talc	Amphiboles
1/30/87	Johnson & Johnson	Johnson's Baby Powder	Amphiboles
3/30/87	Johnson & Johnson	Vermont Floated Talc	Amphiboles
1990	McCrone	Vermont Talc	Anthophyllite Asbestos
1991	Alice Blount, Rutgers	Johnson's Baby Powder & Vermont Talc	Tremolite Asbestos
2/10/92	Alice Blount, Rutgers	Johnson's Baby Powder & Vermont Talc	Blount reiterates Asbestos findings
10/13/95	RJ Lee Group	Johnson's Baby Powder	Tremolite
4/23/98	Alice Blount, Rutgers	Johnson's Baby Powder & Vermont Talc	Blount reiterates Asbestos findings
1/5/04	Forensic Analytical Services	Johnson's Baby Powder	Anthophyllite Asbestos

PLAINTIFF'S TRIAL EXHIBIT 3695-86

ELECTRONICALLY FILED - 2024 Jul 10 3:30 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	CIVIL ACTION NO. 2023-CP-40-04072
MICHAEL L. PERRY AND LONNIE L. LONG,	)	*In Re:* Asbestos Personal Injury Litigation Coordinated Docket
Plaintiffs,	)	**JOHNSON & JOHNSON DEFENDANTS' MOTION *IN LIMINE* NO. 8 TO EXCLUDE EVIDENCE AND ARGUMENT REGARDING CERTAIN ADVERTISING CAMPAIGNS THAT FOCUSED ON BABIES AND THE MOTHER-INFANT BOND**
vs.	)	
AMERICAN INTERNATIONAL INDUSTRIES, ET AL.,	)	
Defendants.	)	

Defendants Johnson & Johnson, Inc. ("J&J"); LLT Management, LLC ("LLT"); Johnson & Johnson Holdco (NA), Inc. ("Holdco"); and Kenvue, Inc. (collectively, "J&J Defendants") hereby move *in limine* for an order excluding any evidence or argument about advertising or marketing campaigns focused on babies or the mother-infant bond. Plaintiff Michael Perry claims he started using talcum powder in 1974 at the age of five. He does not allege exposure to talcum powder during diapering of a child. Evidence of marketing and advertising campaigns focused on babies or mothers should be excluded because they have no connection to this case and serve no purpose other than to inflame the emotions of the jurors and prejudice them against J&J Defendants.

MEMORANDUM OF POINTS AND AUTHORITIES

J&J Defendants expect that Plaintiffs will seek to introduce documents and testimony pertaining to advertisements, marketing materials and internal marketing campaigns focused on babies or the mother-infant bond.[1] Yet there is no contention in this case—by Plaintiffs or anyone else—that Mr. Perry was ever exposed to, or influenced by, this advertising or marketing.

[1] *See, e.g.*, **Ex. A**, Baby Camp PowerPoint.

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Moreover, Mr. Perry is male and not a parent, an irrelevant demographic for purposes of any mother-infant marketing campaigns. This alone renders such evidence patently irrelevant and inadmissible.

Relevance is a threshold requirement for the admission of evidence. For evidence to be relevant, it must have "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Rule 401, SCRE. Additionally, relevant evidence "may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." Rule 403, SCRE. Evidence pertaining to babies or the mother-infant bond simply is not of any consequence in answering the critical questions in this case: whether the talc products Mr. Perry allegedly used contained asbestos and whether such exposure caused or contributed to Mr. Perry's mesothelioma.

In short, no one will testify or present evidence that any talcum powder was used on Mr. Perry as an infant, let alone that any talcum powder was a product manufactured by J&J Defendants. Mr. Perry testified that he has no personal memory of his mother using talc products on him as child until he was five years old. *See* **Ex. B**, Vol. I, Michael L. Perry Dep., October 10, 2023, 35:19-22; 36:12-15. Mr. Perry cannot recall whether his parents used talc products on him before his personal memory, which began at five years old. *See* **Ex. C**, Vol. II, Michael L. Perry Dep., October 11, 2023, 306:6-12. At best, Mr. Perry only testified that "just like with me and many millions of children that have diaper rash, I'm sure I was treated with some type of powder to eradicate my diaper rash." *Id.* at 306:14-21. Mr. Perry does not personally know, nor was he told, what products were used on him to treat diaper rash as a baby. *Id.* at 306:22-25.

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

No one else at trial will be able to present that evidence. Mr. Perry has identified only two fact witnesses who will testify at trial: himself and his husband, Lonnie Long. *See* **Ex. D**, Supplemental Answers to Master Interrogatories, June 10, 2024, Pg. 2. Mr. Perry did not meet Mr. Long until the early 2000s, when Mr. Perry was in his 30s and living in Charleston. *See* **Ex. B** at 21:4-6. Thus, any evidence or argument about advertising or marketing campaigns targeted toward babies or the mother-infant bond would be both irrelevant and unfairly prejudicial.

Besides being unable to present any evidence that Johnson's Baby Powder was actually used on him as an infant, Mr. Perry has presented no evidence that he ever relied on any marketing or advertisements related to babies or the mother-infant bond in deciding to use Johnson's Baby Powder. Thus, any evidence or testimony about marketing campaigns that focused on babies or the mother-infant bond would simply have no connection at all to Mr. Perry. These factors alone require their exclusion.

That said, even if the documents had some marginal relevance, any probative value would be substantially outweighed by the danger of unfair prejudice. Rule 403, SCRE. Allowing documents into evidence that discuss targeting consumers based on babies, the mother-infant bond, or any other factor irrelevant to Mr. Perry would be unfairly prejudicial to J&J Defendants.

Plaintiffs have in the past and likely would continue to use documents directed to particular demographics to misleadingly suggest that J&J Defendants were improperly trying to sell cancer-causing products to mothers, even though marketing campaigns focused on particular groups of individuals reflect nothing improper. As one court explained:

> So companies do research to market to certain groups; for example, based upon age, based upon gender, right. So here it appears from an internal Johnson & Johnson document that they did market research and determined, on usage, right, which is certainly something that's entirely proper to do. You're marketing a product, so you want to see who's using what products, more preferences and all of that.

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Ex. E, Feb. 26, 2019 Trial Tr., *Rimondi, et al. v. BASF Catalysts LL, et al.*, Superior Court of New Jersey, Middlesex County, Law Division, Docket No. MID-2912-17AS, at 10:24-11:6. And although the documents at issue neither allege nor suggest any sexist intent, Plaintiffs would twist them to portray J&J Defendants as sexist companies (as they have in the past), which undoubtedly would provoke an unfairly prejudicial emotional response among the jurors. For these reasons, too, documents that discuss targeted advertising should be excluded from trial.

CONCLUSION

For these reasons, J&J Defendants respectfully requests that the Court exclude any evidence or argument about advertising and marketing campaigns by J&J Defendants that focused on babies or the mother-infant bond.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: */s/ Blake T. Williams*
C. Mitchell Brown
S.C. Bar 012872
mitch.brown@nelsonmullins.com
Blake T. Williams
S.C. Bar 100794
blake.williams@nelsonmullins.com
Yasmeen Ebbini
S.C. Bar 104681
yasmeen.ebbini@nelsonmullins.com
1320 Main Street, 17th Floor
Columbia, SC 29201
(803) 799-2000

Kimberly G. Bueno – *Pro Hac Vice*
kim.bueno@butlersnow.com
Christopher R. Cowan – *Pro Hac Vice*
chris.cowan@butlersnow.com
BUTLER SNOW LLP
1400 Lavaca Street, Suite 1000
Austin, TX 78701
(737) 802-1800

Amy M. Pepke – *Pro Hac Vice*

amy.pepke@butlersnow.com
BUTLER SNOW LLP
6075 Poplar Avenue, Suite 500
Memphis, TN 38119
(901) 680-7200

Attorneys for Defendants Johnson & Johnson, Inc.; LLT Management, LLC, formerly known as LTL Management, LLC; Kenvue, Inc.; and Johnson & Johnson Holdco (NA), Inc.

Columbia, South Carolina

July 10, 2024

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit A

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Copy to
Dan / Lisa
(By Noon)

- JOHNSON'S BABY POWDER -

8/5/92

Major Opportunities

1. Continue to fully leverage the diaper rash claim against JBP cornstarch.
   - Current household usage on Johnson's Baby Powder Pure Cornstarch has declined from 13% in 1989 to 8% in 1991. Continue to support diaper rash claim in order to rebuild product usage.

2. Investigate ethnic (African American, Hispanic) opportunities to grow the franchise.
   - Johnson's Baby Powder has a high usage rate among African Americans (52.0%) and among Hispanics (37.6%). Additionally usage indices are high for African American and Hispanic females for JBP talc (139 and 101 respectively). Hispanic females also have a high index (151) against JBP cornstarch. The brand can increase volume in 1993 by targeting these groups.
   The brand will institute an adult hispanic media program and potentially launch an adult Black print effort.

Major Obstacles

1. The franchise faces weakness on several key skus in factory sales and in consumption.

	YTD % +/- YAG	
	JBP	JBP/CS
9 OZ	-35.6%	-26.4%
14 OZ	-9.7%	+6.3%
24 OZ	-14.8%	-31.2%

   - JBP 4 OZ is down -6% in all outlets; Drug distribution down 5 points versus YAG.
   - JBP 9 OZ is down -13% due to Food and Drug outlets; Drug distribution down 3 points versus YAG.
   - JBP 14 OZ is down -11% due to declines in Food and Drug outlets.
   - JBP 24 OZ is up +1%; a -10% decline in Drug has been offset by a +9% gain in Mass; Drug distribution is down 7 points versus YAG.
   - JBPCS 9 OZ is down -8% due to declines in Food and Drug

- JBPCS 24 OZ is down -7% due to declines in Drug and Mass; Mass distribution is down 9 points.

- To correct this trend, renewed focus is needed on 9 oz and 24 oz sizes of the franchise. (Focus on building distribution in Drug and making these skus part of 1993 Ring Club.)

2. Negative publicity from the health community on talc (inhalation, dust, negative doctor endorsement, cancer linkage) continues.
   - Investigate the addition of an additive to reduce dust.
   - Encourage the reduction of dust in use by developing advertorial copy and media strategy to promote proper way to powder and diaper a baby.

3. Little differentiation on JBP talc and cornstarch versus private label.
   - Implement temporary price roll-backs on JBP and JBPCS (using BSP funds) to achieve merchandisable price points and attack private label in the absence of value added news ~~long term~~. (RD5, PD8)
   - Investigate JBP medicated line extension as news for second half 1993/1994.
   -Evaluate "time release" formula and /or oatmeal as second half 1993 news.

4. Mennen competitive coupon pressures strong YTD.
   - Participate in broad based infant coupon programs to combat pressure from Mennen (Period 2 FSI).

5. Talc is adult focussed business in baby focussed line.
   - Longer term, investigate moving brand to a different franchise.
   - short term, supplement infant plan with periodic adult promotional support
     - Period 5 "Adult" FSI

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit B

STATE OF SOUTH CAROLINA	:	IN THE COURT OF COMMON PLEAS
	:	
COUNTY OF RICHLAND	:	FOR THE FIFTH JUDICIAL CIRCUIT
MICHAEL L. PERRY and	:	
LONNIE L. LONG,	:	
Plaintiffs,	:	C/A No.
v.	:	2023-CP-40-04072
AMERICAN INTERNATIONAL	:	
INDUSTRIES, et al.,	:	
Defendants.	:	

Video-Recorded Deposition of

MICHAEL L. PERRY

VOLUME I

Hampton Inn by Hilton Charleston Historic District

345 Meeting Street, Charleston, South Carolina

and

Via Zoom Videoconferencing

Tuesday, October 10, 2023

10:06 a.m.

Reported by:

Adam D. Miller, Registered Professional Reporter

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

us to go to the school, graduate from high school. It was a big sense of accomplishment for my family.

Q Have you ever been married?

A I have. I met the love of my life, Lonnie Long, in the early 2000s.

Q We're going to talk more about Lonnie later. But just for right now, you said you met in the early 2000s?

A Yes.

Q Have you-all been together ever since?

A About 2003.

Q Have you-all been together ever since?

A We have.

Q Let's talk a little bit more about you growing up, when you were a kiddo; okay?

A Uh-huh.

Q Did your parents give you any siblings?

A I have a sister.

Q What's your sister's name?

A Michelle.

Q So we're going to attach probably my

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Q All right. Can you tell us the different ways that you remember using talc powder in your life?

A Different ways?

Q Yeah.

A I used talc on my body, my neck, my armpits, my torso, my genitalia, feet, and legs. So it was a full-body use of talc on my body.

Q Why did you use talcum powder in your armpits?

A I'm allergic to deodorant. So I, you know, being self-aware, would make sure that I always had that product to make sure that I was always fresh.

Q Some of those questions about your age and the years are going to be difficult, but let's try and get through them; okay?

A Uh-huh.

Q That being said, how old about were you when you have your first memory of using talc powder on yourself?

A Around five years old.

Q You were born in 1969, so that puts us in about '74?

A '74, uh-huh.

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

Q Were you ever around other family members when you were growing up that also used talc on their bodies?

A Absolutely.

Q Who?

A My mother and my father.

Q Would you ever be in physical close proximity to either your mother or your father growing up when they would apply talc powder to their body?

A Always with my mother, absolutely.

Q Were you also about five when you first remember being around your mom when she would apply talc powder?

A Absolutely.

Q When is the last time -- big-picture question. When is the last time in terms of a year you remember putting any kind of talc powder anywhere on your body?

A It would have been 2019.

Q Why do you remember it in 2019?

A 2019, Lonnie and I sold the farm, and we had our forever retirement home built. So our needing to go outside in the elements, take care of the horses, the cows, all that stuff was

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

C E R T I F I C A T I O N

I, ADAM D. MILLER, Registered Professional Reporter, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first sworn by me at the time, place and on the date herein before set forth.

I further certify that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

/s/ Adam D. Miller
Registered Professional Reporter
and Notary Public

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit C

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

STATE OF SOUTH CAROLINA	:	IN THE COURT OF COMMON PLEAS
	:	
COUNTY OF RICHLAND	:	FOR THE FIFTH JUDICIAL CIRCUIT
MICHAEL L. PERRY and	:	
LONNIE L. LONG,	:	
Plaintiffs,	:	C/A No.
v.	:	2023-CP-40-04072
AMERICAN INTERNATIONAL	:	
INDUSTRIES, et al.,	:	
Defendants.	:	

Video-Recorded Deposition of

MICHAEL L. PERRY

VOLUME II

Hampton Inn by Hilton Charleston Historic District

345 Meeting Street, Charleston, South Carolina

and

Via Zoom Videoconferencing

Wednesday, October 11, 2023

10:04 a.m.

Reported by:

Adam D. Miller, Registered Professional Reporter

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

guess; right?

Did those -- Johnson's products, did they have any sort of applicators or special packaging that you remember like that?

A I do not recall.

Q And you explained how your mother would use talc products on you. Do you know if your parents used any on you before you have a memory, your own personal memory?

A No, I --

ATTORNEY GROSS: Form.

THE WITNESS: -- I do not recall.

BY ATTORNEY WILLIAMS:

Q So you don't know if they ever used it, like changing diapers when you were little?

A I can testify to this, Mr. Williams, is I was a normal baby that had cloth diapers. So diaper rash was -- just like with me and many millions of children that have diaper rash, I'm sure I was treated with some type of powder to eradicate my diaper rash.

Q But you don't know personally any specifics of what products might have been used?

A It was certainly never a topic of our conversation, in hindsight, of what products I

C E R T I F I C A T I O N

I, ADAM D. MILLER, Registered Professional Reporter, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first sworn by me at the time, place and on the date herein before set forth.

I further certify that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

/s/ Adam D. Miller
Registered Professional Reporter
and Notary Public

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Exhibit D

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	FOR THE FIFTH JUDICIAL CIRCUIT
MICHAEL L. PERRY and **LONNIE L. LONG,**	)	**C/A NO. 2023-CP-40-04072**
Plaintiffs,	)	*In Re:* Asbestos Personal Injury Litigation Coordinated Docket
v.	)	
AMERICAN INTERNATIONAL INDUSTRIES, et al.	)	
Defendants.	)	

PLAINTIFFS' FIRST SUPPLEMENTAL RESPONSES TO DEFENDANTS' MASTER SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION (EX. 2)

TO: ALL DEFENDANTS, BY AND THROUGH THEIR COUNSEL OF RECORD

COMES NOW Plaintiffs, Michael L. Perry and Lonnie L. Long, by and through their counsel of record, serves their Supplemental Responses to Defendants' Master Set of Interrogatories and Requests for Production of Documents pursuant to the South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket.

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

SUPPLEMENTAL ANSWERS TO MASTER INTERROGATORIES

INTERROGATORY NO. 2:
Identify all persons which Plaintiff believes have knowledge of facts or opinions which relate to the allegations that Plaintiff is entitled to receive punitive or exemplary damages.

ANSWER:
Plaintiffs object that this request is overly broad and unduly burdensome. Subject thereto and without waiving these objections, Plaintiffs will provide counsel with witness lists containing the requested information pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Plaintiffs further reserve the right to supplement or amend their response to this interrogatory as discovery is ongoing.

Subject to and without waiving the foregoing objections, Plaintiffs state that the following witnesses may have knowledge of facts or opinions responsive to this interrogatory:

Michael L. Perry (Plaintiff)
c/o Rachel Gross
Dean Omar Branham Shirley, LLP

Lonnie L. Long (Plaintiff)
c/o Rachel Gross
Dean Omar Branham Shirley, LLP

EXPERT WITNESSES

Dr. Steven Haber
Respiratory Medicine Consultants
9337B Katy Freeway, Suite 267
Houston, Texas 77024

Dr. Haber is a physician licensed to practice in Texas, Arkansas, New Mexico, Mississippi and Oklahoma. He is Board Certified in Internal Medicine since 1989 and Board Certified in the subspecialty of Pulmonary Diseases since 1992. Dr. Haber is a Fellow of the American College of Chest Physicians. He is a member of the American College of Occupational and Environmental Medicine and the American Thoracic Society. He sees and treats patients with a variety of medical and pulmonary diseases. He has diagnosed and managed patients with a variety of occupational pulmonary diseases, including asbestos-related diseases. Dr. Haber has diagnosed and managed patients with malignant mesothelioma, including peritoneal mesothelioma. Dr. Haber has been a NIOSH-certified B-reader since 2003. He has published in peer-reviewed medical journals, including on malignant mesothelioma. He has been admitted and accepted as an expert in both State and Federal courts in internal medicine, pulmonary medicine and occupational lung disease.

Dr. Haber may testify that (a) asbestos is the major cause of malignant mesothelioma, (b) the carcinogenic risks apply to all fiber types, including talc containing asbestos, (c) talc containing asbestos fibers is carcinogenic to humans and can cause malignant mesothelioma, (d) there is

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

insufficient proof of the existence of "spontaneous" malignant mesothelioma in humans (in other words, unrelated to a mutagen) and, to the extent that such cases occur, they would be exceptionally rare, far below the "background" rate, (e) visible dust from asbestos-containing products contain large numbers of asbestos fibers that greatly exceed background ambient levels, (f) consumer talcum powder products are used in a manner that creates respirable dust in the user's breathing zone, (g) in general, infants, children and adolescents are at greater risk from the effects of carcinogens, such as asbestos, than are adults, (h) malignant mesothelioma causes significant symptomatology and (i) the overall survival of patients with malignant mesothelioma is dismal.

Dr. Haber may testify as to what is asbestos, including the different definitions for asbestos in different contexts like the commercial context, the mineralogical context and the health context. Dr. Haber opines that, to physicians like himself, asbestos means one of the asbestos minerals in the fiber form. Dr. Haber may testify as to the different diseases that asbestos can cause, including asbestos-related pleural plaques, asbestosis, lung cancer and mesothelioma. He may testify about the concepts of a dose-response relationship, latency and individual susceptibility. Dr. Haber may discuss how all asbestos fiber types are capable of inducing DNA damage. He may describe how asbestos fibers have been shown to induce oxidative stress, inflammatory response, genetic changes, epigenetic alterations and cellular toxicity and tissue injuries in target cells in vitro and tissues in vivo. Dr. Haber may testify as how malignant mesothelioma develops or the process of carcinogenesis, and why that process rarely, if ever, results in a spontaneous mesothelioma. Dr. Haber may discuss the BAP-1 tumor suppressor gene and its relationship to mesothelioma, including that mesothelioma is dependent upon asbestos exposure but an inherited mutation may create increased sensitivity to asbestos.

Dr. Haber may provide some testimony regarding the history of the development of medical and scientific knowledge regarding the health hazards of exposure to asbestos. He may describe how the first reports began appearing in the late 1800s and published papers on asbestosis and cancer began appearing in the 1920s to 1940s. He testify that, although cases of pleural tumors associated with asbestos exposure were described in the 1940s and 1950s, the relationship of mesothelioma and asbestos was firmly established by 1960 based on a case series of 33 patients.

To render his opinions in this case, Dr. Haber has reviewed the case-specific medical records and billing records, including information pertaining to her diagnosis, course of treatment, medical history, health prior to the development of mesothelioma and family history/health. Dr. Haber will review any radiology materials in the case. Dr. Haber may opine as to Mr. Perry's diagnosis of malignant mesothelioma, and had he not developed mesothelioma, whether the charges for medical care were reasonable and necessary and the reasonably anticipated medical charges in the future. Dr. Haber may testify that Mr. Perry's exposure to asbestos caused his mesothelioma and whether exposures from certain products and/or sources constituted a substantial contributing factor in the development of his mesothelioma.

Dr. Haber may testify that the relationship between asbestos and mesothelioma is so strong that some consider mesothelioma to be a signal or sentinel tumor. He may testify that the vast majority of mesotheliomas are caused by exposure to asbestos. Dr. Haber may offer the opinion that markers of asbestos exposure are not required to attribute asbestos as the cause of a mesothelioma. In fact, most cases of mesothelioma do not also have asbestosis and the majority

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

do not have radiographic evidence of pleural plaquing. Consistent with the Helsinki criteria and the mainstream scientific community, an exposure history showing a qualitatively significant exposure to asbestos is sufficient to attribute a mesothelioma to asbestos exposure.

Dr. Haber may testify that it is generally accepted and widely recognized in the scientific community that there is no evidence of a threshold dose below where there is no risk of mesothelioma. Mesothelioma has been repeatedly shown in the scientific literature to occur with brief and/or low-level asbestos exposure. Dr. Haber may testify that mesothelioma is a dose-responsive disease in that the greater one's cumulative exposure or dose of exposure to asbestos, the greater the risk for the development of mesothelioma. He may testify that mesothelioma can be caused by brief, low level and indirect exposures to asbestos, with case reports and case series being reported with as little as little as one day of exposure. Dr. Haber may discuss published epidemiological literature showing statistically-significant increased risk for the development of mesothelioma from cumulative doses of asbestos exposure from as little as 0.1 f/cc/yr or less.

Dr. Haber may testify about epidemiologic principles generally, including some limitations to the use of epidemiological methods when studying diseases like mesothelioma that are exceedingly rare and with a prolonged latency. Large numbers of individuals need to be followed for decades. Small sample sizes and/or insufficient follow-up leads to the under-ascertainment of the disease. Moreover, improper use of surrogates for exposure and limitations on obtaining accurate and complete exposure histories complicate the data. Further, prior to 1999, the International Classification of Diseases (ICD) did not have a code specific for malignant mesothelioma, resulting in significant under-ascertainment of mesothelioma cases. Dr. Haber may also testify about the challenges of identifying an "unexposed group" to an exposed group. He may describe how the "background" incidence of mesothelioma is around 1 or 2 per million per year and that "background level" does not mean that these are unrelated to mutagen exposure. Pathology studies have shown that mesothelioma prior to the industrial age was very rare or non-existent. Dr. Haber may testify as to the differences between the terms "idiopathic" and "spontaneous" mesotheliomas.

Dr. Haber may discuss recent case series published showing 33 and 75 cases of individuals who developed mesothelioma after exposure to cosmetic talc without any other identified or known asbestos exposure, many of which showed evidence of talc and/or non-commercial asbestos in their lung and lymph tissues. Dr. Haber may testify regarding the published literature, litigation reports and other data regarding the airborne concentration of asbestos resulting from the ordinary and expected use of cosmetic talc products, including Steffan 2020, Gordon 2014 and other testing from MAS and MVA. Dr. Haber may describe the volume or quantity of talc used per application of various talcum powder products. He may testify regarding re-entrainment and other industrial hygiene principles in general.

Dr. Haber relies on, and considers (and/or he has considered), various sources regarding (a) the source of talc in the specific products identified, when available, (b) the concentration of asbestos in the talc in the specific products identified, (c) the quantity of talc typically used during different applications of cosmetic talc products and (d) the airborne concentration of asbestos that has been shown to result from the ordinary application of cosmetic talc products as reported in the literature and other well conducted analyses (*e.g.*, Steffan 2020, Gordon 2014, MAS analyses,

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

MVA analyses). Just as he does (and the mainstream scientific community does) with any other asbestos-containing product, his methodology includes making the qualitative evaluation and comparison of such reported results to the exposure scenarios described, considering the described application process, the concentration of asbestos in the product and other factors. Along with such information, Dr. Haber evaluates the onset, duration, frequency, regularity, intensity, nature and proximity of exposures to each specific product, ultimately making a qualitative assessment of the exposure and dose relative to the peer-reviewed scientific literature, including epidemiologic literature, on the asbestos exposures shown to cause pleural and peritoneal mesothelioma. As showing in the scientific literature, the scientific community generally accepts that relatively low doses of asbestos exposure can and do cause pleural and peritoneal mesothelioma.

To render his opinions in this case, Dr. Haber has reviewed case-specific information such as (a) testimony in the case to date, including the deposition of Michael Perry (including not only the products that his mother and father used but other potential sources of asbestos exposure), (b) if and when information pertaining to the sources of talc in the various talc-containing products that Michael Perry used and was exposed to and, (c) if and when available, information pertaining to (for each talc source at issue in the case) testing and/or analyses of the composition and presence of asbestos of the talc ore, processed/milled talc, the finished products and other finished products containing talc products containing talc from the same sources. Dr. Haber can recount and describe the general nature of the exposure testimony. In this case, Dr. Haber can identify the talc sources for Johnson & Johnson, Cashmere Bouquet, Avon body powders, Chanel body powders, and, to some extent (at least as to some of the talc that was sold to or supplied to the entity), some of the other products at issue in the case (Estee Lauder, Old Spice body powder, Gold Bond body powder, etc.) during the relevant years. Based on his extensive review of the historical and contemporary internal documents, industry documents, scientific literature and analytical reports, Dr. Haber may testify about the asbestos content of the talc in Johnson's Baby Powder. He may testify that such talcs, both in the products and in the source mines, have been repeatedly found to contain asbestos including tremolite asbestos, actinolite asbestos, anthophyllite asbestos and chrysotile. He may testify about the ineffectiveness of selective mining and beneficiation and how asbestos from the source talc mines reach the finished product available for consumer use. Dr. Haber may testify about the historical and contemporary tests on the release of asbestos fibers from the use of asbestos-containing cosmetic talc, including that the use of such products such as Johnson's Baby Powder, Avon, etc. cause the release of asbestos at concentrations orders of magnitude greater than the background or ambient levels of asbestos exposure.

Dr. Haber reviewed hundreds of documents. He has reviewed numerous tests of Italian talc (Fontane mine), Vermont talc, western North Carolina talc, southwestern Montana talc (including Willow Creek, Beaverhead, Regal and Treasure mines), Death Valley talc, Madoc Ontario talc (the Henderson mine), Chinese talc, and Penhorwood talc, as well as reports from Dr. Compton, Dr. Longo, Dr. Webber and Mark Bailey on talc ore, processed talc and finished products containing talc from those sources. Dr. Haber reviewed and critically analyzed testing and analyses in the published scientific literature, regulatory bodies, talc industry, laboratories working at the behest of the talc industry, independent laboratories and experts involved in litigation. Based on his such review of the case specific materials (as well as the medical and scientific literature), Dr. Haber may opine as to what products, if any, that Mr. Perry used and/or was exposed to that constituted a substantial contributing factor in the development of his mesothelioma.

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

Dr. David Zhang, M.D., Ph.D., MPH, FCAP
Mount Sinai School of Medicine
One Gustave L. Levy Pl.
New York, NY 10029

Dr. David Zhang is a Professor of Pathology at the Mount Sinai School of Medicine. Dr. Zhang completed residency training programs in Anatomic Pathology/Clinical Pathology at Mount Sinai School of Medicine, New York and Occupational and Environmental Medicine at the I. J. Selikoff Center for Occupational and Environmental Medicine, Department of Preventive Medicine, Mount Sinai School of Medicine. Dr. Zhang also maintains a practice in treating patients with occupational- and environmental-related diseases and injuries. Dr. Zhang is a certified Pathologist and Occupational Medicine Physician.

Dr. Zhang may testify based upon his review of Michael Perry's pathology, medical records, x-rays and bills for medical services. He may testify with regard to Mr. Perry's diagnosis of mesothelioma. He may testify that Mr. Perry incurred medical expenses as a result of his mesothelioma. He may testify about Mr. Perry's medical treatment, medical monitoring and/or hospitalization as a result of mesothelioma (and the reasonable medical expenses that resulted therefrom).

Dr. Zhang may offer general testimony about what is asbestos, the asbestos fiber types, the effects of asbestos on the body and the diseases caused by asbestos. He may testify about general principles of occupational medicine. Dr. Zhang may testify, consistent with the general consensus in the scientific and medical community, that all types of asbestos fibers are carcinogenic, cause genetic damage to mesothelial tissue and are capable of causing mesothelioma, including malignant mesothelioma. Dr. Zhang may testify about what causes mesothelioma, the cumulative effect of asbestos exposures, that mesothelioma is a sentinel disease or signal tumor and that the vast majority of mesotheliomas are caused by exposure to asbestos. He may testify about epidemiological, medical and other scientific studies showing that relatively low levels of asbestos exposure can and does cause mesothelioma, including malignant pleural mesothelioma. He may testify about mesothelioma being a dose-responsive disease. Dr. Zhang may testify that there is no known safe level of exposure to asbestos or no known threshold below which there is no increased risk for the development of mesothelioma. He may testify as to the amount of asbestos exposure that it takes to cause cancer and other asbestos-related diseases. Dr. Zhang may testify regarding the toxicity of specific asbestos fiber types. Dr. Zhang may also testify regarding mutations of BAP1 tumor suppressor gene if applicable (and/or other alleged genetic predispositions) and its role, if any, in the causation of mesothelioma.

Dr. Zhang may testify that asbestos was known to cause various diseases, including cancer, by the 1920s and 1930s, respectively. He may testify as to his review of the literature and the opinions and conclusions contained in that literature regarding state-of-the-art issues and specifically regarding medical knowledge of asbestos-related effects and recommended protections to exposed workers. He may testify as to when it was known to defendants and/or the medical or scientific communities that end-users, household-exposed individuals and bystanders developed asbestos-related diseases, including resulting mortality. He may testify about when it was known and knowable that asbestos was a hazardous and dangerous substance, including from

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

relatively low levels of asbestos exposure and/or below threshold limit values. Dr. Zhang may testify regarding the history of the development of OSHA/NIOSH and the regulations regarding asbestos and asbestos exposure.

R. Mark Bailey, PG
Asbestos TEM Laboratories, Inc.,
600 Bancroft Way, Suite A,
Berkeley, CA 94710.

Geologist and Materials Scientist Mark Bailey, PG is the President of Asbestos TEM Laboratories, Inc., a company that specializes in the measurement, identification, quantification and analysis of substances including asbestos in talc and naturally occurring asbestos (NOA). Mr. Bailey is the Chair and Founding member of the IAEG Commission #39 on Naturally Occurring Asbestos. He is the Chair and Founding Member of the AEG NOA Technical Working Group. He is a member of the IMA Working Group on Asbestos Nomenclature and Definitions. His laboratory is accredited/certified by NIST/NVLAP, AIHA & CA DPH-ELAP. Mr. Bailey has expertise in the analysis of various substances, including asbestos and talc, through the use of various analytical methodologies and equipment including polarized light microscopy (PLM), phase contrast microscopy (PCM) and transmission electron microscopy (TEM) with selected area electron diffraction (SAED) and Energy Dispersive Spectroscopy (EDS). Mr. Bailey's laboratory has also conducted analysis followed heavy density liquid pre-concentration methods. He has been retained by government and/or regulatory bodies to provide expert geological and mineralogical opinions and/or testimony on issues pertaining to NOA, including by the U.S. EPA, California Air Resources Board and Pennsylvania Department of Environmental Protection. He has conducted analysis for asbestos (measurement, identification, quantification) in thousands of samples of various products and materials, including talc, and has trained other technicians to do so as well. Mr. Bailey has a Master's degree in geology from U.C. Berkeley and is a licensed Professional Geologist (PG) in the State of California.

Mr. Bailey may testify regarding the various definitions for asbestos used in different contexts now and historically. He may discuss the mineral types, morphologies, dimensions, properties and quantification of asbestos. Mr. Bailey may discuss the different analytical methods for the identification and quantification of asbestos and asbestos minerals generally, including the capabilities, advantages and limitations (including detection limits) of different analytical techniques such as x-ray diffraction (XRD), infrared spectroscopy (IR), phase-contrast microscopy (PCM), polarized light microscopy with dispersion staining (PLM-DS) and transmission electron microscopy (TEM) with energy-dispersive x-ray spectroscopy (EDX) and selected-area electron diffraction (SAED). Mr. Bailey may testify regarding preparation techniques such as heavy density liquid separation that may assist in identifying or detecting potential asbestos in cosmetic talc. He may discuss the methodology for preparation, sampling, identification and quantification of asbestos fibers in products tested historically, well as the conclusions reached based upon any analysis and how such conclusions affect his opinions.

Mr. Bailey may testify regarding the use of different techniques and/or strategies (now and historically) intended to minimize the inclusion of asbestos in talc products, including selective mining and various beneficiation techniques, and their ineffectiveness in preventing (or entirely

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

removing) asbestos and asbestos minerals from talc ore. Mr. Bailey may testify, among many other examples, of the experiments and testing of the Battelle Memorial Institute in the late 1950s on dozens of Italian cosmetic talc samples that virtually all still contained significant concentrations of tremolite after beneficiation techniques. He may testify about the quality control, testing programs and/or reporting protocols of some talc companies and/or defendants in this matter. Examples include, but are not limited to, the development and evolution of Pfizer's "calibration curve" for equating the number of asbestos fibers/structures to a weight-by-percentage, which allowed Pfizer to report "below detection" despite detecting or identifying up to 199 fibers per 100 fields of view up until the early 1980s. Other examples include Johnson & Johnson's reporting protocols requiring findings of less than five fibers of each asbestos mineral type to be reported as not quantifiable and/or not detected.

Mr. Bailey may testify regarding the geological and mineralogical conditions under which talc deposits form. He may discuss how talc formed by contact metamorphism, regional metamorphism or hydrothermal alteration may impact the amphibole asbestos content of the talc deposit. He may testify about the geological history, formation, composition and mineralogy of the talc deposits that may be at issue in this case: as non-exhaustive examples, Val Chisone, Italy, southern Vermont, western North Carolina, Willow Creek, Montana, upstate New York, Death Valley, California and Madoc, Ontario, Canada). In testifying about the formation of such deposits, Mr. Bailey may offer his opinion about whether each such deposit formed by contact metamorphism, regional metamorphism or hydrothermal alteration. He may testify regarding his opinion that Mr. Bailey may testify regarding the geological, mineralogical and other scientific literature regarding talc and/or products containing talc from the talc deposits at issue in this case. Mr. Bailey may discuss particular scientific literature contained in his reports and/or reliance materials regarding particular deposits, including the Val Chisone, Italy region (*e.g.*, Grill 1955, Peretti 1966, Paoletti 1984), western North Carolina (*e.g.*, Pratt 1900, Stuckey 1937, Van Horn 1948), Death Valley, California (*e.g.*, Wright 1968, USGS 2003-2004) and Gouverneur, New York (*e.g.*, Engel 1962). He may discuss his critical analysis of testing, analysis and/or reports on talc ore, processed/milled talc, finished products and finished products containing talc from the same sources as the products at issue in this case, as referenced in and/or contained in his reliance lists, charts and reports provided in connection with this case. Mr. Bailey may testify about his critical review of analyses and testing of government agencies, talc industry internal testing, laboratories testing at the behest of the talc industry, independent researchers and reports of testing used in litigation. He may also testify regarding the opinions or basis of opinions of other witnesses or experts testifying in the case, including critiques and/or criticisms of the same.

Based on his education, training and experience, as well as his critical review of the relevant scientific literature in geology, mineralogy and microscopy and analytical reports on finished products, other products containing talc from the same source, processed/milled talc and/or source talcs at issue, Mr. Bailey may testify about the asbestos content of talc in Johnson's Baby Powder, Cashmere Bouquet, Chanel, Avon, Gold Bond, etc. in the years that Mr. Perry both used and was exposed to the respective products. He may testify about the asbestos content of the source mines for the above-listed products, and any other talc products Mr. Perry was exposed to, including but not limited to the Fontaine mine in Italy, multiple mines in Vermont, the Murphy, North Carolina talc deposit and the Willow Creek, Montana mine.

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Arnold R. Brody, Ph.D.
Department of Molecular Biomedical Sciences
North Carolina State University
4700 Hillsborough Street
Raleigh, NC 27606
919-513-7662

Dr. Brody has a Bachelor of Science degree in Zoology from Colorado State University, a Master of Science degree in Functional Vertebrate Anatomy from the University of Illinois, and a Ph.D. in Cell Biology with a specialty in Ultrastructural Cytology from Colorado State University. From 1978 to 1993, he was the Head of the Pulmonary Pathology Group, Laboratory of Pulmonary Pathobiology, in the National Institute of Environmental Health Sciences, one of the National Institutes of Health. From 1993 to 2006, he was the Director of the Lung Biology Program within the Center for Bioenvironmental Research at Tulane University Medical Center. He practiced for decades in the field of biomedical sciences, focusing on the pathobiology of several lung diseases. As an experimental pathologist, he conducts experiments to try to understand, on a cell and genetic level, the disease process. Since the 1970s, he has concentrated his research on how asbestos causes lung disease. His research into how asbestos causes disease has been funded through competitive government grants by the National Institutes of Health for more than thirty years. He has published more than 150 articles in the peer-reviewed scientific literature dealing with lung cell biology, asbestos and lung disease, and have been a frequent invited speaker at medical and scientific conferences around the world on these issues. He is and has been on the editorial board of, and a peer-reviewer for, a number of well-regarded scientific journals.

Dr. Brody may testify as to the physiological design and function of the lungs, the effect of asbestos on the lungs and other parts of the body, and on the body's defense mechanisms. He may also testify about the irreversible effects of asbestos-related diseases and the prognosis for an asbestos-exposed individual. He may also testify concerning the scientific and medical literature on the biological and toxicological effects of asbestos written by him and others. He may testify regarding historical literature relating to asbestos related diseases, and when it was known and accepted in the medical and scientific community that asbestos could cause various diseases. He may also testify about the body's biologic responses to brief exposures to asbestos, the pathogenic effects produced by various asbestos fiber types, including chrysotile, tremolite and anthophyllite, and mechanisms of asbestos-induced diseases including fibrosis and carcinogenesis. He may further testify concerning asbestos deposition and migration in and through the lungs and body. He will discuss all types of cancer risks from asbestos exposure, including mesothelioma. Dr. Brody may further testify as to facts and circumstances regarding the nature of the injuries and damages that are the subject of this action. Dr. Brody may testify that the effects of exposure to asbestos at occupational levels are cumulative in nature. Occupational levels of asbestos exposure to asbestos are typically many times (tens to hundreds or a thousand-fold and greater) above background levels experienced by those with no exposure to asbestos at occupational levels. Dr. Brody may testify about what causes mesothelioma and that it is a signature tumor. Dr. Brody may also testify that individuals can be exposed to asbestos outside of the workplace or in a bystander fashion, but still experience exposure at levels one would expect to see occupationally or directly. These exposures contribute to the development of asbestos diseases and particularly mesothelioma. He may testify how asbestos exposure causes peritoneal mesothelioma, how and

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

why asbestos reaches such tissue and the ability of asbestos to cause genetic damage to the peritoneal tissue. Dr. Brody will testify that products which release asbestos fibers are unreasonably dangerous. Dr. Brody may testify from hypothetical sets of facts and may give opinions regarding whether certain types of exposures would have substantially contributed to cause asbestos related disease, including mesothelioma. Dr. Brody may discuss the dangers of low-level exposure to asbestos and may testify that there is no safe level of exposure to asbestos. He may also testify regarding "bystander" and "household exposures" to asbestos and that these types of exposures are known to contribute to cause mesothelioma and other asbestos related diseases. Dr. Brody may testify regarding the reliability and conclusions that can be drawn from animal studies using the talc that was supplied to Johnson & Johnson for use in Johnson's Baby Powder. Dr. Brody's testimony is based on his review and knowledge of medical and scientific literature, his education and work experience, his research, and the research of others.

William Longo, Ph.D.
Materials Analytical Services
3945 Lakefield Court
Suwanne, GA 30024
770-866-3200

Dr. Longo is the Chief Executive Officer of Materials Analytical Services, Inc. ("MAS"). He is a scientist specializing in the measurement and analysis of materials, determining the constituent ingredients in materials, and characterizing those materials and ingredients. Dr. Longo received a Doctor of Philosophy in Materials Science and Engineering from the University of Florida in 1983. Dr. Longo is presently and/or has been a member of many professional organizations in the fields of material science, microscopy and/or industrial hygiene, including (but not limited to) the American Industrial Hygiene Association since 1999, the American Society of Materials since 2009, American Society for the Testing of Materials since 1986 and the Electron Microscopy Society Association since 1988. Dr. Longo has been an author or co-author of numerous articles in the peer-reviewed scientific literature on the subjects of testing methodologies and exposure to asbestos. Dr. Longo has given presentations before the United States Congress, the FDA and several scientific organizations. He has presented on the use of heavy liquid density separation techniques used to assist in the identification and detection of asbestos in cosmetic talc. Dr. Longo worked with the ASTM D-22-05 subcommittee to develop a standard for analyzing asbestos in dust by transmission electron microscopy ("TEM"). MAS has served as an official referee laboratory in determining who manufactured the asbestos products placed in different facilities and schools. Over the past three decades, Dr. Longo and his laboratory MAS has tested hundreds of thousands of asbestos products and/or materials for the presence of asbestos. Dr. Longo may testify whether there was asbestos in some or all of the talc products at issue in this case, why the talc industry failed to detect asbestos and whether Mr. Perry was exposed to asbestos from his use of talc products.

Dr. Longo may testify as to the various definitions for asbestos used in different contexts now and historically. He may discuss the asbestos mineral types, morphologies, dimensions and properties. He may discuss the methodology for preparation, sampling, identification and quantification of asbestos fibers in products tested historically, well as the conclusions reached based upon any analysis and how such conclusions affect his opinions. Dr. Longo may testify on

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

the different analytical methods for the identification and quantification of asbestos and asbestos minerals generally, including the capabilities, advantages and limitations (including detection limits) of different analytical techniques such as x-ray diffraction (XRD), infrared spectroscopy (IR), phase-contrast microscopy (PCM), polarized light microscopy with dispersion staining (PLM-DS) and transmission electron microscopy (TEM) with energy-dispersive x-ray spectroscopy (EDX) and selected-area electron diffraction (SAED). Dr. Longo may testify regarding the historical development and evolution of these different analytical techniques. He may testify regarding the history, development and use of heavy liquid density separation techniques that may assist in identifying or detecting potential asbestos in cosmetic talc. He may testify and describe his protocols, methodology and use of such techniques in his laboratory. Dr. Longo may testify regarding historical and contemporary industry standards, regulations and protocols developed by regulatory bodies and scientific organizations regarding the detection, identification and quantification of asbestos in different contexts, including asbestos in cosmetic talc.

Dr. Longo may testify regarding general principles of material sciences, physical sciences and industrial hygiene, including (but not limited to) constituent analysis of bulk samples and dust samples with respect to the nature of the materials, the release of asbestos fibers from products (including talc-containing products), the process by which asbestos fibers settle and accumulate into dust, re-entrainment, air streams, vibration and dynamic aspects of preparation of dust and air samples for analysis by transmission electron microscopy. Dr. Longo may testify regarding his review of the testimony in this case, including the nature of Mr. Perry's use of various products, the volume of talc used from different applications of the talc products and/or the number of containers Mr. Perry used of, and was exposed to, particular talc products. Dr. Longo may offer testimony regarding his review of product formulae (when available) and other information pertaining to the source of talc used in the talc products at issue.

Dr. Longo may testify regarding his analyses of samples of talc of some of the products at issue in this case, as well as talc ore, processed talc and/or other finished products containing talc from the same source as the finished products at issue in this case. Defense counsel are in possession of the analysis and reports by MAS of various cosmetic talc products (as non-exhaustive examples, Johnson & Johnson, Cashmere Bouquet, Avon, etc.) and numerous transcripts within which this expert's opinions have been fully explored. Dr. Longo may testify regarding his analysis of the airborne concentration of asbestos from the ordinary or intended use of talc products. Likewise, defense counsel are in possession of such reports and analysis, including the 2020 published paper with the lead author Steffan that related to the airborne concentrations of asbestos from the use of Johnson & Johnson talc products. Dr. Longo may testify regarding the general background levels of asbestos release, bystander levels of exposure of the fiber release, air samples in the personal breathing zone generated from the fiber release, and fiber release and contamination on clothing and other personal contamination. He may testify that the dust levels measured in testing one defendant's asbestos-containing product would be substantially similar to the results expected from another defendant's similar product with similar ingredients and/or talc from the same source.

Dr. Longo may also testify about the calculation of the amount of asbestos Mr. Perry was exposed to due to his use, and exposure to, talc products.

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

In addition to the foregoing, his opinions will be based upon, among other things, his knowledge, skills, experience, training, education, and review of relevant technical, scientific and/or historical literature, as well as review of discovery and other documents obtained in this and other litigation, and/or his review of the facts and circumstances in this case. Dr. Longo's opinions will also be based on publications for which he has been an author or co-author on. Defense counsel are in possession of Dr. Longo's analysis and reports of various cosmetic talc products (as non-exhaustive examples, Johnson & Johnson, Cashmere Bouquet, Avon, etc.) and numerous transcripts within which this expert's opinions have been fully explored.

David Madigan, Ph.D.
Provost and Senior Vice President for Academic Affairs
Northeastern University
360 Huntington Ave
Boston MA 02115

Dr. Madigan is currently the Vice President for Academic Affairs at Northeastern University in Boston. From 2013 to 2018, he was a professor of statistics at Columbia University in New York City. He has been involved in both industry and in academia in the field of statistics and mathematics for decades. Dr. Madigan has published more than 200 technical papers on Bayesian statistics, biostatistics, pharmacovigilance, statistical graphics, Monte Carlo methods, computer-assisted learning, information retrieval and text mining. He has statistical experience with the clinical trials, including with the design and analysis of pain studies at the University of Washington and the Fred Hutchinson Cancer Center in Seattle.

Dr. Madigan is expected to testify about the statistical, mathematical and probability concepts utilized by statisticians and mathematicians to predict the rates of events occurring. Some of Dr. Madigan testimony may concern binomial distribution models. He is expected to utilize statistical scientific methods, including but not limited to, binomial distribution models to demonstrate the number of successes probable in a sample size. He may testify that utilizing traditional binomial distribution models, that a probability of encounters can be calculated with asbestos-contaminated talc products given the appropriate assumptions based upon the facts developed during the discovery process. Dr. Madigan may testify about the likelihood that which the samples analyzed by MAS were the only samples containing asbestos, the probability of the plaintiff (based on the number of containers of the particular brand used by the plaintiff) to be exposed to asbestos from the use of a particular product and the number of containers of a particular product that the plaintiff was exposed to (based on the number of containers of the particular brand used by the plaintiff). Dr. Madigan makes these calculations for particular products (including, but not limited to, Johnson & Johnson, Cashmere Bouquet, Avon, etc.) and for sub-populations of products such as the products containing talc from a particular source, containers that came from a particular source, etc.

He may testify about issues of epidemiology and statistics, statistical analysis of clinical and post-marketing data, and all issues of general causation including clinical and post-marketing data, medical literature and analyses and knowledge of regulatory bodies. He may also answer case specific and hypothetical questions regarding statistical analysis of the likelihood of plaintiff's exposures generally and specifically to Defendant's products and the importance thereof. Further,

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

he may testify as to the methodology, opinions, and conclusions offered by experts retained by other parties. Dr. Madigan may testify in response to theories and arguments offered by the defendants and defense experts, including about mesothelioma among women, the relationship between asbestos and cosmetic talc use and rates of incidence of mesothelioma, age has an independent "risk factor" (as opposed to an effect modifier), the lack of power in certain epidemiological studies of talc miners and millers relied upon by defendants and defense experts (including, but not limited to, Rubino and Selevan) and the inappropriate use of comparison groups used by defendants and defense experts (in other words, comparing a study population to cohorts exposed to asbestos).

Robert W. Johnson, MBA
James Mills, MA
Robert W. Johnson & Associates
4984 El Camino Real, Suite 210
Los Altos, California 94022
(650) 494-2413

Robert W. Johnson is a forensic economist. Mr. Johnson may testify regarding Plaintiffs' economic losses, particularly wage loss, pension loss, future medical costs, diminished earning capacity, value of household services, loss of leisure time, and the loss of enjoyment of life. Mr. Johnson may testify generally regarding the concept of present value, discount rates, and its application to economic losses for past and future loss of earnings, earnings capacity, household services, expected retirement income and benefits including social security. Mr. Johnson may also rely on Megha Rownd's lifecare planning report to aid in his analysis. Following a finding of extraordinary and/or outrageous misconduct due to Defendant(s) reckless or willful and wanton conduct and/or fraud, Mr. Johnson will testify as to Defendant(s) financial condition.

Mr. Mills may testify regarding the value of the loss of enjoyment of life; Mr. Mills may also testify as to the loss of wages, pensions and other economic losses. Mr. Mills will also testify generally regarding the concept of present value and its application to economic losses, particularly wage loss, pension loss and future medical costs. This expert may also testify about the financial condition of defendants in the lawsuit for purposes of establishing the defendant's wealth during the punitive damages phase of trial. This expert may testify about the past, future and other economic losses of plaintiffs, the value of household services and other economic losses. Mr. Mills may also rely on Megha Rownd's lifecare planning report to aid in his analysis.

Megha Rownd MSN, BSN, RN, CNLCP, LCP-C, MCP-C
Palmetto Care Planning, LLC
1270 Ben Sawyer Boulevard
Ballentine, South Carolina 29002
MeghaRownd@PalmettoCarePlanning.com
(803) 446-2721

Megha Rownd is a Certified Nurse Life Care Planner, as well as a Registered Nurse. Ms. Rownd has her bachelor's in nursing from University of South Carolina in Columbia, her master of science in nursing from University of South Carolina in Columbia, and is also certified in

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Medical Cost Projection, Pediatric Advanced Life Support, and Cardiopulmonary Resuscitation. Ms. Rownd is a member if the International Association of Rehabilitation Professionals, American Association of Nurse Life Care Planners, American Nurses Association, South Carolina Nurses Association, and AANLCP Journal of Nurse Life Care Planning Editorial Board. Ms. Rownd may testify regarding a medical projected life care plan for Plaintiffs. Generally, Ms. Rownd provides patient-specific in-home nursing recommendations following multi-state guidelines and regulations. She may identify future medical and nonmedical needs for Plaintiffs and any associated costs.

All witnesses listed by all Defendants.

All witnesses deposed in this case.

All witnesses listed in any deposition taken in this case.

Any physician who has examined and/or treated Plaintiff.

Any and all records custodians, live or by deposition upon written questions.

Any witness necessary for rebuttal.

INTERROGATORY NO. 5:
Identify all persons whom Plaintiff expects to call as witnesses at trial, including a summary of the testimony that each witness is expected to give.

ANSWER:
Plaintiffs object that this interrogatory requires the Plaintiffs to marshal the entirety of their evidence and such is not required pursuant to the standing South Carolina Master Discovery/Scheduling Order for the Coordinated Asbestos Litigation Docket. Plaintiffs also state that they are not aware of every potential witness and as such cannot speculate. Subject to and without waiving these objections, please see Plaintiffs Answer to Standard Interrogatory No. 2 above, and any Supplemental Answers to this interrogatory. Additionally, Plaintiffs respond as follows:

Michael Perry (Plaintiff)

Plaintiff will testify live or by deposition as to the changes that occurred in his physical and mental health (including but not limited to his heightened fear of the progression of his asbestos-related cancer), as well as the changes that occurred in his lifestyle and employment as a result of his exposure to asbestos and his subsequent development of his asbestos-related mesothelioma. Plaintiff will also testify as to his exposure to asbestos-containing products manufactured, mined, supplied, and/or sold by Defendants herein during his lifetime, as well as general working conditions. Plaintiff will testify as to the damages, both general and specific (including, but not limited to lost wages, medical expenses, physical pain and suffering and mental anguish) that he sustained or incurred in the past and expected to sustain or incur in the future due to his asbestos-

related mesothelioma. Plaintiff may also testify as to any other matter or condition relevant to this cause of action. Plaintiffs reserve the right to amend this response if necessary.

Lonnie Long (Plaintiff)

Lonnie Long, husband of Plaintiff Michael Perry, will testify, live as to the changes that have occurred to his husband's physical and mental health (including, but not limited to his husband's heightened fear of the progression of his asbestos-related cancer), as well as the changes that occurred in his lifestyle and marital relationship as a result of his exposure to asbestos and his subsequent development of an asbestos-related disease. He may testify about the physical pain and suffering, and mental anguish that she has sustained due to his husband's asbestos-related disease, as well as loss of society, comfort, and loss of household services. He may also testify as to any other matter relevant to this cause of action.

Roper St. Francis Hospital
316 Calhoun St.
Charleston, SC 29455
(843) 724-2000

MUSC Medical University of South Carolina
1 South Park Circle
Charleston, SC 29407
(843) 792-2300

Roper St. Francis Physician Partners
Anthony Geriminario, M.D.
21879 Savage Rd.
Charleston, SC 29407
(843) 763-9472

Dr. James W. Schnell
Palmetto Digestive Disease
2073 Charlie Hall Blvd.
Charleston, SC 29414
(843) 571-0643

CVS Pharmacy #0529
2803 Maybank Hwy.
Johns Island, SC 29455
(843) 559-0871

Dr. Elizabeth Kline
2805 Henry Tecklenburg Dr., Suite 310
Charleston, SC 29414
(843) 720-8317

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Dr. Brian M. Lingerfelt
2085 Tecklenburg Dr., 2nd floor
Charleston, SC 29414
(843) 577-6957

Edgepark
1810 Summit Commerce Park
Twinsburg, OH 44087
(800) 321-0591

Walgreens Drug Store
907 Folly Rd.
Charleston, SC 29412
(943) 795-5452

Heart & Vascular Services at MUSC Health – University Medical Center
96 Jonathan Lucas St.
Charleston, SC 29425
(843) 792-2300

These doctors may testify, live or by deposition, concerning their examination and treatment of Plaintiff and their diagnosis of asbestos-related disease in this case. They may testify concerning asbestos, the effects of asbestos on the body and any other topics related thereto. They may also testify as to their review of recent medical information pertaining to Plaintiff and the progression of Plaintiff's disease that occurred since his last examination. Additionally, they may testify that Plaintiff's asbestos-related disease was caused by his exposure to Defendants' asbestos-containing products, and by the use of asbestos-containing products on Plaintiff's own body as well as exposure through work done by him personally or in close proximity to him. They may testify as to the hazardous nature of asbestos and/or asbestos-containing products and as a result, that such asbestos and/or asbestos-containing products are unreasonably dangerous. They may also testify concerning the role of Plaintiff's asbestos-related disease in causing and/or precipitating Plaintiff's illnesses and/or resulting death. They may testify that Plaintiff required and/or requires medical monitoring and treatment and/or hospitalizations as a result of his exposure to asbestos. They may also testify regarding the effects of asbestos-related disease on the body and more specifically, the pain and suffering of the Plaintiff, including his mental state. They may testify concerning the reasonable and necessary medical expenses the Plaintiff has incurred as a result of his asbestos-related disease. A copy of these doctors' records, currently in Plaintiffs' possession were provided with Plaintiffs' response to Master Discovery and may also be obtained by Defendants with the medical records authorization provided.

RESPONSES TO REQUEST FOR PRODUCTION

REQUEST NO. 7:
All documents which relate to or identify asbestos-containing materials with which each plaintiff may have worked.

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

RESPONSE:
Plaintiffs object to this request as it is overly broad, unduly burdensome, vague and ambiguous, calls for the production of core work product, invades the attorney client privilege and invades the consulting expert privilege. Subject thereto and without waiving these objections, please see Exhibit 1 (Plaintiffs' Document Production), produced herewith. Please also see Exhibit 2 (Plaintiffs' Supplemental Document Production), produced herewith which contains a letter responsive to Plaintiffs' request for such documents from a previous employer of Plaintiff. Plaintiffs have no knowledge of further responsive documents at this time.

REQUEST NO. 8:
All packaging materials which Plaintiff alleges were used in packaging asbestos containing materials.

RESPONSE:
Plaintiffs object to this Request on the grounds that it is vague, overly broad, and unduly burdensome. For instance, the talc products that Michael Perry used were largely not kept. He had no idea that they contained asbestos or could hurt him and/or his family. He had no idea that there was a reason to keep them.

Plaintiffs have located approximately five partially used talcum powder products from Michael Perry's home. Those products are:

1. Two bottles of Johnson's Baby Powder.
2. One bottle of Avon Deep Woods.
3. Two bottles of Clubman powder.

A proper chain of custody is maintained for the above products. At this time, Plaintiffs do not intend to perform any testing on these products based upon agreements with counsel for Johnson & Johnson and Avon. AII is in default for its Clubman powder and therefore those bottles will not be tested at this time.

REQUEST NO. 9:
All medical, doctor or hospital reports, summaries, test results, or other records of any type which relate to each plaintiff's medical history and/or current medical condition.

RESPONSE:
Please see Exhibit 1 (Plaintiffs' Document Production), produced herewith, which includes the pathology report regarding Michael Perry's mesothelioma, as well as fully executed authorizations to obtain all medical records of Plaintiff, unlimited by time or by place on the body. Please also see Exhibit 2 (Plaintiffs' Supplemental Document Production), produced herewith.

REQUEST NO. 10:
All x-rays which have ever been taken of each plaintiff's chest.

RESPONSE:
Please see Exhibit 1 (Plaintiffs' Document Production), produced herewith, which includes the pathology report regarding Michael Perry's mesothelioma, as well as fully executed authorizations

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

to obtain all medical records of Plaintiff, unlimited by time or by place on the body. Please also see Exhibit 2 (Plaintiffs' Supplemental Document Production), produced herewith.

REQUEST NO. 11:
All Plaintiff's Social Security Administration printout and work records.

RESPONSE:
Please see Exhibit 1 (Plaintiffs' Document Production), produced herewith, which includes the fully executed authorizations for work records and earnings statements from the Social Security Administration allowing Defendants to obtain same. Please also see Exhibit 2 (Plaintiffs' Supplemental Document Production), produced herewith.

Respectfully submitted,

/s/ Rachel A. Gross
Rachel A. Gross (Admitted *Pro Hac Vice*)
DEAN OMAR BRANHAM SHIRLEY, LLP
302 N. Market Street, Suite 302
Dallas, TX 75202
T: 214-722-5990
rgross@dobslegal.com
Other email: tgilliland@dobslegal.com

Theile B. McVey (SC Bar No. 16682)
KASSEL MCVEY ATTORNEYS AT LAW
1330 Laurel Street
Post Office Box 1476
Columbia, South Carolina 29202-1476
T: 803-256-4242
tmcvey@kassellaw.com
Other email: emoultrie@kassellaw.com
ATTORNEYS FOR PLAINTIFF

June 10, 2024
Dallas, Texas.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was served on counsel for all parties via Certified U.S. Mail Return Receipt, U.S. Mail Standard First Class, and/or electronic mail this on June 10, 2024.

s/ Teresa Gilliland
Paralegal for Plaintiffs

Exhibit E

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

SUPERIOR COURT OF NEW JERSEY.
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO. MID-2912-17AS
APPELLATE DOCKET NO._____

RICARDO RIMONDI AND PILAR RIMONDI,)
)
Plaintiffs,) TRANSCRIPT
) OF
v.) TRIAL
)
BASF CATALYSTS LLC, et al.,)
)
Defendants.)
_____)
)

Place: Middlesex County Courthouse
56 Paterson Street
New Brunswick, New Jersey 08903
Date: Tuesday, February 26, 2019
(Volume 1 of 2)
(Pages 1 - 200)

BEFORE:
HON. ANA C. VISCOMI, J.S.C. and JURY

TRANSCRIPT ORDERED BY:
ALLISON BROWN, ESQ.
WEIL, GOTSHAL & MANGES LLP

ANDREA F. NOCKS, CCR, CRR
PRIORITY ONE
290 West Mount Pleasant Avenue
Livingston, New Jersey 07039
(718) 983-1234
E-mail: p1steno@veritext.com

Job No. NJ3211795

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

Following our meet and confer where I was assured that that would not be raised, we put in our pretrial submission that we had an agreement, we didn't need to file that and that neither party would engage in any of those tactics. So we were quite surprised and I believe prejudiced to see the graphic and this document used in opening.

THE COURT: Well, yes.

MR. COTILLETTA: May I point out, your Honor, I have an e-mail response to both John McMeekin and Allison Brown about all of their MILs. And with respect to proposed MIL number 3, which is the one she just referenced, I said, "We can stipulate to MIL number 3 as long as it's reciprocal. For example, personal beliefs and golden rule. What do you mean by racial animus, and are you talking about opening only?"

There was never a response to that. What the response was, let's have a meeting at 1 p.m., and there was a meeting between, at the time it was Ethan Horn, myself, Mark Linder and Sam Taylor.

THE COURT: Okay. Let's talk about this issue a little bit more. If you want to be seated, you may.

So companies do research to market to certain groups; for example, based upon age, based upon gender,

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

right. So here it appears from an internal Johnson & Johnson document that they did market research and determined, on usage, right, which is certainly something that's entirely proper to do. You're marketing a product, so you want to see who's using what products, more preferences and all of that.

And so what would be the proper way for plaintiffs to use this document? Does the use of this document necessarily imply a racial bias is, I guess, the inquiry, because it is a document. Mr. -- that was created to market products and based upon studies. Here we have a plaintiff who falls within one of the groups that was studied for purpose of marketing Johnson & Johnson's Baby Powder, I guess, versus cornstarch.

MS. BROWN: Perhaps, your Honor, it looks to me that this is dealing with African American and Hispanic females of Johnson's Baby Powder in this country. Now, there's no evidence in this case, first of all, the allegations are that Mr. Rimondi, a man in Peru, starting using a product in 1960. There is no evidence in this case that he ever saw a single Johnson & Johnson advertisement, so...

THE COURT: But look at the date that the document was created. So it's created, I'm assuming

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP4004072

CERTIFICATION

I, ANDREA F. NOCKS, C.S.R., License Number 30XI00157300, an Certified Court Reporter in and for the State of New Jersey, do hereby certify the foregoing to be prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate non-compressed transcript to the Best of my knowledge and ability.

ANDREA F. NOCKS — February 26, 2019

CERTIFIED COURT REPORTER — DATE

MIDDLESEX COUNTY COURTHOUSE

ELECTRONICALLY FILED - 2024 Jul 10 3:48 PM - RICHLAND - COMMON PLEAS - CASE#2023CP400472

EXHIBIT 60

ELECTRONICALLY FILED - 2021 Sep 27 9:35 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1003946

mccrone environmental services, inc.
200 OAKBROOK BUSINESS CENTER
5500 OAKBROOK PARKWAY
NORCROSS, GA 30093 • 404-449-8461

RECEIVED
FEB 2 1987
W. M. I.

28 January 19876

Windsor Minerals, Inc.
P. O. Box 680
Windsor, Vermont 05089

Attention: Mr. Roger N. Miller, President

Re: McCrone Project No. ME-3241

Dear Mr. Miller:

Under your Purchase Order QC-0548, we received nineteen talc samples for asbestos analysis by transmission electron microscopy. The samples were labelled as follows:

WMI 86-10	WMI 86-14	WMI 86-18	WMI 86-22	WMI 86-26
WMI 86-11	WMI 86-15	WMI 86-19	WMI 86-23	WMI 86-27
WMI 86-12	WMI 86-16	WMI 86-20	WMI 86-24	WMI 86-32
WMI 86-13	WMI 86-17	WMI 86-21	WMI 86-25	

Examination found no quantifiable amounts of asbestiform minerals. The limit of detection for each sample is below 0.001 weight percent.

Thank you for consulting McCrone Environmental Services, Inc.

Sincerely,

Thomas Kremer
Thomas Kremer
Electron Microscopist

James R. Millette
James R. Millette, Ph.D.
Manager, Laboratory Services

TK/JRM/mtw

cc: 1) Windsor Minerals, Inc.
Windsor VT
1) Mr. Roger N. Miller, President

RoA_05175
JNJTALC000387136
ELECTRONICALLY FILED - 2021 Sep 27 9:35 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1003946

mccrone environmental services, inc.
200 OAKBROOK BUSINESS CENTER
5500 OAKBROOK PARKWAY
NORCROSS, GA 30093 • 404-449-8461

RECEIVED
FEB 2 1987
W. M. I.

PLEASE NOTE

It is our present policy to hold samples for 30 days after issuance of the analysis report at no additional charge to the client. At the end of the 30 day period, samples will be disposed of unless a written request to return has been received in our office. A sample return fee in the amount of U.S. certified postage plus 15% will be charged for each group of samples mailed. McCrone Environmental Services, Inc. will archive samples upon receipt of written notification from the client at a charge of $ 0.50 per sample per month. Special arrangements will be made for samples received under specific "chain of custody" orders. Please contact our office if special handling is needed for your samples.

Sincerely,

James R. Millette, Ph.D.
Manager, Laboratory Operations

RoA_05176

JNJTALC000387137

ELECTRONICALLY FILED - 2021 Sep 27 9:35 PM - CHARLESTON - COMMON PLEAS - CASE#2020CP1003946